

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

6/20/2024 2:00 PM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

SPECIAL MEETING AGENDA

This meeting will be held in person and the public is welcome to attend.

Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through Zoom.

*Join Zoom Meeting: https://us02web.zoom.us/j/83946331479 Meeting ID: 839 4633 1479

Dial by your location +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago) +1 929 205 6099 US (New York)

Find your local number: https://us02web.zoom.us/u/k53PAjzuH

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

JAY CARMONA CHAIRMAN ANNE LANGER DISTRICT ATTORNEY

CLAY MITCHELL VICE-CHAIRMAN

LANCE GILMAN COMMISSIONER

JIM HINDLE CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County Water and Sewer System Board, Storey County Highway Board and the Storey County Liquor and Licensing Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from

the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak. Public comment is limited to 3 minutes.

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

- 1. CALL TO ORDER SPECIAL MEETING AT 2:00 P.M.
- 2. CONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS
- 3. **PLEDGE OF ALLEGIANCE**
- 4. PUBLIC COMMENT (No Action)
- 5. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of the agenda for the June 20, 2024, special meeting.

6. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of the final canvass of the results of the June 11th, 2024, Primary Election held in Storey County.

- 7. DISCUSSION ONLY (No Action No Public Comment): Committee/Staff Reports
- 8. **BOARD COMMENT (No Action No Public Comment)**
- 9. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of Resolution 24-733 establishing a Special Revenue Fund known as Extraordinary Repairs and Maintenance Fund within Storey County.

10. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of Resolution 24-734 setting the tax rate levy at 3.4607 for fiscal year 2024-2025.

11. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of Resolution 24-735 to transfer various funds within the Storey County 2023-2024 Budget pursuant to NRS 354.59800. The total amount of transfers is \$1,548,000 with a net adjustment of \$0.00 in the overall budget.

12. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of Resolution 24-736 establishing a Special Revenue Fund known as Risk Management Fund within Storey County.

13. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of Resolution 24-737 establishing a Special Revenue Fund known as Compensated Absence Fund within Storey County.

14. RECESS TO CONVENE AS THE STOREY COUNTY WATER AND SEWER BOARD

15. DISCUSSION/FOR POSSIBLE ACTION:

Considerations and possible approval of the transfers in the Water fund, within the Storey County 2023-2024 Budget pursuant to NRS 354.59800. These transfers total \$16,000 and have a net adjustment of \$0.00.

16. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

17. DISCUSSION/FOR POSSIBLE ACTION:

Special Use Permit (2024-020). The applicant requests to operate a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.

18. DISCUSSION/FOR POSSIBLE ACTION:

Variance (2024-013). The applicant is requesting a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5-foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.

19. DISCUSSION/FOR POSSIBLE ACTION:

Consideration and possible approval of approximately 5-year lease between Storey County and the Nevada State Department of Public Safety (Nevada Highway Patrol) for use of existing office space of approximately 400 squarefeet, and future Sheriff's Office substation area as provided for by the Sheriff, for an amount of \$0.00 but with certain cost reimbursements, located at the Storey County Government Complex at 1705 Peru Drive, McCarran, Storey County, Nevada.

20. DISCUSSION/FOR POSSIBLE ACTION:

First reading of Bill No. 143, Ordinance No. 24-331, amending Storey County Code Title 15 – BUILDINGS AND CONSTRUCTION to more efficiently hear and decide appeals of orders, decisions, or determinations made by the building official or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments by adding an option for appeals to be heard by Hearing Officers in situations where the full Board of Appeals is not seated and by adding a process for Judicial Review after the Board of Appeals/Hearing Officer decision.

21. DISCUSSION/FOR POSSIBLE ACTION:

First reading of Bill No. 142, Ordinance No. 24-330, amending Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.

22. PUBLIC COMMENT (No Action)

23. CORRESPONDENCE/NO ACTION:

Correspondence from David Fraley.

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

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited
 to matters not on the agenda). Public Comment will also be allowed during each item upon
 which action will be taken on the agenda (this comment should be limited to the item on the
 agenda). Time limits on Public Comment will be at the discretion of the Chairman of the
 Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.

• In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at

http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410.
- (2) fax: (202) 690-7442; or
- (3) email: <u>program.intake@usda.gov</u>.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Drema Smith, Administrative Assistant to Storey County, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 6/14/2024; Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV. This agenda was also posted to the Nevada State website at https://notice.nv.gov/ and to the Storey County website at:

 $\underline{https://www.storeycounty.org/government/departments/clerk/agendas \underline{\hspace{0.5cm} minutes/board_of_commissioners.php}$

By Drema Smith

Drema Smith Administrative Assistant II



Meet	ting date: 6/20/2024 2:00 PM -	Estimate of Time Required: 1 min
30 C	CC Special Meeting	-
Agen	nda Item Type: Discussion/Possible Action	on
•	<u>Title:</u> Consideration and possible appr meeting.	roval of the agenda for the June 20, 2024, special
•	Recommended motion: Approve or a	mend as necessary.
•	Prepared by: Drema Smith	
	<u>Department:</u> Commissioners	Contact Number: 7758470968
•	Staff Summary: See attached.	
•	Supporting Materials: No Attachmen	ats
•	Fiscal Impact:	
•	<u>Legal review required:</u> False	
•	Reviewed by:	
	Department Head	Department Name:
	County Manager	Other Agency Review:
•	Board Action:	
	[] Approved	[] Approved with Modification
	[] Denied	[] Continued



	AEVADA			
	ting date: 6/20/ CC Special Mee	2024 2:00 PM - ting	Estima	ate of Time Required: 10 minutes
Agen	da Item Type:	Discussion/Possible Action	on	
•	<u>Title:</u> Conside		roval of	the final canvass of the results of the June ounty.
•	canvass of the the County Cle		ry Electi	move to approve the final on held in and for Storey County and that and make a mechanical report of the
•	Prepared by:	Jim Hindle & Marc Alle	en	
	Department:	Clerk & Treasurer		Contact Number: 7758470969
•	5pm on Mond and tallied the generated and Report of the G	ay, June 17th. Once the evening of the 17th, the posted on the Clerk's El	last bate Unofficections be hand	t of ballots cannot be completed until after th of received and cured ballots is compiled cial Summary of Election Results will be page of the County Website. The Proposed ded out to the Commissioners and the on the 18th.
•	Supporting M	<u> [aterials:</u> No Attachmer	nts	
•	Fiscal Impact	: none		
•	Legal review	required: False		
•	Reviewed by:			
	Departm	nent Head	Γ	Department Name:
	County	Manager	C	Other Agency Review:
•	Board Action	<u>:</u>		
	[] Approved		Г	Approved with Modification
	[] Denied] Continued



Meeting date: 6/20/2024 2:00 PM -	Estimate of Time Required: 10
BOCC Meeting	
Agenda Item Type: Discussion/Possible Action	on

- <u>Title:</u> Consideration and possible approval of Resolution 24-733 establishing a Special Revenue Fund known as Extraordinary Repairs and Maintenance Fund within Storey County.
- Recommended motion: I, Commissioner _____, move to approve Resolution 24-733 establishing a Special Revenue Fund known as the Extraordinary Repairs and Maintenance Fund within Storey County with a beginning fund balance of \$1,000,000.
- Prepared by: Jennifer McCain

Department: Comptroller **Contact Number:** 7758471133

- <u>Staff Summary:</u> Although Storey County has a Capital Projects Fund, it is becoming increasingly clear that the new projects and the repairs and maintenance of existing assets need to separated.
- The primary purpose of the Extraordinary Repairs and Maintenance Fund is to cover the costs associated with major upkeep projects that extend the useful life of Storey County's assets. This fund will be utilized for expenditures on capital asset repairs that are incurred not more than once in every 5 years to maintain their operating condition. A few examples of this are: roof replacement, HVAC system overhaul, Elevator modernization, and engine replacement in vehicles and equipment.
- The funds will remain in the Extraordinary Repairs and Maintenance Fund and be accounted for separately from the General Fund. Once allocated to the Compensated Absence Fund, these funds cannot be transferred back to the General Fund or any other Special Revenue Fund.
- Initial funding for the Extraordinary Repairs and Maintenance Fund will come from a portion of unanticipated revenue from the General Fund, at approximately \$1,000,000.
- Supporting Materials: See Attachments
- Fiscal Impact: yes
- Legal review required: False
- Reviewed by:

Department Head	Department Name:
County Manager	Other Agency Review:
• Board Action:	
[] Approved	[] Approved with Modification
[] Denied	[] Continued

RESOLUTION NO. 24-733

BOARD OF COUNTY COMMISSONER STOREY COUNTY STOREY COUNTY, NEVADA

A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND KNOWN AS EXTRA ORDINARY REPAIRS AND MAINTENANCE FUND FOR STOREY COUNTY AND OTHER MATTERS PROPERLY RELATING THERETO.

BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY, STOREY COUNTY, NEVADA.

WHEREAS, Storey County is a political subdivision of the State of Nevada, and WHEREAS, the Board of County Commissioners of Storey County seeks to establish a special revenue fund to account for extraordinary maintenance, repair or improvement of capital projects within the County and

WHEREAS, the Nevada Revised Statutes 354.6105 provides for the establishment of a fund for these purposes, and

WHEREAS, the money in this fund may be used only for the extraordinary maintenance, repair or improvement of capital projects or facilities that replace capital projects, and

WHEREAS, the "extraordinary maintenance, repair or improvement" means all expensed ordinarily incurred not more than once every 5 years to maintain a local government facility or capital project in a fit operating condition, and

WHEREAS, the Storey County will apportion a portion of the intergovernmental revenues to the Extraordinary Repairs and Maintenace Fund, and

WHEREAS, all the funding and fees must be accounted for separately and the interest earned on money in the account, after deducting any applicable charges, must be credited to this special revenue fund and

WHEREAS, the money in the fund may only be used for the following purposes allowed by NRS 354.6105 to provide extraordinary repairs, maintenance or improvement of capital projects within the Storey County, and

WHEREAS, this special revenue fund shall not be used to supplant existing budgets, and

WHEREAS, the money that remains in the account at the end of a fiscal year does not revert to the County General Fund, and the balance in the account must be carried forward to the next fiscal year, and

WHEREAS, the revenues in the Fund will be used to improve, repair, and maintain capital assets for the Storey County to the extend allowed by law.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of the Storey County, by unanimous vote, to adopt this Resolution providing for the establishment of this special revenue fund to be named "Extraordinary Repairs and Maintenance Fund" which the revenues will be classified as specific committed revenues and the related expenditures be accounted for as required by NRS Chapter 354. BE IT FURTHER RESOLVED, that this resolution shall be effective on the of , 2024. PROPOSED AND ADOPTED this day of , AD, 2024. THOSE VOTING AYE: THOSE VOTING NAY: ATTEST:

Clerk of the Board



-					
Meet	ing date: 6/20/	2024 2:00 PM -	Estimate of Time Required: 5		
	C Meeting				
Agen	da Item Type:	Discussion/Possible Action	on		
•		eration and possible appr iscal year 2024-2025.	roval of Resolution 24-734 setting the tax rate levy		
•	Recommender 734 setting the	ed motion: I Commission tax rate levy at 3.4607	ner,, move to approve Resolution No. 24-for fiscal year 2024-2025.		
•	Prepared by:	Jennifer McCain			
	Department:	Comptroller	Contact Number: 7758471133		
•	• <u>Staff Summary:</u> The tax rate was approve in February with no changes. Today is the annual approval of the tax rate levied against real an personal property within Storey County. Breakdown of the tax distribution is provided on the attached Resolution				
•	Supporting M	<u>Saterials:</u> See Attachme	nts		
•	Fiscal Impact	: yes			
•	Legal review	required: False			
•	Reviewed by:				
	Departn	nent Head	Department Name:		
	County	Manager	Other Agency Review:		
•	Board Action	<u>:</u>			
	[] Approved		[] Approved with Modification		
	[] Denied		[] Continued		

RESOLUTION # _24-734_____

WHEREAS, The Board of Commissioners in and for the County of Storey, State of Nevada did hold a public hearing on the 2024-2025 Tentative Budget for Storey County and,

WHEREAS, the resources, expenditures and required tax rates were reviewed and approved at that public hearing and,

WHEREAS, the approved resources, expenditures and tax rates were submitted in the 2024-2025 final budget for the County of Storey, State of Nevada,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Commissioners in and for the County of Storey, State of Nevada in accordance with NRS 361.460 intends to levy the following tax rates following certification by the Nevada Tax Commission.

1.7719

	GLIVLIVAL	1.7713					
	INDIGENT MEDICAL	.0100					
	INDIGENT ACCIDENT	.0150					
	YOUTH SERVICE	.0045					
	CAPITAL ACQUISITION	.0500					
	FIRE PROTECTION DISTRICT 474	.5446					
	TOTAL COUNTY	2.3960					
	REFERENCE ONLY						
	SCHOOL OPERATING	.7500					
	SCHOOL DEBT	.1447					
	STATE	.1700					
	TOTAL TAX RATE	<u>3.4607</u>					
PASSED, ADOPTED AND APPRO	VED THE _18th _of June, 2024.						
AVEC:							
A1L3.							
NΔVS·							
WAT5.							
							
Absent:							
Ву:							
Jay Carmona, Chairman							
Storey County Board of Co	ommissioners						
ΔΤΤΕςΤ·							
ATTEST:	ATTEST:						

GENERAL

Storey County Clerk



VEV	W. C.	
BOCC M		Estimate of Time Required: 15
Agenda It	em Type: Discussion/Possible Ac	tion
with	nin the Storey County 2023-2024	proval of Resolution 24-735 to transfer various funds Budget pursuant to NRS 354.59800. The total ith a net adjustment of \$0.00 in the overall budget.
the gen bud	2023-2024 Storey County Budge eral fund departments, funds, and gets of \$0.00. And move to appropriate appropriate to appropriate appropriate	sioner, move to approve the transfers within et in the amount of \$1,548,000 in total between d contingency with a net adjustment to the County ove Resolution 24-735 to transfer funds from the her Storey County Special Revenue Funds.
• <u>Pre</u>	pared by: Jennifer McCain	
<u>Der</u>	partment: Comptroller	Contact Number: 7758471133
year the are • The adju deta \$14	r's budget to account for emerger fiscal year. For the year ending J no augmentations necessary. transfers between department, for the State of \$0.00 for the County buils are as follows; \$72,500 are transfers between department department.	transfer process allows us to amend the current fiscal noise and unforeseen circumstances that arise during tune 30, 2024, Storey County has only transfers, there are unds and contingency total \$1,548,000 with a net oudgets. The General Fund transfers total \$221,000, ansfers within the same department between objects, artments. Special revenue funds transfers total
		nsferred from the General Fund Contingency account Special Revenue Funds. Details are attached.
• Sup	porting Materials: See Attachn	nents
• Fiso	eal Impact: yes	
• <u>Leg</u>	al review required: False	
• Rev	riewed by:	
	_ Department Head	Department Name:
	County Manager	Other Agency Review:

• Board Action:

[] Approved	[] Approved with Modification
[] Denied	[] Continued

NRS 354.598005 Procedures and requirements for augmenting or amending a budget

- 1) If available resources (unanticipated or higher Beginning fund Balance) exceed those budgeted for:
 - a) Funds receiving ad valorem must PUBLISH a notice for 3 days and need a RESOLUTION
 - b) Funds not receiving ad valorem and enterprise funds just need a RESOLUTION, no publish
- 5) Appropriations may be TRANSFERRED between FUNCTIONS, FUNDS & CONTINGENCY accounts if the transfer does not increase the total appropriations
 - a) (comptroller) may transfer appropriations within any function
 - b) (comptroller)may transfer appropriations between functions and programs if:
 - 1) BOC is advised at next regular meeting
 - 2) ACTION is recorded in minutes
 - c) (comptroller) may recommend and BOC authorize TRANSFER of appropriations BETWEEN FUNDS or CONTINGENCY if:
 - BOC announces at next regular meeting and sets EXACT AMOUNTS to be transferred and affected the accounts, functions and programs and funds affected
 - 2) BOX set forth the reasons
 - 3) Action is recorded in the minutes

Summary of Transfers Storey County

	Page Totals	
Page 2	72,500	Transfers within a Dept between Objects
Page 3	148,500	Transfers between Departments
	-	Transfers from Contigency to General Fund Depts.
Page 4	727,000	Transfers from Contigency to Special Revenue Funds
Page 4	-	Transfers within a Special Rev Fund between Objects
Page 4	600,000	Transfers between Special Revenue Funds
	1 549 000	
	1,548,000	

Transfers within a Department between Objects

001 - GENERAL FUND

103 - RECORDER:					
	From			To	
Travel	53013	(1,000)	PERS	52010	1,000
		(1,000)			1,000
105 - ADMININSTE	RATIVE (HR)·			
7.5	From	<u></u>		To	
Professional Srv	53070	(23,000)	Wages		18,000
		(23,000)	PERS	52010	5,000 23,000
		(23,000)			25,000
107 - SHERIFF:					
Benefit		(10,000)	Capital Outlay	64010	10,000
		(10,000)			10,000
109 - COMMUNITY	DEVEL	OPMENT:			
	From			To	
Tires	53041	(500)	Capital Outlay	64160	500
11163	33041	(500)	Capital Odliay	04100	500
		(500)			
440 IT.					
119 - IT:	64460	(40,000)	Magaa		10 000
Capital	64160	(10,000)	Wages		10,000
		(10,000)			10,000
		(10,000)			10,000
121 - COMPTROLL	ED.				
Prof. Srv.	53070	(4.000)	Overtime	51011	1 000
P101. 51V.	53070	(1,000)	Overume	51011	1,000
		(1,000)			1,000
142 - EMERGENCY	MANAC	SEMENT:			
Professional Srv	53070	(27,000)	Wages	51010	10,000
		, , ,	Benefits		17,000
		(27,000)			27,000
		\$ (72,500)	PAGE TOTALS	S	\$ 72,500

	T	ransfers between	en Departments		
<u>From</u> 116 - COMMUNITY	RELAT	IONS	<u>To</u> 125 - SENIOR CENTER		
Wages	51010	(30,000)	Wages	51010	30,000
PERS	52010	(17,000)	PERS	52010	17,000
Health Ins	52012	(15,500)	Health Ins	52012	15,500
		(62,500)			62,500
<u>From</u> 143 - PLANNING			<u>To</u>		
			104- Assessor		
Professional Srv	53070	(60,000)	Professional Srv	53070	60,000
		(60,000)			60,000
<u>From</u> 143 - PLANNING			<u>To</u> 113 - JUSTICE COURT		
Professional Srv	53070	9,000	Wages	51010	6,000
			PERS	52010	3,000
		(9,000)			9,000
<u>From</u> 143 - PLANNING			<u>7o</u> 115 - PARK/POOL		
Professional Srv	53070	(17,000)	PACT	52011	2,000
			Social Security	52014	2,000
			PERS	52010	13,000
		(17,000)			17,000
		\$ (148,500)	PAGE TOTALS		\$ 148,500

Transfers from Contingency to Special Revenue Funds

	From			То	
001 - Contigency	57900	(727,000)	050 Emergency Mitigation		
			Emerg. Mitig 2023	54090-623	200,000
			060 Equip. Acquistion		
			Capital	64010-000	150,000
			180 Genetic Marker Testing]	
			Chem/Anal Forensi	c 55101-000	2,000
			185 Indigent Accident		
			Indigent Accident	53046-000	105,000
			200 TRI Payback		
			TRI Payback	57306-000	170,000
			206 Grants		
			Equipment	53300-103	100,000
	- -	(727,000)			727,000

Special Revenue Funds - Transfers between Objects

Transfers between Special Revenue Funds

670- Capital Projects			060 - Equipment A	<u>To</u> cquistion	
Capital	64010	(600,000)	Capital	64010	600,000
		\$ (600,000)	PAGE TOTALS		\$ 600,000

RESOL	UTION	# 2	24-735
ILLOUL	011011	11 4	_ -

RESOLUTION TO TRANSFER APPROPRIATIONS WITHIN THE CAPITAL PROJECTS AND EQUIPMENT ACQUISITION FUNDS BUDGETS OF STOREY COUNTY.

FISCAL YEAR 2023-2024

WHEREAS, the Board of Storey County Commissioners has authorized to the revenues and expenditures for the approved budget of Fiscal Year 2023-2024 and there is a need to increase the appropriations for various line items within several departments and individual funds of the adopted Storey County Budget and;

WHEREAS, NRS.354.598005 allows that upon the recommendation of the person designated to administer the budget, the governing body may authorize the transfer of appropriations with the various funds and functions along with transfers from the Contingency account if the governing board follows the exact statue regulations in NRS 354.060;

WHEREAS, the total available resources budgeted in Storey County's Capital Projects Fund is \$15,086,600 as of July 1, 2023;

WHEREAS, the total transfer of funds from the Capital Project Fund to the Equipment Acquisition Fund is to be \$600,000;

NOW, THEREFORE, BE IT RESOLVED, that the amount of \$600,000 be transferred from the Capital Projects Fund to the Equipment Acquisition Fund.

IT IS FURTHER RESOLVED that the foregoing resolution and action of the Board of Commissioners of Storey County, Nevada be recorded in the official minutes of the Board of Commissioners for the meeting at which this resolution is adopted.

•	– – ,
AYES:	
NAYS:	
Absent: _	
By:	
Jay (Carmona, Chairman
Stor	ey County Board of Commissioners
ATTEST: _	

PASSED. ADOPTED AND APPROVED THE 18th of June. 2024.

Storey County Clerk



	VEVADA		
	ng date: 6/20/ C Meeting	2024 2:00 PM -	Estimate of Time Required: 10
		Discussion/Possible Acti	on
			roval of Resolution 24-736 establishing a Special ement Fund within Storey County.
	establishing a	ed motion: I, Commission Special Revenue Fund Revenue Fund Rebeginning fund balance	oner, move to approve Resolution 24-736 known as the Risk Management Fund within Storey e of \$250,000.
•	Prepared by:	Jennifer McCain	
	Department:	Comptroller	Contact Number: 7758471133
	\$25,000 per in Management I liability insura	ncident it has been recon Fund. This Fund will ena ance claims without imp	creasing the insurance deductible from \$5,000 to nmended by POOL PACT that we establish a Risk able Storey County to plan and save for future acting the County's regular budget when such
•	liability insura	ourpose of the Risk Manance claims. Additionally	agement Fund is to absorb the costs associated with y, it can be utilized for other risk management ements, or other relevant risk management
•	The funds will from the Gene	eral Fund. Once allocated	nagement Fund and be accounted for separately d to the Risk Management Fund, these funds cannot
•	Initial funding revenue from	g for the Risk Manageme the General Fund, at app	and or any other Special Revenue Fund. ent Fund will come from a portion of unanticipated proximately \$250,000 which is equivalent to 10 of claims over the past 10 years.
•	Supporting N	<u>Iaterials:</u> See Attachme	ents
•	Fiscal Impact	t: yes	
•	Legal review	required: False	
•	Reviewed by:		
	Departn	nent Head	Department Name:

County Manager	Other Agency Review:
Board Action:	
[] Approved	[] Approved with Modification
[] Denied	[] Continued

RESOLUTION NO. 24-736

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS STOREY COUNTY, NEVADA

A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND KNOWN AS RISK MANAGMENT FUND FOR STOREY COUNTY AND OTHER MATTERS PROPERLY RELATING THERETO.

BE IT HEREBY RESOLVED BY THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS, STOREY COUNTY, NEVADA.

WHEREAS, Storey County, "County" is a political subdivision of the State of Nevada, and

WHEREAS, the Board of Commissioners of Storey County seeks to establish a special revenue fund to account for risk management programs, services, and payment of deductibles and

WHEREAS, the County is a Member of the Nevada Public Agency Insurance Pool, "POOL", a member services consortium providing property, liability, environmental, and cyber coverage to the membership, and

WHEREAS, the POOL members select the level of deductible for their entity wherein the higher the deductible the lower the premiums paid to POOL, and

WHEREAS, the County will fund the Risk Management Fund using unanticipated revenues, savings from the POOL assessments and at a reasonable level with a goal of at least eight times the deductible level to budget, and

WHEREAS, all the funding and fees must be accounted for separately and the interest earned on money in the account, after deducting any applicable charges, must be credited to this special revenue fund and

WHEREAS, the money in the fund may only be used for the following purposes: a. payment of maintenance deductible billings, b. risk management programs and services; c. safety enhancements; or d. any other appropriate and related risk management program expenditures, and

WHEREAS, this special revenue fund shall not be used to supplant existing budgets, and

WHEREAS, the money that remains in the account at the end of a fiscal year does not revert to the County's General Fund, and the balance in the account must be carried forward to the next fiscal year, and

WHEREAS, the revenues in the Fund will be used to improve risk management for Storey County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Storey County, by unanimous vote, to adopt this Resolution providing for the establishment of this special revenue fund to be named "Risk Management Fund" which the revenues will be classified as specific committed revenues and the related expenditures be accounted for as required by NRS Chapter 354. This fund will pay for the maintenance deductible billings from the Nevada Public Agency Insurance Pool and risk management related expenditures. BE IT FURTHER RESOLVED, that this resolution shall be effective on the day of ______, 2024. PROPOSED AND ADOPTED this day of , AD, 2024. THOSE VOTING AYE: THOSE VOTING NAY: STOREY COUNTY COMMISSIONERS

ATTEST:

Chairman

Clerk of the Board	



Meeting date: 6/20/2024 2:00 PM -	Estimate of Time Required: 10
BOCC Meeting	

Agenda Item Type: Discussion/Possible Action

- <u>Title:</u> Consideration and possible approval of Resolution 24-737 establishing a Special Revenue Fund known as Compensated Absence Fund within Storey County.
- **Recommended motion:** I, Commissioner _____, move to approve Resolution 24-737 establishing a Special Revenue Fund known as the Compensated Absence Fund within Storey County with a beginning fund balance of \$400,000.
- Prepared by: Jennifer McCain

Department: Comptroller **Contact Number:** 7758471133

- <u>Staff Summary:</u> Storey County has carried an unfunded liability for compensated absences for an extended period. As of the financial audit for the year ending June 30, 2023, this liability was reported at \$937,123. This amount includes the annual and sick leave available to Storey County employees upon their departure from employment with Storey County.
- The primary purpose of the Compensated Absence Fund is to cover the costs associated with leave payouts when an employee leaves Storey County. As an employer that promotes longevity, we must also recognize the costs involved when our employees effectively manage and utilize their available leave. Therefore, a responsible to plan for these expenses in advance, ensuring that the budget remains intact when these liabilities arise.
- The funds will remain in the Compensated Absence Fund and be accounted for separately from the General Fund. Once allocated to the Compensated Absence Fund, these funds cannot be transferred back to the General Fund or any other Special Revenue Fund.
- Initial funding for the Compensated Absence Fund will come from a portion of unanticipated revenue from the General Fund, at approximately \$400,000 which is slightly less than half of the current liability.
- Supporting Materials: See Attachments
- Fiscal Impact: yes
- **Legal review required:** False

•	Reviewed by:	
	Department Head	Department Name:
	County Manager	Other Agency Review:
•	Board Action:	
	[] Approved	[] Approved with Modification
	[] Denied	[] Continued

RESOLUTION NO. 24-737

STOREY COUNTY BOARD OF COMMISSIONERS STOREY COUNTY, NEVADA

A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND KNOWN AS THE COMPENSATED ABSENCES FUND FOR STOREY COUNTY AND OTHER MATTERS PROPERLY RELATING THERETO.

BE IT HEREBY RESOLVED BY THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS, STOREY COUNTY, NEVADA.

WHEREAS, Storey County recognizes the need to minimize the unfunded liability for future payments for compensated absences, and

WHEREAS, it is in the best financial interest of the county to establish a separate fund to account for compensated absences, and

WHEREAS, Nevada Revised Statures Chapter 354 allows:

The governing body of a local government to establish a fund for specific purposes, and

WHEREAS, the money in the fund must be used only for the payment of compensated absences. The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection, and

WHEREAS, funding for this fund will come from transfers from all funds that have salaries and benefits as a percentage of total payroll, and

WHEREAS, the County currently has an unfunded general long-term liability for compensated absences, and

WHEREAS, the County may be forced to cover any deficiencies in the fund balance through general resources, and

WHEREAS, the goal shall be to fully fund the long-term compensated absences such that the fund balance shall be reserved for such purpose and the reserved amount as computed in accordance with county code shall be determined reasonable and necessary. The reserved amount shall not exceed the total obligation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of

of this special revenue fund to be named "Compensated Absences Fund" which the revenues will be classified as general revenues and the related expenditures be accounted for as required by NRS Chapter 354. BE IT FURTHER RESOLVED, that this resolution shall be effective on the day of , 2024. PROPOSED AND ADOPTED this day of , AD, 2024. THOSE VOTING AYE: THOSE VOTING NAY: STOREY COUNTY **COMMISSIONERS**

Storey County, by unanimous vote, to adopt this Resolution providing for the establishment

ATTEST:

Clerk of the Board

Chairman



Storey County Water and Sewer Board Agenda Action Report

	NEVADA				
	ing date: 6/20/ C Meeting	2024 2:00 PM -	Estimate of Time Required: 5		
		Discussion/Possible Action	on		
•	<u>Title:</u> Conside Storey County	erations and possible app	proval of the transfers in the Water fund, within the suant to NRS 354.59800. These transfers total		
•	2023-2024 Sto		oner, move to approve the transfers in the get in the amount of \$16,000 with a net adjustment		
•	Prepared by:	Jennifer McCain			
	Department:	Comptroller	Contact Number: 7758471133		
•	• <u>Staff Summary:</u> The augment and transfer process allows us to amend the current fiscal year's budget to account for emergencies and unforeseen circumstances that arise during the fiscal year. In the Water and Sewer Budgets for FY24 there are only transfers, no augmentations. The transfers within the Water Fund total \$16,000. This includes a reduction in Supplies and Services and an increase in Wages and Benefits, with a net adjustment of \$0.00 for the Water budgets. • The Sewer Fund has no transfers.				
•	Supporting M	<u> Iaterials:</u> See Attachme	ents		
•	Fiscal Impact	<u>:</u> no			
•	• <u>Legal review required:</u> False				
•	Reviewed by:				
	Departn	nent Head	Department Name:		
	County	Manager	Other Agency Review:		
•	Board Action	<u>:</u>			
	[] Approved		[] Approved with Modification		
	[] Denied		[] Continued		

NRS 354.598005 Procedures and requirements for augmenting or amending a budget

- If available resources (unanticipated or higher Beginning fund Balance) exceed those budgeted for:
 - a) Funds receiving ad valorem must PUBLISH a notice for 3 days and need a RESOLUTION
 - b) Funds not receiving ad valorem and enterprise funds just need a RESOLUTION, no publish
- 5) Appropriations may be TRANSFERRED between FUNCTIONS, FUNDS & CONTINGENCY accounts if the transfer does not increase the total appropriations
 - a) (comptroller) may transfer appropriations within any function
 - b) (comptroller)may transfer appropriations between functions and programs if:
 - 1) BOC is advised at next regular meeting
 - 2) ACTION is recorded in minutes
 - c) (comptroller) may recommend and BOC authorize TRANSFER of appropriations BETWEEN FUNDS or CONTINGENCY if:
 - 1) BOC announces at next regular meeting and sets EXACT AMOUNTS to be transferred and affected the accounts, functions and programs and funds affected
 - 2) BOX set forth the reasons
 - 3) Action is recorded in the minutes

Summary of Transfers Storey County Water & Sewer

Page Totals

Page 2

16,000 Transfers within a Dept between Objects

- Transfers between Departments
- Transfers from Contigency to General Fund Depts.
- Transfers from Contigency to Special Revenue Funds
- Transfers within a Special Rev Fund between Objects
- Transfers between Special Revenue Funds

16,000

Special Revenue Funds - Transfers between Objects

Fund 090 Water

	From			To		
Professional Srv 53070-168		(16,000)	Wages Overtime PERS	51010 51011 52010	\$ \$ \$	8,550 4,450 3,000
	:;= ::=	(16,000)			\$	16,000



Meeting date: 6/20/2024 2:00 PM -	Estimate of Time Required: 5		
BOCC Meeting			
Agenda Item Type: Discussion/Possible Action			

- <u>Title:</u> Special Use Permit (2024-020). The applicant requests to operate a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.
- Recommended motion: In accordance with the recommendation by the Planning Commission and staff, the Findings of Fact under section 3.A of the Staff Report as read into the record by county staff, and in compliance with all Conditions of Approval, I [Commissioner], hereby move to approve operation of a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.
- Prepared by: Kathy Canfield

Department: Planning **Contact Number:** 775-847-1144

- Staff Summary: See staff report
- Supporting Materials: See Attachments
- **Fiscal Impact:** None
- **Legal review required:** False
- Reviewed by:

	County Manager	Other Agency Review:
•	Board Action:	

[] Approved	[] Approved with Modification
[] Denied	[] Continued

Storey County Courthouse 26 South B Street, PO Box 176, Virginia City, NV 89440 Phone (775) 847-1144 – Fax (775) 847-0949 planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: June 18, 2024

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada, via Zoom

Staff Contact: Kathy Canfield

File: 2024-020

Applicants: M1 Gaming, LLC

Property Owner: VC Delta Saloon, LLC

Property Location: 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada,

Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.

Request: The applicant requests to operate a gaming establishment within an existing

structure located at the southwest corner of Union Street and C Street. The

property contains several "storefronts" all internally connected in the

Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers

(APN) 001-083-11, 12, 13 & 14.

Planning Commission: The Planning Commission heard this request at their June 6, 2024, meeting. The

Planning Commission expressed their support of this property being re-opened and voted unanimously (7-0) to recommend approval of the Special Use Permit.

1. Background & Analysis

A. <u>Site Location & Background</u>. The proposed location is within an existing building at 2 South C Street and 18 South C Street at the southwest corner of Union Street and C Street. This site previously contained the Delta Saloon and had gaming, a bar and restaurant, retail uses and meeting space. In more recent years, the property had closed to address building retrofit issues and during the retrofit an accident occurred that required more intensive

construction to occur. Because the gaming land use on this site has been absent for more than 24 consecutive months, a special use permit is required to reintroduce the gaming element to the property. The other uses proposed for the site are allowed and are not subject to the requirement of a special use permit.



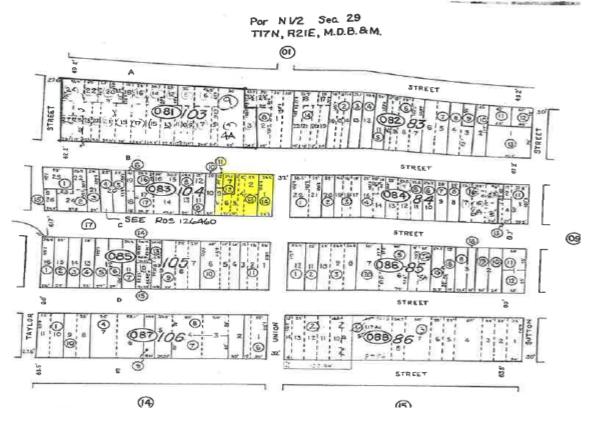
Vicinity Map



Location Map



View from C Street, looking northwest



Assessor's Parcel Map

B. Proposed Project. The applicants propose to operate a retail establishment that will include

gaming within downtown Virginia City. The proposed business will be located within existing buildings which previously housed such a use, along with a restaurant, bar, retail and meeting spaces. The previous business has been closed for several years and because of the break in use, a special use permit is required for the gaming portion of the proposed business. The gaming portion of the business will include, but isn't limited to, both slot machines and table games. Separate licensing for gaming along with business licensing, will be conducted separately from this special use permit.

2. Use Compatibility and Compliance

A. <u>Compatibility with surrounding uses and zones</u>. The following table documents land uses, zoning classification and master plan designations for the land at and surrounding the proposed project. There are no evident conflicts between the proposed use and Storey County Title 17 Zoning or the 2016 Master Plan.

	Land Use	Master Plan	Zoning
Applicant's Land	Commercial	Mixed Use Commercial	CR Commercial
		Residential	Residential
Land to the North	Commercial/Parking Lot	Mixed Use Commercial	CR Commercial
		Residential	Residential
Land to the East	Commercial/Parking Lot	Mixed Use Commercial	CR Commercial
		Residential	Residential
Land to the South	Commercial	Mixed Use Commercial	CR Commercial
		Residential	Residential
Land to the West	Commercial/County	Mixed Use Commercial	CR Commercial
	Courthouse	Residential	Residential

- B. <u>Compliance with the Storey County Code</u>. The property is located within CR Commercial Residential zoning district. The proposed gaming use is allowed with a special use permit. The use will be located within an existing building utilized as a retail establishment with other retail uses existing with the proposed gaming activity.
- C. <u>General use allowances and restrictions.</u> Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval, with rationale for the findings included below each finding.
 - (1) Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.

The proposed gaming use is identified as a special use for the CR Commercial Residential zoning district in the Downtown District of Virginia City. Commercial uses are allowed within this zoning district and within the Downtown District. The Master Plan encourages enhancement and diversity of the local economy. Gaming previously existed at the site and the downtown area is a mixture of retail establishments, some which do have gaming features associated with the

businesses.

(2) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The proposed gaming establishment will be located within an existing structure that previously housed gaming activities. The proposed establishment is located within the Downtown District of Virginia City and is similar in use to surrounding places of business.

(3) 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.

This use will be located within the Downtown District of Virginia City. A diversity of commercial uses is desired in this location. All activities will occur within the building. The proposed gaming uses previously existed at this site.

(4) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

The proposed use is not expected to require any additional governmental services or impact existing facilities.

D. <u>Compliance with 2016 Storey County Master</u>.

The proposed use is consistent with the 2016 Storey County Master Plan. The Master Plan has goals and objectives for the Downtown District of Virginia City portion of the Comstock Area Plan including enhancing and diversifying the local economy to promote commercial businesses with interests for both local residents and tourists. The proposed business is consistent with other commercial uses within the Downtown District.

3. Findings of Fact

The Storey County Board of County Commissioners shall cite Findings in a motion for approval, approval with conditions, or denial. The approval, approval with conditions or denial of the requested Special Use Permit must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The Board of County Commissioners may include additional Findings in their decision.

A. <u>Motion for Approval</u>. The following Findings of Fact are the minimum to be cited for a recommendation of approval or approval with conditions. The following Findings are

evident with regard to the requested Special Use Permit when the recommended conditions in Section 4 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

- (1) This approval is to operate a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.
- (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 Downtown District portion of Virginia City within the Comstock Area Plan in which the subject property is located. A discussion supporting this finding is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit.
- (7) The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150 Special Use Permit, 17.12 General Provisions, and Section 17.30 CR Commercial Residential.
- B. <u>Motion for denial</u>. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.
 - (1) This denial is to operate a gaming establishment within an existing structure located

at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.

- (2) The conditions under the Special Use Permit conflict with the minimum requirements in Storey County Code Sections 17.03.150 Special Use Permit, 17.12 General Provisions, and Section 17.30 CR Commercial Residential.
- (3) 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 use.

4. Recommended Conditions of Approval

- A. <u>Special Use Permit</u>. This approval is to operate a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.
- **Requirements**. The Permit Holder/Licensee shall apply for any/all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder remains in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.
- C. <u>Permit Contents</u>. This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans and submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.
- **D.** <u>Legal Responsibility</u>. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.
- Indemnity Defense and Hold Harmless. The Permit Holder/Licensee agrees to defend, indemnify and hold harmless Storey County, its Officers, Employees and Representatives from any claims, causes of action, damages, fees, including attorney fees or suits arising out of this operation attributable to the negligence or acts of the Permit Holder except for liability arising out of the sole negligence of Storey County, its officer, employees or representatives
- **F.** <u>Transfer of Rights</u>. This Special Use Permit shall inure to the Permit Holder and shall run with the land defined herein. Any and all transfers of Special Use Permit 2024-020 shall be advised in writing to the Storey County Planning Department at least 90 days prior to

assignee taking over the operation of the facility. Any new Permit Holder/Licensee of the facility must sign and accept all conditions and requirements of SUP 2024-020 prior to any modifications or operations at the facility.

G. <u>Liability Insurance</u>. The Permit Holder, as well as its assigns, heirs or successors, shall provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under Special Use Permit 2024-020 for a <u>minimum</u> amount of \$1,000,000.00 (one million dollars).

5. Public Comment

As of May 28, 2024, Staff have received no comments from the public.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners 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 Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This Section contains two motions from which to choose. The motion for approval is recommended by the Planning Commission and Staff in accordance with the findings under Section 3.A 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 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended Motion (motion for approval)

In accordance with the recommendation by the Planning Commission and staff, the Findings of Fact under section 3.A of the Staff Report as read into the record by county staff, and in compliance with all Conditions of Approval, I [Commissioner], hereby move to approve operation of a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.

B. Alternative Motion (motion for denial)

In accordance with the Findings of Fact under section 3.B of this report and other Findings against the recommendation for approval with conditions by the Planning Commission and Staff as read into the record by county staff, I [Commissioner], hereby move to deny the applicant's request to operate a gaming establishment within an existing structure located at the southwest corner of Union Street and C Street. The property contains several "storefronts" all internally connected in the Downtown District of Virginia City. This request is to allow for gaming to occur throughout the retail establishment, and will include, but isn't limited to, slot machines and table games. The property is located at 2 South C Street and 18 South C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Numbers (APN) 001-083-11, 12, 13 & 14.



Board of Storey County Commissioners Agenda Action Report

Meeting date: 6/20/2024 2:00 PM -	Estimate of Time Required: 5
BOCC Meeting	-
Agenda Item Type: Discussion/Possible Action	on

- <u>Title:</u> Variance (2024-013). The applicant is requesting a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.
- Recommended motion: In accordance with the recommendation by the Planning Commission and staff, the Findings of Fact under Section 3.A of this report as read into the record by county staff, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (commissioner), move to approve a variance (File 2024-013) to allow for a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.
- Prepared by: Kathy Canfield

Department: Planning Contact Number: 775-847-1144

- Staff Summary: See staff report
- Supporting Materials: See Attachments
- **Fiscal Impact:** None
- **Legal review required:** False
- Reviewed by:

	County Manager	Other Agency Review:
•	Board Action:	

[] Approved	[] Approved with Modification
[] Denied	[] Continued

Storey County Planning Department

Storey County Courthouse 26 South B Street, PO Box 176, Virginia City, Nevada 89440 Phone 775-847-1144 – Fax 775-847-0949 planning@storeycounty.org



To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: June 18, 2024

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada

and via Zoom

Staff Contact: Kathy Canfield

File: 2024-013

Applicant: Jonathon and Beth Dietrich

Property Owner: Jonathon and Beth Dietrich

Property Location: 450 South E Street, Virginia City, Storey County, Nevada, APN 001-058-11

Request: A variance (File 2024-013) to allow for a reduced front yard setback to construct

a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada,

Assessor's Parcel Number (APN) 001-058-11.

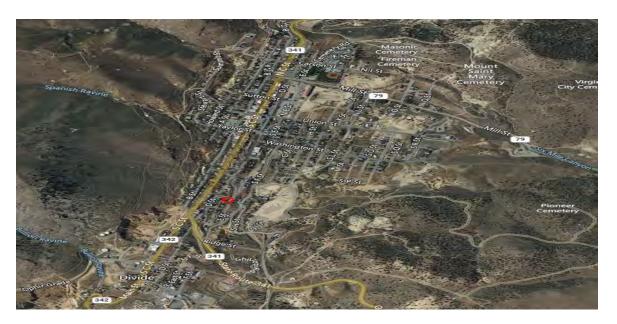
Planning Commission: The Planning Commission heard this request at their June 6, 2024, meeting. The

Planning Commission asked questions related to the residence design and placement on the property, safety of vehicles utilizing the garage and encounters with traffic on E Street, parking on the east side of E Street, snow removal and clearance for a nearby fire hydrant. The Planning Commission acknowledged the letter sent by an adjacent resident and staff related the discussion that had occurred at Comstock Historic District Commission meetings related to the garage structure. The Planning Commission voted unanimously

(7-0) to recommend approval of the variance.

1. Background & Analysis

A. <u>Site Location</u>. The parcel is approximately 5,411 square feet in size and is located in Virginia City, Nevada. The property has an existing residence and a detached garage and is bordered by street rights-of-way on the west, north and east. The site is approximately level with the east frontage along E Street and has a retaining wall along the rear of the property along the Noyes Street frontage on the west. Silver Street borders the property on the north.



Vicinity Map



Project Site

B. <u>Background</u>. This property was subject to a boundary modification in 2005. An Abandonment application (Files 2005-359 and 2005-387) was submitted to abandon a portion of E Street for development of a residence and to address an existing garage. Noyes Street had encroached onto private property and an existing garage structure associated with the site encroached into the E Street right-of-way. A land swap occurred to make the current parcel configuration. By doing so, the parcel ends up with a lesser depth for a portion of the property than the surrounding properties. The existing garage is now entirely on the private property, however, there is only an approximate 2.5-foot setback from the front property line. The Board of County Commissioners approved this configuration at their March 1, 2005, meeting with the condition the "Historical Garage" was to remain on the property.



Portion of Record of Survey and Street Abandonment map - 2005

In 2006, the property owner requested a variance (Files 2005-383 and 2006-041) to the setback requirements in order to construct a single family residence. The variance had several iterations and had discussions from adjacent property owners with concerns over the size of the proposed residence and construction of a residence on the parcel. The existing garage is mentioned as remaining and a factor in the placement of the residence. After several meetings, the variance was approved by the Board of County Commissioners to allow for a 7-foot front yard setback.

Meeting minutes and supporting documentation outlining this background can be found in Appendix A for the Abandonment and in Appendix B for the Variance.



View of existing residence and garage, looking northwest from E Street.



View from E Street looking directly west at the location of the proposed addition.



View looking southwest from E Street and Silver Street intersection.

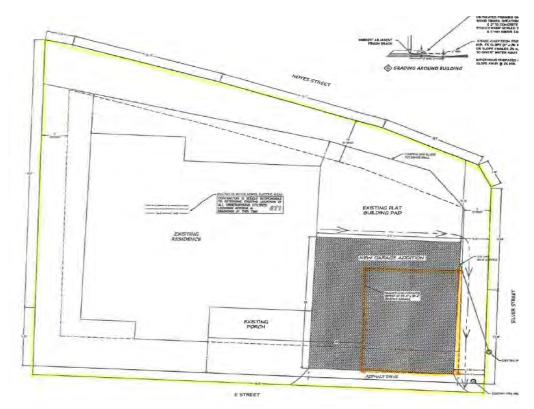


View looking southeast from intersection of Silver Street and Noyes Street

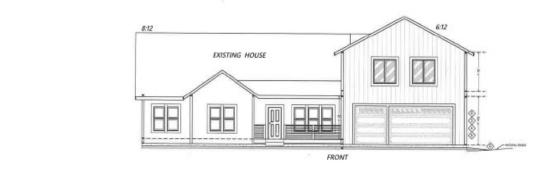


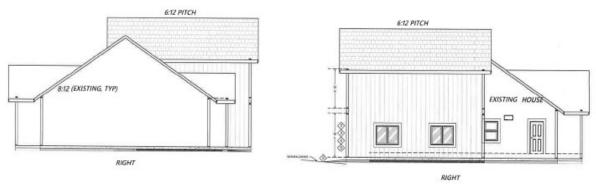
View looking northeast from Noyes Street at rear of residence.

B. Proposed Project. The applicant is proposing to remove the existing garage and construct a two-story addition attached to the existing residence, including a three car garage on the first story and living area on the second story. The addition will utilize the footprint of the existing garage and will also expand to the south and west to allow for a larger floor area than the existing garage. The applicant proposes to meet the required 5-foot side yard setback along Silver Street and the 10-foot setback from Noyes Street. The variance request is to allow for a 2.5-foot front yard setback for the E Street frontage for the new addition. The 2.5 -foot setback will match the setback of the existing garage and will extend further along the E Street frontage to connect with the existing residence.



Yellow is the property line, orange is the outline of the existing garage.





Proposed elevation drawings, subject to change with input from the Comstock Historic District.

Comstock Historic District Commission. The Comstock Historic District Commission reviewed this request at their May 7, 2024, meeting. The discussion centered on the design of the addition and how to lower the overall look of the height so as the new addition did not dominate the look of the residence. The Commission did not object to the removal of the existing garage as it appears the structure has been so altered over the years that any historical value of the structure that once existed is no longer there. The Commission also did not have any concerns with the setback of the addition as having a variety of setbacks on the frontage is a positive for historic building design as opposed to having one flat building frontage. The Commission voted to continue the project so the applicant could work on the design of the addition, however, the Commission clarified they had no issues with the garage removal and the setback design. There was no one in attendance at the meeting that provided public comment on this project.

On June 4, 2024, the Comstock Historic District Commission had a second meeting to review this request. A revised residence/garage design was provided and a discussion of the existing garage removal was again evaluated. An adjacent resident attended this meeting with concerns about removing the existing garage structure. The Commission voted to approve the project with the new design.

- D. <u>Setbacks</u>. This property is located within the CR Commercial-Residential area of Virginia City, outside of the Downtown District. The setbacks for single family residential use in this area require a 20-foot front yard, 5 foot side yards and 10-foot rear yard. A variance was granted by the Storey County Board of County Commissioners in 2007 that allows for a front yard setback of 7.5 feet for the existing residence. During the 2007 review of the application, it was acknowledged the existing garage structure was considered historic and had been present for many years and had an existing setback of 2.5 feet based on the abandonment/land swap that had occurred in 2005.
- **Variance.** The applicant has requested a variance to the front yard setback (Section 17.30.050) to allow for construction of an addition to an existing residence. The applicant has proposed a front yard setback of 2.5-feet for the addition portion of the residence. A previous 2006 variance allowed for a 7.5-foot setback for the existing residence. Section 17.03.140 of the Storey County Code identifies the process to request a Variance. This report follows the requirements outlined in the Code.
- **F.** Existing Garage. Both the 2005 Storey County Abandonment and 2006 Variance applications make reference to a historic garage on the property. Based on the documentation of the decision making in 2005 and 2006 it appears the presence of the historic garage was a factor in the approvals of these applications. No photographs of the historic garage were included in either application package and historical aerial photography isn't clear for this time period to document what the structure looked like that the previous County Commissioners based their decisions. Today, the garage matches the look and materials of the existing residence (which was built 2006+) and any historical value of this structure is not immediately apparent. Although the previous approvals for the abandonment and the house were conditioned on the garage remaining on the site, it is assumed this was because of some type of historical significance attached to this garage. The Comstock Historic District Commission

discussed this garage and does not see any historical value associated with the existing garage structure. There are no permits (from the Comstock Historic District or Storey County) that can be found that authorized modifications to the existing garage and there is no date identified for when this is presumed altered (sometime between 2006 and today). The property ownership has changed over the years. If the applicant's request for the proposed variance is approved, as part of the approval will be the finding that, based on Comstock Historic District comments in the public meeting dated May 7, 2024, that there is no longer any historical features associated with the garage that it can be removed, and that as a finding, Storey County is superceding the previous Abandonment and Variance approvals to allow for the garage to be removed.

2. Compatibility and Compliance

A. <u>Compatibility with surrounding uses and zones.</u> The following table documents land uses, zoning classification and master plan designations for the land at and surrounding the proposed project. There are no evident conflicts between the proposed project and Storey County Title 17 Zoning or the 2016 Master Plan with the exception of the setback and the accessway which is addressed with the Variance application.

Land Use	Master Plan Designation	Zoning
residential	Mixed Use Commercial	CR Commercial
	Residential	Residential
residential	Mixed Use Commercial	CR Commercial
	Residential	Residential
Vacant, residential	Mixed Use Commercial	CR Commercial
	Residential	Residential
residential	Mixed Use Commercial	CR Commercial
	Residential	Residential
residential	Mixed Use Commercial	CR Commercial
	Residential	Residential
	residential residential Vacant, residential residential	residential Mixed Use Commercial Residential residential Mixed Use Commercial Residential Vacant, residential Mixed Use Commercial Residential residential Mixed Use Commercial Residential residential Mixed Use Commercial Residential residential Mixed Use Commercial

B. <u>Variances</u>. The Zoning Code section 17.03.140 Variances states that a Variance to the provisions of its title may be granted by the Storey County Board of County Commissioners (the Board) with action by the Storey County Planning Commission (the Planning Commission) where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and 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.

Within Section SCC 17.03.140 (F) it states: The Board's approval, approval with conditions, or denial of a Variance must be based on Findings that indicate that the proposed use is appropriate in the location for which it is approved. The Findings listed in this subsection are the minimum to be cited in an approval; the body may include additional Findings in their decision. The Board and Planning Commission must cite Findings of Fact in the motion for approval, approval with conditions, or denial.

At a minimum, an approval must be based on Findings that the proposal:

(1) That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.

Because of the previous parcel modification approved in 2005 by the Storey County Board of County Commissioners, this parcel has a non-rectangular shape with the north end of the parcel narrower than the south end. Where the residence addition is to occur, the depth of the property is approximately 45-feet. Most of the residential parcels in the vicinity have a parcel depth of 100-feet. The parcel has been leveled with E Street which then required a retaining wall placed in the rear yard to support the Noyes Street right-of-way. There is very little level usable yard space at the rear of the site.

The adjacent residential parcels along E Street appear to have been built close to the property line and do not appear to have the 20-foot required front yard setback (see project site photo on page two of this staff report). Although the setback doesn't appear as close as a 2.5-foot setback, the overall appearance of the residences in this area is having the structure close to the street and minimal front yard areas.

The proposed addition will be built over the footprint of the existing garage and will maintain the side and rear yard setbacks as required for the CR zoning district. The new area of encroachment into the front yard setback will be from the location of the existing garage to the existing residence.

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

The proposed variance will allow for the applicant to construct a single family residence addition, which is consistent with the land uses within this residential neighborhood. Because of the parcel configuration, topography of the area and existing disturbed areas on the site, placement for the addition is limited. Moving the garage closer to the rear of the property will eliminate the majority of usable outdoor area for the parcel.

(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.

The proposed variance will allow for the applicant to construct a single family residence addition on the existing parcel, consistent with the surrounding residential neighborhood. A garage structure currently exists in the setback and this addition would be placed in the same location and expanded southward to

connect with the existing residence. The existing space between the residence and garage will be the new area of setback encroachment. The intersection of Silver Street and E Street will not be altered as related to visibility because the new addition will follow the existing garage footprint in this location. Although this adds more structure features to the site, the additional area is internal to the parcel and no portion of the project is expected to negatively impact the surrounding neighborhood.

- C. Storey County Zoning Code. The property is located within CR Commercial Residential zoning district outside of the Downtown District. The single family residence is an allowed use for the zoning district. The existing residence received a variance in 2006 for a front yard setback reduction and at the same time acknowledged the existence of a garage structure also within the front yard setback. With the exception of the existing setbacks, the proposed project is consistent with CR zoning district and the General Provisions applicable county-wide.
- **D.** <u>2016 Storey County Master Plan</u>. This project is located within the V & T Midtown Area Specific Plan area of Virginia City. The Plan states:

V&T Midtown Area Specific Plan

The area immediately east of downtown, including most of "D" through "F" streets, is composed of sporadic clusters of commercial, and single- and multi-family residential uses separated by large tracts of vacant land. Most of the buildings and uses in this area are remnants from the 19th Century which to this day are occupied and used much as they were a century ago.

This two-mile corridor is becoming increasingly significant to Virginia City's overall tourism and economic development portfolio. The following subsections describe projects and improvements that should be considered when planning for area improvements and tourism.

The applicant proposes a single family dwelling addition for this parcel and the variance request is not expected to impact the character of the area.

3. Findings of Fact

- **A.** <u>Motion for approval</u>. The following findings of fact are evident with regard to the requested Variance when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.
 - (1) A variance (File 2024-013) to allow for a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.
 - (2) The subject property is located within CR Commercial-Residential zoning district outside the Downtown District in which single family residences are an allowed use.

- (3) That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.
- (4) That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
- (5) 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 area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property.
- (6) The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations.
- (7) The proposed Variance is in compliance with Storey County Code 17.03.140 Variances and 17.12 General Provisions and 17.30 CR Commercial-Residential Zone when all Conditions of Approval are met.
- (8) The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.
- (9) By approving the Variance (File 2024-013) for the proposed residence/garage addition, the Board of County Commissioners is acknowledging the past approval requirements associated with this property and is following in the Comstock Historic District Commission's direction that the existing garage structure at the northeast corner of the property that was identified to remain in previous 2005 Abandonment and 2006 Variance applications no longer contains any historic characteristics and can be removed. This Variance (File 2024-013) shall supercede any past requirements related to retaining the existing garage structure.
- **Motion for denial.** Should a motion be made to deny the Variance request, the following Findings with explanation of why should be included in that motion.
 - (1) This denial is for a variance (File 2024-013) to allow for a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.

- (2) There are no special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance that would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.
- (3) The granting of the application is not necessary for the preservation and enjoyment of substantial property rights of the applicant.
- (4) That the granting of the application will, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property.
- (5) The proposed Variance is not in substantial compliance with all Federal, Nevada State, and Storey County regulations.
- (6) The proposed Variance is not in substantial compliance with and does not support the goals, objectives and recommendations of the Storey County Master Plan.
- (7) The conditions of approval under the Variance do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for the surrounding uses.
- (8) No reasonable level of conditions of approval imposed on this Variance would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.

4. Recommended Conditions of Approval

- A. <u>Variance</u>. This variance (File 2024-013) is to allow for a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.
- B. <u>Compliance</u>. The Variance must comply with Storey County Codes, and submitted plans and reports, as approved. The Applicant must provide the Community Development Department site plans drawn to scale prior to obtaining a Building Permit.
- C. <u>Null and Void</u>. If the Variance is not exercised within 12 months of the date of approval, unless additional time is granted by the Board with action by the Planning Commission, based upon consideration of the specific circumstances of the project, then without further action, the Variance will be null and void and no non-conforming development activity may be made on the property except on the granting of a new Variance.

- D. <u>Hold Harmless</u>. The Property Owners 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 Variance.
- E. <u>Permits and Expiration</u>. The Applicant shall apply for all Building and Fire permits for the structure within 12 months from the date of Board approval for this Variance, and continuously maintain the validity of those permits, as appropriate, or this approval will become null and void.
- F. <u>Taxes Paid</u>. Before obtaining a Building Permit, the Applicant must show the Planning Department evidence that all property taxes on the land are paid to-date.
- G. <u>Distances</u>. The reduced front yard setback is approved to be 2.5 feet from the E Street property line for the proposed addition. The existing residence shall remain at the 7.5-feet from the property line as approved in the previous variance application (File 2006-041). All other setbacks must be in compliance with the Storey County Code for the new addition.

5. Public Comment

This project was discussed at the May 7, 2024, and June 4, 2024, Comstock Historic District Commission public meetings. Staff have indirectly received letters of concern related to the May 7, 2024, Comstock Historic District agenda item related to this variance and has included this correspondence in Appendix C of this staff report. Staff also received correspondence from an adjacent property owner with concerns about removing the existing garage structure. This correspondence is included in Appendix C of this staff report. There was no public in attendance at the Planning Commission meeting that voiced an opinion on the project.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners 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 Board of County Commissioners upon which it bases its decision.

7. **Proposed Motions**

This section contains two motions from which to choose. The motion for approval is recommended by the Planning Commission and staff in accordance with the findings under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by the Planning Commission and staff, the Findings of Fact under Section 3.A of this report as read into the record by county staff, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (commissioner), move to approve a variance (File 2024-013) to allow for a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.

B. Alternative motion for denial

Against the recommendation by the Planning Commission and staff, but in accordance with the Findings of Fact under Section 3.B of this report as read into the record by county staff, and other findings deemed appropriate by the Board of County Commissioners, I (commissioner), move to deny a variance (File 2024-013) to allow for a reduced front yard setback to construct a residence/garage addition to an existing residence. The property is located within the CR Commercial-Residential zoning district outside of the Downtown District in Virginia City. The variance request is to allow for a 2.5 foot front yard setback from the property line for the proposed residence/garage addition. The property is located at 450 South E Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-058-11.

History of Abandonment associated with this property. Files 2005-359 & 2005-387

Storey County

Planning Commission

Douglas Walling, Chairman Virgil Bucchianeri, Vice-Chairman Kate Dotson, Secretory

Lydia Hammack ~ Lee Letts ~ Austin Osborne ~ Larry Prater ~ Bret Tyler

Stephen Musser & Alexandra Muntean-Musser P.O Box 828 Virginia City, NV 89440

January 22, 2007

RE: Special Use Permit Application #2005-387 Land Swap

Dear Mr. Musser & Ms. Muntean-Musser.

Upon reviewing our files, it came to our attention that we failed to inform you formally as to the out come of your application for a Storey County Building & Planning Special Use Permit.

On December 16, 2004 Storey County Planning Commission heard your request for _______ of a portion of So. E Street & Silver Street, Virginia City, NV. Storey County Planning Commission forwarded Special Use Permit # 2005-359 to the Storey County Commissioners with the following stipulations.

- a. Historical Garage to remain on subject property.
- b. Quit Claim Deed (see Exhibit A-Legal Description: Asphalt area to Storey County.)

On March 1, 2005 the Board of Commissioners gave final approval to the application.

Enclosed are copies of Minutes of both meetings for your records. However, please be aware that there is a one-year time limit on the permit. If no significant development occurs with a one-year period, the permit will be null and void. The one-year period begins on date of the County Board of Commissioners' approval.

"Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations."

Should you have questions, please don't hesitate to call our office.

Yours sincerely.

Dean Haymore Building Official & Planning Administrator

Storey County

Planning Commission

Douglas Walling, Chairman Virgil Bucchianeri, Vice-Chairman Kate Dotson, Secretary

Lydia Hammack - Lee Letts - Austin Osborne - Larry Prater - Bret Tyler

T. Allan Comp & Selma Thomas 1847 Vernon St. NW Washington DC 20009 January 17, 2007

RE: Special Use Permit Application #2005-359

Dear Mr. Comp & Ms. Thomas,

Upon reviewing our files, it came to our attention that we failed to inform you formally as to the out come of your application for a Storey County Building & Planning Special Use Permit.

On December 16, 2004 Storey County Planning Commission heard your request for an abandonment of a portion of So. E Street & Silver Street, Virginia City, NV. Storey County Planning Commission forwarded Special Use Permit # 2005-359 to the Storey County Commissioners with the following stipulations.

a. Historical Garage to remain on subject property.

On March 1, 2005 the Board of Commissioners gave final approval to the application.

Enclosed are copies of Minutes of both meetings for your records. However, please be aware that there is a one-year time limit on the permit. If no significant development occurs with a one-year period, the permit will be null and void. The one-year period begins on date of the County Board of Commissioners' approval.

"Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations."

Should you have questions, please don't hesitate to call our office.

Yours sincerely,

Dean Haymore Building Official & Planning Administrator REGEIVED

MAR 0.9 2005

STOREY COUNTY Storey County Building COMMISSION MEETING

MINUTES

TUESDAY, MARCH 1, 2005 10:00 A.M.

DISTRICT COURTROOM, COURTHOUSE 26 SOUTH B STREET VIRGINIA CITY, NEVADA

BOB KERSHAW, CHAIRMAN JOHN FLANAGAN, VICE CHAIRMAN GREG HESS, COMMISSIONER

DISTRICT ATTORNEY HAROLD SWAFFORD

SHERIFF PAT WHITTEN

RECORDER/AUDITOR MAGGIE LOWTHER

CLERK/TREASURER DOREEN BACUS

The meeting was called to order by Chairman Kershaw at 10:00 a.m. PRESENT: Chairman Kershaw, Vice Chairman Flanagan, Commissioner Hess, Sheriff Whitten, District Attorney Swafford, Clerk/Treasurer Dorech Bacus, Recorder/Auditor Maggie Lowther, Fire Chief Gary Hames, Public Works Director Richard Bacus, Building Official Dan Haymore, and Marilou Walling Administrative Officer. PLEDGE OF ALLEGIANCE

-PUBLIC COMMENT- George Georgeson advised the board Geoarch Sciences, Inc. has submitted a report regarding the site for the Virginia City Water Tanks Project on BLM land located near the water treatment plant indicating identification of numerous building remains in the project area. Due to the large number of cultural features and artifacts encountered the project area BLM will be defining the "area of potential effect" and the tanks may have to be relocated. George requested that Greg Hess be retained to survey the area to locate property lines for possible relocation on the Bullion or Potosi mining claims.

The board directed the clerk to place the matter on the agenda for the March 15, 2005 meeting.

Phil Wasack said he was here just to listen to the bikeway presentation.

CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

Page -1-

There was some discussion regarding emergency vehicle access at intersections being included in this ordinance. D.A. Swafford pointed out that would be a matter for the parking ordinance. Sheriff Whitten suggested that it be referred to the RTC board for recommendations.

Commissioner Hess moved to set a second reading of Ordinance 04-194 for March 15, 2005, seconded by Flanagan and carried.

DISCUSSION/ACTION: Contract with Virgil Bucchianeri. There was considerable discussion regarding the possible conflict of interest with Virgil acting as defense attorney and prosecuting attorney, and if the contract should be terminated or the contract should be suspended. D.A. Swafford advised the board that Virgil mostly takes care of civil cases out of the D.A.'s office and not criminal matters, also, he is a contract attorney not a Deputy District Attorney. Swafford went on to say that Virgil is available on a moment's notice to set in for him if he is called away from the office.

There was some discussion regarding Virgil being able to set in for Harold if he is out of town. Should the contract be terminated or suspended?

Commissioner Flanagan moved to terminate the contract with Virgil Bucchianeri.

There was more discussion for termination or suspension of the contract.

Commissioner Flanagan withdrew his motion to terminate the contract.

At this time 11:10 a.m. a ten minute recess was called by the chair.

Reconvene at 11:30 a.m. With all present as before.

Commissioner Hess moved to terminate the contract with Virgil Bucchianeri, seconded by Commissioner Flanagan and carried.

DISCUSSION/ACTION: Information received from U.S. Army Corps of Engineers regarding Truckee Meadows Flood Control Project located along the Truckee River in Nevada.

A programmatic Agreement between the U.S. Army Corps of Engineers and the Nevada State Historic Preservation Officer Regarding the Trucker Meadows Flood Copirol Project was reviewed.

Dean advised the board the tribe has put in a dam on the river which is causing water to back up to residences at Wadsworth and that the retention basins at Mustang have been eliminated.

Phil Wasack representing Far West Engineering advised the board the sewer treatment plant and wells at Lockwood and Rainbow Bend will have to be relocated if the Corps of Engineers plan is followed and that the Corps should have to pay for the relocation.

Mark Edwards of Painted Rock stated that the residents at Painted Rock had shown the Army Corps of Engineers what the problems are and still they are conducting flood relocation not a flood control project.

Chairman Kershaw stated he doesn't see any answers for down stream water and board may participate in the program but will not accept any more water flow.

Commissioner Hess suggested the Programmatic Agreement be given to Bob Sadar for review considering TRI most likely will be affected.

DISCUSSION/ACTION: Request by Stephen Musser for (880 South C Street, Virginia City, quit claim of west part of Lot 5 Block 244 Range A this portion of Mr. Musser's request was not addressed by the board, pending a Quiet Title Action of the above described property in District

Court). Abandonment 2005-359 request on South E Street and Silver Street. An Order for Abandonment and Quit Claim Deed were presented on this portion of Mr. Musser's request.

The Order for abandonment with Exhibit A describing, the portion for abandonment being about 1491.80 square feet of South E Street. A Quit Claim Deed from Musser to the County was presented for the asphalt area within the Northwest Corner of Parcel as described in Exhibit A attached to the Quit Claim Deed.

Pierre' Bares objected to the abandonment of the street and/or the construction of a house at this location.

Commissioner Hess moved to approve the abandonment and quit claim deed as submitted, seconded by Flanagan and carried.

DISCUSSION/ACTION: Resolution 05-200 request from District Attorney for Attorney General's Office to prosecute criminal matter.

Commissioner Hess moved to approve Resolution 05-200, seconded by Commissioner Flanagan and carried.

DISCUSSION/ACTION: Request by Commissioner Hess regarding financial official tracking of sales tax and other duties.

Commissioner Hess explained that there is a need to start tracking sales tax from TRI and to streamline county financial issues. Marilou has her plate full with all the other duties she has and suggested that the board consider hiring someone on a part time basis to track the tax collection issues and budget.

Marilou advised the board she is on a deadline with the budget, hearings have to be set and the tentative budget has to be in by April 15, 2005, deadlines for grants, etc.

Commissioner Flanagan suggested the board have a meeting next week to discuss the possibilities of a part time financial officer.

Commissioner Hess moved a meeting is set for next Tuesday, Chairman Kershaw requested the meeting be set in the afternoon, upon motion duly made by Hess, seconded and carried the meeting was set for March 8, 2005 at 1:00 p.m.

APPROVAL OF CLAIMS

Warrants \$70,197.79 and payroll \$205,630.30.

Claims were approved upon motion by Hess, seconded by Flanagan and carried.
*BUDGET AND FINANCE:

Treasurers' request for direction of delinquent tax sale with descriptions of properties. Commissioner Hess suggested the properties listed in the tax sale be investigated for possible use by the county to trade for ground the county may need for water tank expansion and/or sewer treatment facility expansion. Commissioner Flanagan moved to continue the approval of the tax sale until March 15, 2005, seconded by Hess and carried.

Treasurers report of January 2005.

Commissioner Flanagan moved to approve the treasurers' report as submitted, seconded by Hess and carried.

*LICENSING BOARD SECOND READINGS:

 Technical Expertise & Management in Communications, LLC, submitted by Michael S. Nelson of Gilbert, AZ construction of cellular towers. Approved.

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110 Toll Road ~ Gold Hill Divide ~ P () Box 526 ~ Virginia City, NV 89440 ~ (775) 847-0966 ~ Fax (775) 847-0935

Douglas Walling, Chairman

Virgil Bucchianeri, Vice-Chairman

Angela Furton, Secretary

AMENDED MINUTES OF DECEMBER 16, 2004

MEMBERS PRESENT: Virgil Bucchianeri; Douglas Walling; Bret Tyler; and Lydia Hammack, and Secretary Angela Furton

MEMBERS ABSENT: Lorraine DuFresne, Larry Prater

OTHERS PRESENT: Dean Haymore, County Commissioner John Flanagan

CALL TO ORDER: Chairman Douglas Walling called the meeting to order at 7:05 p.m.

At this time he lead those present in the Pledge of Allegiance

APPROVAL OF AGENDA FOR DECEMBER 16, 2004: Lydia Hammack moved to approve the agenda as published. Noble Brookins seconded. There being no further discussion, the motion carried by unanimous vote. At this time Lydia Hammack submitted that she has done some work for Mr. Steve Musser and questioned if she should abstain from voting on the Abandonment 2005-359 issue. Douglas Walling thanked Lydia for informing him but didn't think it would be an issue.

APPROVAL OF MINUTES OF DECEMBER 2, 2004: Noble Brookins seconded Bret Tyler's motion that the corrected Minutes of December 2, 2004 be approved and submitted. With no further discussion, the motion carried unanimously.

T. Allen Comp & Selma Thomas – Abandonment 2005-359 – Requesting abandonment of a portion of 'E' Street at Silver. Douglas Walling reported that abandonment has been applied for. Douglas Walling questioned if staff was in receipt of a letter sent by attorney Mr. Fraley. Staff was in receipt of the letter. Douglas Walling discussed that letter in which Mr. Fraley acknowledges the fact that County Commissioners have an expressed policy of not abandoning, and he interprets this proposed item as a swap not an abandonment.

Dean Haymore reported that Commissioner Hess has put on the agenda to try to straighten out the right of ways and encroachments, Commissioner Hess stated that he did not want to see any more abandonment's until this was straightened out. Dean informed Commissioner Hess that he had one on the agenda. Dean's recommendation is to send this to the District Attorney and the County Commission to see if the applicant is willing to do a land swap instead of an abandonment. Dean stated that the garage which is in question for the abandonment should be saved because it is a historical garage.

Steve Musser the representative for the Abandonment 2005-359 stated that he is currently the applicant for this property and would consider a land swap instead of the abandonment.

The motion to send it on to the County Commission was brought forward by Virgil Bucchianeri and seconded by Noble Brookins. With no further discussion the motion was carried unanimously.

Tahoe-Reno Industrial Center - Parcel Map 2005-360 – Division of Lot 2001-250D4 of APN 04-161-28 – Creating (4) new parcels 2005-09 = 47.03 ± ac. 2005-10 = 11.34± ac. 2005-11 = 1.17± ac. and 2005-12 = 49.50± ac all being portions of the NE ¼ of Section 6, T.19N., R.22E., & the SE ¼ of Section 31, T.20N., R.22E., M.D.M. Action of the Planning Commission to be forwarded on to the Storey County Commissioner's for consideration at their meeting of December 21, 2004.

Dean Haymore representing Vince Griffin stated that this parcel is not part of the development so must be zoned for light industrial. With this 4 new lots would be created.

A motion to send to the County Commissioners for the next meeting was made by Bret Tyler, Noble Brookins seconded the motion. With no further discussion the motion was carried unanimously.

DETERMINATION OF NEXT PLANNING COMMISSION MEETING: The next meeting is to take place at the Virginia City Courthouse on January 6, 2004. Dean Haymore stated that two applications will be on the agenda, one is for a zone change for special industrial. There is a variance for a deck and a special use permit.

APPROVAL OF CLAIMS: No Vouchers

CORRESPONDENCE:

LETTER FROM ATTORNEY FRALEY WAS READ DURING Abandonment 2005-359.

PUBLIC COMMENT: NONE

STAFF: NONE

There being no further business, Douglas Walling adjourned the meeting at 7:30 p.m.

Respectfully Submitted.

Angela Funon - Secretary	Douglas Walling - Chairman



110 Toll Road ~ Gold Hill Divide ~ P D Box 526 ~ Virginia City, NV 89440 ~ (775) 847-0966 ~ Fax (775) 847-0935

Douglas Walling, Chairman

Virgil Bucchianeri, Vice-Chairman

Angela Furton, Secretary

UNOFFICIAL MINUTES OF DECEMBER 16, 2004

MEMBERS PRESENT: Virgil Bucchianeri; Douglas Walling; Bret Tyler; and Lydia Hammack, and Secretary Angela Furton

MEMBERS ABSENT: Lorraine DuFresne, Larry Prater

OTHERS PRESENT: Dean Haymore, County Commissioner John Flanagan

CALL TO ORDER: Chairman Douglas Walling called the meeting to order at 7:05 p.m.

At this time he lead those present in the Pledge of Allegiance

APPROVAL OF AGENDA FOR DECEMBER 16, 2004: Lydia Hammack moved to approve the agenda as published. Noble Brookins seconded. There being no further discussion, the motion carried by unanimous vote. At this time Lydia Hammack submitted that she has done some work for Mr. Steve Musser and questioned if she should abstain from voting on the Abandonment 2005-359 issue. Douglas Walling thanked Lydia for informing him but didn't think it would be an issue.

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Dean Haymore reported that Commissioner Hess has put on the agenda to try to straighten out the right of ways and encroachments, Commissioner Hess stated that he did not want to see any more abandonment's until this was straightened out. Dean informed Commissioner Hess that he had one on the agenda. Dean's recommendation is to send this to the District Attorney and the County Commission to see if the applicant is willing to do a land swap instead of an abandonment. Dean stated that the garage which is in question for the abandonment should be saved because it is a historical garage.

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The motion to send this on to the County Commission was brought forward by Virgil Bucchianeri and seconded by Noble Brookins. With no further discussion the motion was carried unanimously.

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Dean Haymore representing Vince Griffin stated that this parcel is not part of the development so must be zoned for light industrial. With this 4 new lots would be created,

A motion to send to the County Commissioners for the next meeting was made by Bret Tyler, Noble Brookins seconded the motion. With no further discussion the motion was carried unanimously.

DETERMINATION OF NEXT PLANNING COMMISSION MEETING: The next meeting is to take place at the Virginia City Courthouse on January 6, 2004. Dean Haymore stated that two applications will be on the agenda, one is for a zone change for special industrial. There is a variance for a deck and a special use permit.

APPROVAL OF CLAIMS: No Vouchers

CORRESPONDENCE:

LETTER FROM ATTORNEY FRALEY WAS READ DURING Abandonment 2005-359.

PUBLIC COMMENT: NONE

STAFF: NONE

There being no further business, Douglas Walling adjourned the meeting at 7:30 p.m.

Respectfully Submitted,

Angela Furion - Secretary	Doughs Walling - Chairman

Appendix B

Variance history of the property

Files 2005-383 and 2006-041

Appendix B

Storey County

Planning Commission

Douglas Walling, Chairman Virgil Bucchianeri, Vice-Chairman Kate Dotson, Secretary

Lydia Hammack - Lee Letts - Austin Osborne - Larry Prater - Bret Tyler

Jack Eaton 1610 Combination Rd. Virginia City Highlands, NV 89521

January 17, 2007

RE: Special Use Permit Application #2005-383

Dear Mr. Eaton.

Upon reviewing our files, it came to our attention that we failed to inform you formally as to the out come of your application for a Storey County Building & Planning Special Use Permit.

On May 5, 2005 Storey County Planning Commission heard your request for a setback variance to construct a new 3,200 sq. ft single-family residence with a front and side setback variance of 3 feet and rear setback of 17 feet from the required 20 foot front and rear and 8 foot side setbacks. Storey County Planning Commission recommended the approval of Variance # 2005-383 to the Storey County Commissioners with the following stipulations.

- a. A 5 foot front & side setback:
- b. A 15 foot rear setback;

On July 5, 2005 the Board of Commissioners gave final approval to the application with all Planning Commission stipulations imposed

Enclosed are copies of Minutes of both meetings for your records. However, please be aware that there is a one-year time limit on the permit. If no significant development occurs with a one-year period, the permit will be null and void. The one-year period begins on date of the County Board of Commissioners' approval.

"Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations."

Should you have questions, please don't hesitate to call our office.

Yours sincerely.

Dean Haymore Building Official & Planning Administrator

STOREY COUNTY COMMISSION MEETING MINUTES

Tuesday, June 06, 2006, 2:00 P.M.

COURTHOUSE, DISTRICT COURT ROOM, 26 SOUTHB STREET VIRGINIA CITY, NEVADA

JOHN FLANAGAN, CHAIRMAN GREG HESS, VICE CHAIRMAN BOB KERSHAW, COMMISSIONER

HAROLD SWAFFORD DISTRICT ATTORNEY

JAMES G. MILLER SHERIFF

RECORDER/AUDITOR MAGGIE LOWTHER CLERK/TREASURER DOREEN BACUS

PRESENT: John Flanagan, Bob Kershaw, Harold Swafford, Maggie Lowther, Pat Whitten, Marilou Walling, Doreen Bacus, Dean Haymore, Greg Hess, and Sheriff Miller ABSENT: Richard Bacus and Gary Hames

CALLED TO ORDER AT 2:00 P.M. By Chairman Flanagan

-PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Sean Griffin from Community Chest updated the board on the progress of the new-community building. The building will be for a health nurse, youth activities, and non-profit organization meeting area. Community Chest has done a basic lay out which includes parking. The plan is to build in three separate stages as the funds come in. They are looking into receiving an additional \$350,000.00 from the state. The Community Chest thanks the county for the money offered but have received funds from an organization in Reno. Sean doesn't feel that they can afford to cover the pool, nor pay for the maintenance to keep it up. Commissioner Hess pointed out that covering the pool was part of the original contract and that the issue needs to be addressed.

Pat Whitten pointed out that this issue has gone past the realm of public comment and needs to be put on a future agenda for further discussion or action.

APPROVAL OF AGENDA FOR JUNE 6, 2006

Second reading of Ordinance #06-200 Amendments to Chapter 8.10 Waste Management of Storey County Code, to update language to operate in conjunction with subsequently enacted Nevada Revised Statutes.

This item was removed from the agenda.

APPROVAL OF MINUTES FOR MAY 15 AND 24, 2006.

There are currently no transcripts for the May 24, 2006 meeting at Rainbow Bend.

CORRESPONDENCE

None

DISCUSSION/ACTION: MAP APPROVAL FOR MAPS TO BE RECORDED None

PLANNING COMMISSION MINUTES OF MAY 4, AND MAY 18, 2006.

MAY 4, 2006 Special uses permit #2006-055 Nevada Rock Art Foundation. Dean explained a special use permit is required pursuant to our own ordinance. The Foundation will be required to provide proof of appropriate insurance because the project is on County property.

Lydia Hammack moved the special use permit application is continued, seconded by Bucchianeri and carried.

MAY 18, 2006

NEVADA ROCK ART FOUNDATION #2006055 SPECIAL USE PERMIT Alanah Woody, Executive Director gave an overview of the ongoing program. Lydia Hammack made a motion that Special Use Permit #2006-005 is approved, seconded by Tyler and carried.

EATON, JOHN C. #2006-041 VARIANCE

This matter had been sent back to the Planning Commission by the Board of County Commissioners after Mr. Eaton changed his request to allow for seven foot front and eight foot rear set back to construct his home and retain the historical garage on the lot.

Pierre Bares submitted a letter and asked that it be read into the record and objected to the granting of the variance adding that the house is too big, will destroy the neighborhood's atmosphere and will add traffic.

Austin Osborn moved the variance be approved, seconded by Hammack and carried.

IMS NEVADA, LLC #2006-059 SPECIAL USES PERMIT

TMS is requesting a special use permit for the construction of a facility for recycling medical waste and other non-hazardous solid waste.

Dean Haymore added the following stipulations, minimum of five million dollars insurance with disclaimer, training for County Fire Department, IMS pay for any special equipment required by our fire department, provided foam and build double - decontamination area; and that IMS get all necessary state, county, and federal permits

Bret Tyler moved Special Use Permit #2006-059 is approved, seconded by Hammack with the additional stipulation for the minimum fencing requirements of 8 feet with three rows of barbed wire and no hazardous waste. And, further that this matter be forwarded on the Board of Commissioners for action at their June 6, 2006 meeting.

FIRST READINGS BUSINESS LICENSE APPLICATIONS



PLANNING COMMISSION MEETING

AGENDA

Thursday - May 18, 2006 ~ 7:00 pm Storey County Courthouse - Justice Courtroom 26 South 'B' Street - Virginia City, Nevada

- CALL TO ORDER
- ROLL CALL

PURDICE OF ALLEGIANCE

- APPROVAL OF AGENDA FOR May 18, 2006
- APPROVAL OF MINUTES FOR May 4, 2006
- NEVADA ROCK ART FOUNDATION # 2006-055 Special Use Permit Lagomarsino Canyon Priroglyphs
 - PNASE I 1. Document and study petroglyphs and other archaeological features; 2. Monitor the site for visitation and vandalism; 3. Restore damaged petroglyph panels; 4. Conduct tours of the Lagomarsino Canyon Petroglyph site; 5. Use petroglyph images in promotional/educational material; 6. Obtain funding from private and public sources to support the work of NRAF; 7. Publish results of NRAF work at the site; 8. Other activities that support the documentation and integrity of

PHASE II - Planning and Development (2006-2016). PHASE III - Continuation (after development, 2016).

- EATON, John C. # 2006-041 Variance As directed by the Storey County Board of Commissioners, Mr. Eaton is resubmitting his Variance application reflecting the side setback of 8° for new house is now in compliance with Storey County Zoning Ordinance. His request for reduced front (7') and rem (8') subacks remain to accommodate existing garage.
- 1MS Nevada, LLC # 2006-059 Special Use Permit IMS Nevada LLC is seeking a Special Use Permit to build a facility for recycling medical waste und other non-hazardous solid waste on un approximately 7.5 acre lot located at 580 E. Sydney Drive in the Tuhoe-Reno Industrial Center. The proposed facility will recycle waste by converting it into synthesis gas and using the synthesis gas to produce other products or as fuel. The applicants request this issue be forwarded to the County Commissioners for final decision at their meeting of June 6, 2006.
- Dean Haymore to request utilizing Planning Capital Outlay, Printing and Equipment Mulntenance funds to purchase computer and printer.
- DETERMINATION OF NEXT PLANNING COMMISSION MEETING.
- APPROVAL OF CLAIMS CORRESPONDENCE PUBLIC COMMENT STAFF

ADJOURNMENT

I, KATHLEISN EDWARDS ON BEHALF OF THE STOREY COUNTY PLANNING COMMISSION, DO BROKEN CERTEY HIAT I FIGHTED, DR CAUSED TO BE FORTHE A CERY OF THE AMERICA AT THE FOLLOWING LOCATIONS ON OR BEFORE MAY 11, 2006; VIRGINA CITY FORT OFFICE, STORRY COUNTY COURTHOUSE; VINODEIA CITY FIRE DEPARTMENT, VIRODEIA CITY RV PARK MARKET; SON MILE CARRON PERE DEPARTMENT; RAINBOW SEND CLUBBOURG, VIRGINIA COD MIGHLASSIS FIRE DEPARTMENT, AND THE LOCKWOOD PIECE DEPARTMENT.

All items marked with an asterisk (*) are scheduled for action by the Commission.

woTICE: This notice is posted pursuant to NRS 241 at the Virginia City Post Office, Storey County Court House, Virginia City Firehouse, Storey County Building/Planning Department, Virginia City RV Park, Rainbow Bend Cital House, and the Lockwood and Hightends Firehouses. Anyone interested may request personal notice of meetings. Agenda Items must be received by 12:00 noon of the Monday of the week preceding the regular meetings. Items may not necessarily be heard in the order listed. For placement of agenda Items, call 847-0065. Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, sex, disability, family status or national origin. Notice to porsons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meetings are requested to notify the Commission office in writing at P O Box 526, Virginia City NV 89446.



LINORFICIAL MINUTES OF MAY 18, 2006

Members Present: Chairman Douglas Walling, Vice-Chairman Virgil Bucchianeri, Bret Tyler, Austin Osborne, Larry Prater, and Lydia Hammack

Members Absent: Noble Brookins

Building Official and Planning Administrator Dean Haymore was present. County Commissioner John Flanagan was also present.

Call to Order: With a quorum present, Chairman Douglas Walling called the meeting to order at the Courthouse in Virginia City, Nevada, at 7.11 p.m.

Pledge of Allegiance.

A moment of silence was held in memory of Hugh Gallagher

Approval of Agenda for May 18, 2006: Virgil A. Bucchianeri made a motion to approve the May 18, 2006, Agenda. Larry Prater seconded the motion. All voted age and the motion was carried.

Approval of Unofficial Minutes for May 4, 2006. Bret Tyler made a motion that the May 4, 2006. Minutes be approved. Austin Osborne seconded the motion. All voted are and the motion was carried.

NEVADA ROCK ART FOUNDATION # 2006-055 Special Use Permit — Lagomarsino Canyon Petroglyphs Alanah Woody, Ph.D., RPA, Executive Director of the Nevada Rock Art Foundation was present. Dr. Woody originally applied for the special use permit over two years ago. According to Dean Haymore, the foundation has done an excellent job; this permit is required pursuant to our ordinance. Dr. Woody took the floor and explained the project. So far, the project has involved about 400 volunteers and 20,000 man hours. They are three-quarters of the way through, and all work has been accomplished through private fundraising. She explained that these petroglyphs are probably among the top ten in the world. The foundation's goal is to document and then protect. They have not started planning yet for long-term protection. Interest in the site is increasing. Unfortunately, vandalism increases with more publicity. She stated that public education and signs of active management at the site should help deter vandalism. Timeframe for completion of the project is anywhere from five to ten years.

resulty or view, and care and the action — resulting

Lydis Hammack made motion that Special Use Point #2006-IN the approved with the aforementioned stipulations. The motion was excended by Brot Tyler. All inter aye and the motion was retried

EATON, John C. #2006-141 Variance - As directed by the Storey County Board of Commissioners.

Mr. Eaton is resubmitting his variance application reflecting the side setback of 8' for a new house in compliance with Storey County Zoning Ordinance. His request for a reduced front (7') and rear (8') subbacks remains to accommodate the existing garage. Dean Haymore explained that this item was originally rejected by the Planning Commission before going to the Storey County Board of Commissioners. Mr. Eaton has made some changes to the original plan. The county commission asked that the matter be revisited by the planning commission for a final decision.

The house is a single-story with two off-site parking spaces. The historical garage remains. He offered a map of the project. Austin Osborne, while acknowledging that it is "a lot of house for the lot" was satisfied with the changes as were the other board members.

Neighbors had been notified of the variance request. One neighbor, Pierre Bares, asked that his letter, dated May 12, 2006, be read aloud. Austin Osborne read the letter into the record and a discussion ensued. Mr. Bares opposes the variance, stating that the house is too big, will destroy the neighborhood's atmosphere, and will add traffic. Austin Osborne addressed Mr. Bares' concerns, but reminded Mr. Bares that the lot was originally designed for a home. Dean Haymore also stated that the town did have 30,000 residents at one time.

During further discussion, Mr. Bares asked, in light of variances, if it would be okay for him to just ask for a variance to murder the building inspector. This comment elicited many raised eyebrows, especially from Dean Haymore, and Chairman Douglas Walling instructed Mr. Bares to refrain from any further inappropriate comments.

Austin Osborn made a motion that Variance #2006-041 be approved. The motion was seconded by Lydia Hammack, and carried.

STOREY COUNTY COMMISSION MEETING MINUTES

TUESDAY, MAY 2, 2006, 2:00 P.M.

COURTHOUSE, DISTRICT COURT ROOM, 26 SOUTH B STREET VIRGINIA CITY, NEVADA

JOHN FLANAGAN, CHAIRMAN GREG HESS, VICE CHAIRMAN BOB KERSHAW, COMMISSIONER

HAROLD SWAFFORD DISTRICT ATTORNEY

SHERIFF JAMES G. MILLER

RECORDER/AUDITOR MAGGIE LOWTHER

CLERK/TREASURER DOREEN BACUS

CALL TO ORDER. 2:05 P.M. By Chairman John Flanagan
Present: John Flanagan, Bob Kershaw, Harold Swafford, Maggie Lowther, Rich Bacus,
Pat Whitten, Marilou Walling, Doreen Bacus, Dean Haymore, Greg Hess, Sheriff Miller,
and Gary Hames.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: None

CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

APPROVAL OF AGENDA FOR MAY 2, 2006.

APPROVAL OF MINUTES FOR APRIL 4, 2006 (TENTATIVE BUDGET HEARING) AND APRIL 18, 2006.

MAY 1 / 2006 Storey County Bullding

three carriers; that Nextel have a contract with a flag pole company, and that the flag will have a light on it and he well maintained. He wants this language included in the lease agreement. Lydia Hammack made a motion that Special Use #2006-039 be approved; Bret Tyler seconded the motion, and it was carried.

LAUGHLIN, CHANDLER A. #2006-044 Parcel Map – Parcel 3 to 3-A & 3-B. By the Storey Gounty water lanks for Silver City. Mr. Chandler presented a map to the board members and explained the details of his request. Motion was made to approve #2006-044; seconded, and carried.

CHRISTENSEN, CLYDE A. "TONY" #2006-047 Parcel Map – PR-2005-1 TO PR 2006-1 & PR 2006-2 in the Painted Rock area. Mr. Christensen presented a map to the board members and explained the details of his request. Motion was made by Larry Prater to approve #2006-047 with the addition of a statement that access be granted by the Truckee-Carson Irrigation District; seconded by Austin Osborne, and carried.

LICENSING BOARD

FIRST READINGS:

- 1. Fernley Electric Out of County
- 2. Horsin* Around Woodworking Virginia City
- 3. Casco Equipment Company Out of County
- 4. Wachter Network Services Out of County
- 5. Reno Ironworks Out of County
- 6. Lumos & Associates Out of County
- 7. LG Constructors Out of County
- 8. J/B Enterprises, Inc. Out of County

END OF CONSENT AGENDA

Consent Agenda approved upon motion by Commissioner Hess, seconded by Commissioner Kershaw and carried.

PLANNING COMMISSION APPEAL - EATON, JOHN C.- VARIANCE REQUEST FOR REDUCED SETBACKS AT 450 SOUTH E STREET, VIRGINIA CITY, NV. Dean Haymore presented the changes made to the map. He addressed Mr. Bares concerns with the size of the lot compared to the size of the home being built. Mr. Bares' home is within 300 feet of the lot in question. The historical barn is to be saved. Commissioner Hess asked it be sent back to the Planning Commission. Dean Haymore will notify the necessary people.

STOREY COUNTY COMMISSION MEETING MINUTES

TUESDAY, APRIL 18, 2006, 2:00 P.M.

COURTHOUSE, DISTRICT COURT ROOM, 26 SOUTH B STREET VIRGINIA CITY, NEVADA

JOHN FLANAGAN, CHAIRMAN GREG HESS, VICE CHAIRMAN BOB KERSHAW, COMMISSIONER

HAROLD SWAFFORD DISTRICT ATTORNEY

SHERIFF

JAMES G. MILLER

RECORDER/AUDITOR MAGGIE LOWTHER

CLERK/TREASURER DOREEN BACUS

CALL TO ORDER, 2:00 P.M. The meeting was called to order by Chairman Flanagan at 2:00 p.m. PRESENT: John Flanagan, Bob Kershaw, Harold Swafford, Maggie Lowther, Rich Bacus and Pat Whitten.

ABSENT: Marilou Walling, Dorcen Bacus, Dean Haymore, Greg Hess, Sheriff Miller, and Gary Hames.

*PLEDGE OF ALLEGIANCE

*PUBLIC COMMENT Brad Bryant invited all County Commissioners to an Earth Day celebration on April 26, 2006 at 2:00 pm. The celebration will be held at the end of Couleurs near the new water treatment plant in Rainbow bend.

CONSENT AGENDA

(All matters listed under theconsent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

APPROVAL OF AGENDA FOR APRIL 18, 2006.

APPROVAL OF MINUTES FOR MARCH 21, AND 28, 2006.

-CORRESPONDENCE (none)

DISCUSSION/ACTION: Pat Whitten presented maps to be recorded; the maps were approved upon motion by Kershaw, seconded by Planagan and carried.

*TIME SENSITIVE ITEM: 3.00 P M. PLANNING COMMISSION APPEAL EATON, JOHN C.- VARIANCE REQUEST FOR REDUCED SETBACKS AT 450 SOUTH E STREET, VIRGINIA CITY, NV. Commissioner Kershaw moved the trem be continued so that the board had time to discuss the revised plans with Dean Haymore, seconded by Flanagan and carried.

SPECIAL EVENTS:

PLANNING COMMISSION MINUTES MARCH 2, AND 16, 2006.

MARCH 2, 2006.

EATON, JOHN C. 2006-041 VARIANCE. - Request for reduced front, rear and side setbacks. John Eaton was present. To accommodate the unique size and shape of the lot as well as the existing historical garage, he is requesting a 5' setback on the south, 7' setback on the front and, at the back of the lot, an 11' setback and one corner and a 24' setback on the other corner. He stated that the north side is not a problem.

Due to lack of notification requirement of persons within 300' feet, Larry Prater moved to continue the request until the next meeting to allow for proper notifications, seconded by Tyler and carried.

NEVIN, MICHAEL E. & VIRGINIA M. #2006039 VARIANCE - Requesting a side set back. Mike Nevin addressed the board with his request to construct a 22' x 36' garage.

Dean Haymore's recommendations were read into the record and reflect no problems with the request as long as the north side of the garage wall has a one-hour firewall.

Larry Prater moved to approve the variance, with the stipulation for the firewall, seconded by Hammack and carried.

STOREY COUNTY SCHOOL DISTRICT # 2006/040 ABANDONMENT The board of commissioners held a special meeting March 28, 2006 and approved in part and retained in part the abandonment.

SIERRA PACIFIC POWER COMPANY # 2006042 SPECIAL USE PERMIT SPCo requests approval to construct a new 120kV power line approximately 12 miles in Storey County, from the Dove power station into Sparks' Gregg Street substation. Osborn read Mr. Haymore's recommendations of a stipulation giving Storey County the authority to move the route in order to accommodate future developments. There was some discussion about the impracticability of moving the route once it had been constructed. Bret Tyler commented favorably about the preservation of the view sheds along the route and moved to approve the Special Use Permit, seconded by O sborne and carried.

STOREY COUNTY COMMISSION MEETING MINUTES

TUESDAY, APRIL 18, 2006, 2:00 P.M.

COURTHOUSE, DISTRICT COURT ROOM, 26 SOUTH B STREET VIRGINIA CITY, NEVADA

JOHN FLANAGAN, CHAIRMAN GREG HESS, VICE CHAIRMAN BOB KERSHAW, COMMISSIONER

HAROLD SWAFFORD DISTRICT ATTORNEY

SHERIFF

JAMES G. MILLER

RECORDER/AUDITOR MAGGIE LOWTHER

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121 - ...

CLERK/TREASURER DOREEN BACUS

CALL TO ORDER, 2:00 P.M. The meeting was called to order by Chairman Flanagan at 2:00 p.m. PRESENT: John Flanagan, Bob Kershaw, Harold Swafford, Maggie Lowther, Rich Bacus and Pat Whitten.

ABSENT: Marilou Walling, Dorect Bacus, Dean Haymore, Greg Hess, Sheriff Miller, and Gary Hames.

•PLEDGE OF ALLEGIANCE

PUBLIC COMMENT Brad Bryant invited all County Commissioners to an Earth Day celebration on April 26, 2006 at 2:00 pm. The celebration will be held at the end of Couleurs near the new water treatment plant in Rainbow bend,

CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

APPROVAL OF AGENDA FOR APRIL 18, 2006.

RECEIVED

APR 2 7 7253

Storey County Building

Prater requested that it be placed on the record that he is collecting retirement benefits from Sierra Pacific.

Bret Tyler reported that Long Valley Creek went over the bridge again and that GID did an excellent job of dredging the channel out and cleaning it up.

MARCH 16, 2006

EATON, JOHN C. 2006-041 VARIANCE - continued from March 2, 2006: Mr. Brandon a property owner abutting Mr. Eaton's property objected to the setback requests, adding that setbacks are there for a reason. He, Mr. Brandon suggested that Mr. Eaton should decrease the size of the house to comply with the setback requirements.

Austin Osborne moved the variance request 2006-041 be denied, seconded by Tyler and carried.

NEVADA NATURE CONSERVANCY - TNC appreciates the opportunity to come before the Planning Commission and the residents of Rainbow Bend to update the community with regard to the planning processes underway for Truckee River restoration and extended an invitation to the commission and residents for a tour of the McCarran Ranch. Mauricia Baca, Truckee River Project Manager presented on behalf of the Nature Conservancy a detailed Power Point presentation, made available to the board on CD, entitled "Fixing a Degraded System".

In response to Bret Tyler's question about long-term management, Ms. Baca reported that the full application is into the BLM for funding, that they will be negotiating with BLM and Washoe County for a management program, and that Lockwood will probably be a county park with the Mustang area remaining under BLM. The McCarran area will be held in perpetuity by the Nature Conservancy.

Ms. Baca stated she will be at the Rainbow Bend Meeting on March 27, and invited everyone to the open house to be held from 10:00 a.m., to 4:00 p.m., on May 13, 2006.

PUBLIC COMMENT: Members of the audience asked that Rainbow Bend receive more advance notice of meetings to be held at the clubhouse.

APRIL 6, 2006: Subsequent to their meeting on April 6, 2006, request the following be presented or Board of Commissioner's action at their meeting of April 18, 2006.

Storey Dounty Planning Commission

Douglas Walling, Chairman Virgil Bucchianeri, Vice-Chairman Eileen Herrington, Secretary

Noble Brookins - Lydia Hammack - Austin Osborne - Larry Prater - Bret Tyler

John C. Eaton 1610 Combination Road Reno NV 89521

Re: Variance 2006-041

Dear Mr. Eaton:

As you know, at the hearing of March 17, 2006, the Storey County Planning Commission recommended denial of your setback variance request. On April 18, 2006, the Storey County Board of Commissioners is set to make final action on this application. You are more than welcome to go to that meeting and speak against the recommendation of the Planning Commission.

If you cannot make it to the meeting and the County commissioners make the final decision to deny this application, you do have the right to appeal. Enclosed is information from the Storey County Code regarding those rights. The appeal time is thirty (30) days from the final action of the County Commissioners. Therefore, you would have thirty (30) days from April 18, 2006 to appeal their decision. If you choose to appeal, it should be filed with the County Clerk's office.

Should you have any questions, please do not hesitate to call our office.

Yours sincerely,

Dean Haymore, Planning Administrator

DH/ke

Storey County Planning Commission

Douglas Walling, Chairman Virgil Bucchianeri, Vice-Chairman Eileen Herrington, Secretary

Noble Brookins - Lydia Hammack - Austin Osborne - Larry Prater - Bret Tyler

UNOFFICIAL MINUTES OF MARCH 16, 2006

Members Present: Chairman Douglas Walling, Vice Chairman Virgil Bucchianeri, Bret Tyler, Austin Osborne, Larry Prater, and Lydia Hammack

Members Absent: Noble Brookins (Dean Haymore was absent as well.)

Storey County Commissioners John Flanagan and Bob Kershaw were also present.

Call to Order: With a quorum present, Chairman Douglas Walling called the meeting to order at the Rainbow Bend Clubhouse in Lockwood, Nevada, at 7:10 p.m.

Pledge of Allegiance.

Approval of Agenda for March 16, 2006: Lydia Hammack made a motion to approve the March 16, 2006, Agenda. Austin Osborne seconded the motion. All voted age and the motion was carried.

Approval of Unofficial Minutes for March 2, 2006. Larry Prater made a motion that the March 2, 2006 Minutes be approved; Bret Tyler seconded the motion. All voted age and the motion was carried.

EATON, John C. 2006-041 Variance - Request for reduced front, rear and side setbacks. Continued from last meeting to allow verification that appropriate notifications have been made. John Eaton was not present at the meeting. A message from Layonna Young was read into the record, noting her opposition. A letter of opposition from Pierre Bares was also read into the record. It was noted that Mr. Bares does not reside within the notification range. Neighbor Russell Brandon spoke before the board. His property butts up against the Eaton property. He opposed the request, stating that the setbacks have been established for a reason, and that Mr. Eaton should probably just decrease the size of the house. It should be noted that Mr. Brandon was originally not notified of the variance request prior to the March 2, 2006, meeting. During the ensuing discussion, Austin Osborne commented that Mr. Brandon had a valid point and he agreed with Mr. Brandon 100%. Virgil Bucchianeri commented that Mr. Eaton should just decrease the size of the house to fit the lot.

Austin Osborne made a motion that Variance Request 2006-041 be denied; Bret Tyler seconded the motion, and it was carried.

Storey Launing Commission

Douglas Walling, Chaireann Virgil Bucchianeri, Vice-Chairman Eileen Herrington, Secremy

Noble Brookins - Lydia Hammack - Austin Osborne - Larry Prater - Bret Tyler

UNOFFICIAL MINUTES OF MARCH 2, 2006

Members Present: Chairman Douglas Walling, Vice Chairman Virgil Bucchianeri, Bret Tyler, Austin Osborne, Larry Prater, and Lydia Hammack

Members Absent: Noble Brookins and Planning Administrator Dean Haymore

Storey County Commissioner John Flanagan was also present.

Call to Order: With a quorum present, Chairman Douglas Walling called the meeting to order at the Courthouse in Virginia City, Nevada, at 7:00 p.m.

Pledge of Allegiance.

Approval of Agenda for March 2, 2006: Bret Tyler made a motion to approve the March 2, 2006, Agenda. Austin Osborne seconded the motion. All voted are and the motion was carried.

Approval of Unofficial Minutes for February 2, 2006. Larry Prater made a motion that the minutes be approved, Lydia Hammack seconded the motion. All voted aye and the motion was carried.

EATON, John C. 2006-041 Variance – Request for reduced front, rear and side setbacks. John Enton was present. He stated that he is building a home on a small lot with an existing historical garage already on the property. The garage cannot be moved. To accommodate the unique size and shape of the lot as well as the garage, he is requesting a 5' setback on the south, 7' setback on the front, and, at the back of the lot, an 11' setback and one corner and a 24' setback on the other corner. He stated that the north side is not a problem. Lydia Hammack read Dean Haymore's recommendations into the record. Mr. Haymore reports that there will be two off-site parking spaces; he sees no problems with the request. At this point, David Fraley asked to speak. He stated that although he is a neighbor, he did not receive notification of Mr. Eaton's request from the Building Department. Another neighbor, Roger Prince, was present who also did not receive notification. After asking a couple questions of the applicant, David Fraley had no opposition.

Larry Prater made a motion to continue the request for Variance 2006-041 until the next meeting so that everyone could be properly notified. Bret Tyler seconded the motion. The applicant was advised that the next meeting will be in Lockwood.

Appendix C Correspondence

PERSONAL CORRESPONDENCE TELEPHONE (775) 847-7026 FAX (775) 847-7268 EMAIL – dfralcyl@aol.com Received 6-3-24

OFFICES
35 SILVER STREET
STOREY COUNTY
VIRGINIA CITY NV

MAILING P.O. BOX 1130 VIRGINIA CITY NV 89440

June 2, 2024

Storey County Planning Department 26 South B Street Virginia City NV 89440

Re: Variance Request

450 South E Street, Virginia City NV

We are the owners of the home at 35 Silver Street, Virginia City, NV. It has come to our attention that the owners of the above referenced property are requesting approval to add a second story to their home and allow only for a 2.5' front yard setback. This letter constitutes a request that such variance be denied.

The Silver street and E street intersection and surrounding area have already become congested and the allowance of additional living space directly in that area will make it worse. The home at 450 E Street was originally denied construction as it would have infringed upon Noyes street lanes of travel. With my help and cooperation the planning commission was able to obtain an agreement from the County for the property owners to give up 20' west of their property line in exchange for being allowed to build 20' into the E street right of way. Although acceptable to all the result it did leave very little room for parking in front of the home at 450 E Street and sometimes constitutes a hazard. Refer to the attached pictures one of which shows a Storey County police vehicle parked in front of the home projecting itself out into the lane of traffic. The reduction to only a 2.5 foot setback will cause cars parked in front of the building to substantially impose into the lanes of traffic. This does not even include the problems associated with providing additional living space at the 450 E Street home.

The discussions at that time centered upon the two car garage attached to the home which would alleviate the parking issue. Unfortunately the owners of the property have seen fit to use both garages for storage and park on both sides of E Street. There are now eight to nine vehicles parked permanently on the East right of way while also usurping Silver street right of way between E and F street. I am not sure of the legality of this parking but it has totally eliminated any parking in the area. It also significantly restricts snow removal as the E to F street has now become totally congested with junk vehicles. There would be absolutely no place for the second story residents to park. I have witnessed and myself been confronted by the narrow E street right of way and there have been several neighbor disagreements regarding parking infringement. In many instances the owners of the properties involved have put up red cones lining E street which extremely exacerbates the situation.

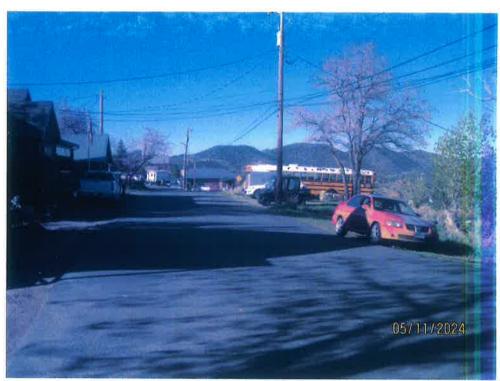
Finally it appears allowing the new construction would encompass the entire lots upon which the

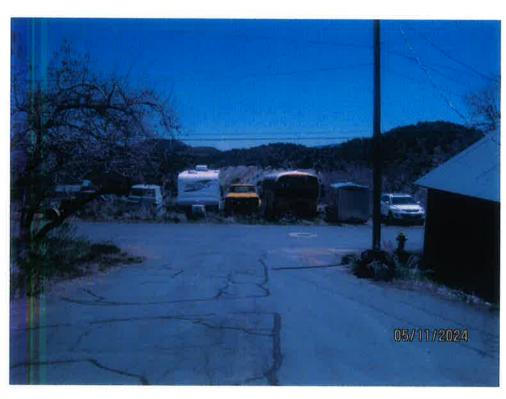
home rests allowing nothing for setbacks and allowing a density not even accommodated in much more non-historical city sites. This is certainly not conducive to the preservation of the Comstock Historic district.

I request the application for a second story addition to the property at 450 E Street be denied.

David L. Fraley









PERSONAL CORRESPONDENCE TELEPHONE (775) 847-7026 FAX (775) 847-7268 EMAIL – dfraleyl@aol.com

OFFICES
35 SILVER STREET
STOREY COUNTY
VIRGINIA CITY NV

MAILING P.O. BOX 1130 VIRGINIA CITY NV 89440

May 12, 2024

Commissioner Jay Carmona PO Box 176 Virginia City NV 89440

Per our telephone of recent, I am writing this letter in confirmation of my request to the Storey County Commissioners, and those others with review authority on Historic matters, to reject the application as submitted by Jon and Beth Dietrich as contained in Agenda Item 12 on the meeting held on Tuesday, May 7, 2024 for the destruction of the historic red barn located upon their property at 450 South E Street, Virginia City, NV. You have advised me this item has been set over to the June meeting.

When we purchased and built our home at 35 Silver Street in 2003 we were advised by the historic commission representations that the red barn was of historic nature and could not be destroyed. My wife and I of course complied with its position. Several years later, I had several meetings with the contractor involved in the construction of the home at 450 South E Street and with Commission representatives and the conclusion from these meetings to which all agreed was that the red barn was a historic presence in Virginia City and could not be destroyed. To the contractors credit he complied with the decisions and preserved the red barn incorporating it into the construction.

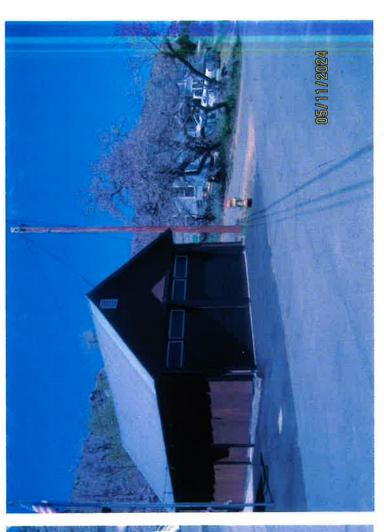
When I contacted you recently you advised me that because of the acts of the contractor to stabilize and secure the red barn during the home construction that the barn was no longer historic. You also advised me the barn was "substandard", even though those preservation actions were dictated by the construction plans. I have attached several recent photos of the barn which I think belie your assertions.

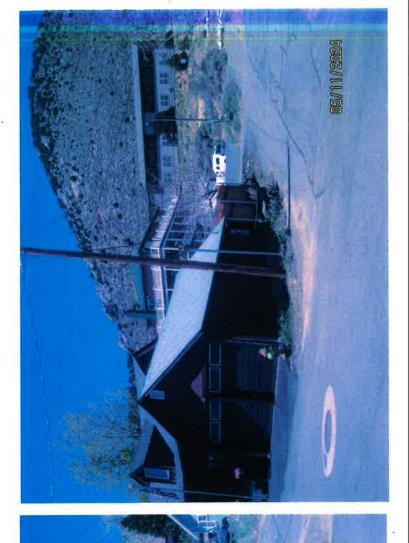
The barn has set upon the drive entrance to our home since our home construction and long before. I would hope that all involved in this decision recognize the value that barn adds to the area and reject the application of appropriateness submitted above referenced.

Very truly yours,

David L. Fraley







PERSONAL CORRESPONDENCE TELEPHONE (775) 847-7026 FAX (775) 847-7268 EMAIL – dfraleyl@aol.com

OFFICES
35 SILVER STREET
STOREY COUNTY
VIRGINIA CITY NV

MAILING P.O. BOX 1130 VIRGINIA CITY NV 89440

May 12, 2024

Jim Hindle County Clerk 26 South B Street Drawer D Virginia City NV 89440

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The barn has set upon the drive entrance to our home since our home construction and long before. I would hope that all involved in this decision recognize the value that barn adds to the area and reject the application of appropriateness submitted above referenced.

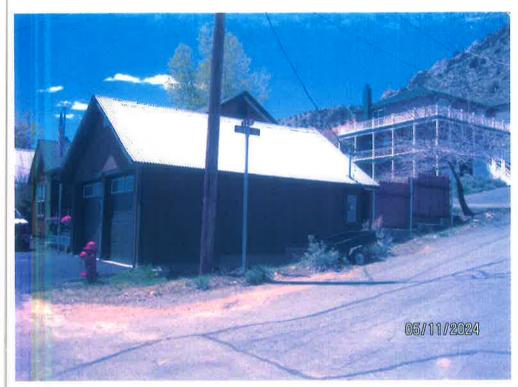
Very truly yours,

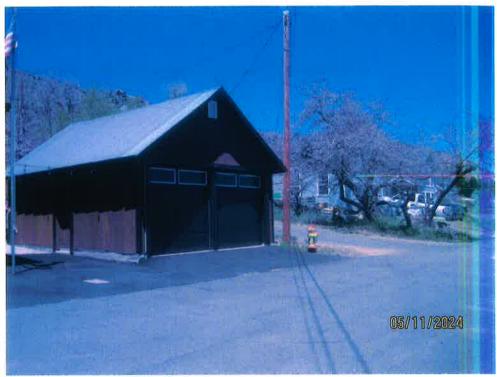
David L. Fraley

STOREY COURTY CLERK

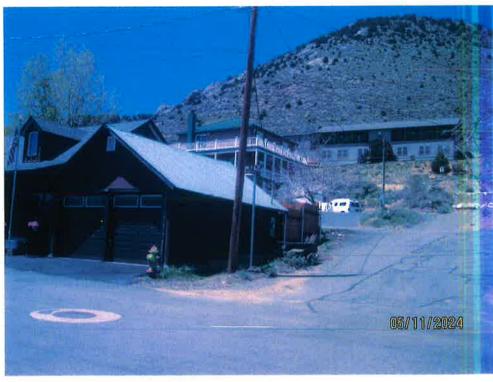
SOSH WEY 21 PM 5:38

EITED









PERSONAL CORRESPONDENCE TELEPHONE (775) 847-7026 FAX (775) 847-7268 EMAIL - dfraleyl@aol.com

OFFICES 35 SILVER STREET STOREY COUNTY VIRGINIA CITY NV

MAILING P.O. BOX 1130 VIRGINIA CITY NV 89440

May 12, 2024

Jim Hindle County Clerk 26 South B Street Drawer D Virginia City NV 89440

> Re: Agenda Item 12, Meeting Tue. May 2, 2024

450 South E Street, Virginia City NV

App. Cert Of Appropriateness

We are the owners of the home at 35 Silver Street, Virginia City, NV. It has come to our attention that the owners of the above referenced property are requesting approval to add a second story to their home. This letter constitutes a request that such application be denied.

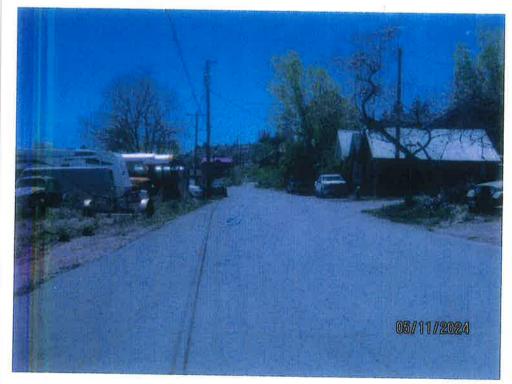
The Silver street and E street intersection and surrounding area have already become congested and the allowance of additional living space directly in that area will make it worse. The home at 450 E Street was originally denied construction as it would have infringed upon Noyes street lanes of travel. With my help and cooperation the planning commission was able to obtain an agreement from the County for the property owners to give up 20' west of their property line in exchange for being allowed to build 20' into the E street right of way. Although acceptable to all the result it did leave very little room for parking in front of the home at 450 E Street and sometimes constitutes a hazard. Refer to the attached pictures one of which shows a Storey County police vehicle parked in front of the home projecting itself out into the lane of traffic.

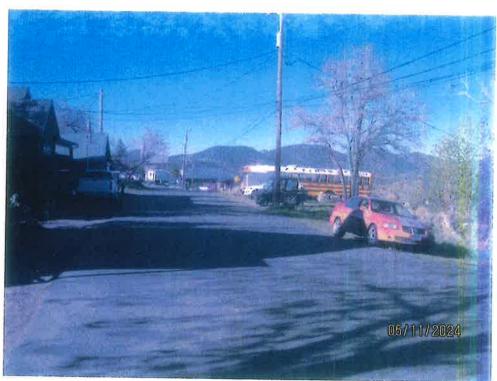
The discussions at that time centered upon the two car garage attached to the home which would alleviate the parking issue. Unfortunately the owners of the property have seen fit to use both garages for storage and park on both sides of E Street. There are now eight to nine vehicles parked permanently on the East right of way while also usurping Silver street right of way between E and F street. I am not sure of the legality of this parking but it has totally eliminated any parking in the area. There would be absolutely no place for the second story residents of the addition to park. I have witnessed and myself been confronted by the narrow E street right of way and there have been several neighbor disagreements regarding parking infringement. In many instances the owners of the properties involved have put up red cones lining E street which extremely exacerbates the situation.

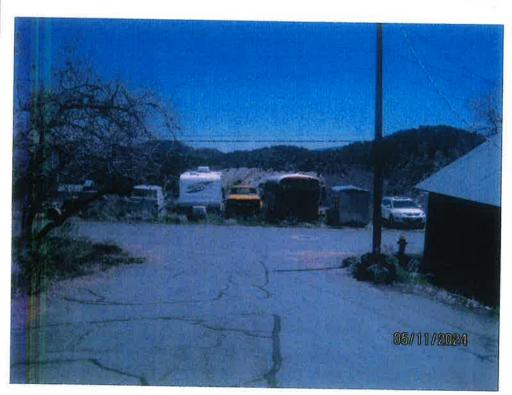
I request the application for a second story addition to the property at 450 E Street be denied.

David L. Fraley

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Board of Storey County CommissionersAgenda Action Report

VEVADA							
Meeting date: 6/20/ BOCC Meeting	2024 2:00 PM -	Estimate of Time Required: 15 min.					
Agenda Item Tyne:	Discussion/Possible Action						
• <u>Title:</u> Consider County and the use of existing substation area cost reimburse	eration and possible approximate Nevada State Departm g office space of approximates as provided for by the	roval of approximately 5-year lease between Storey ent of Public Safety (Nevada Highway Patrol) for mately 400 square-feet, and future Sheriff's Office Sheriff, for an amount of \$0.00 but with certain orey County Government Complex at 1705 Peru					
year lease bety (Nevada High feet, and futur amount of \$0.	ween Storey County and way Patrol) for use of ex- re Sheriff's Office substa 00 but with certain cost	mmissioner) motion to approve an approximately 5 the Nevada State Department of Public Safety xisting office space of approximately 400 square-tion area as provided for by the Sheriff, for an reimbursements, located at the Storey County rive, McCarran, Storey County, Nevada.					
• Prepared by:	_Austin Osborne						
Department:	Commissioners	Contact Number: 775.847.0968					
county and the McCarran pub presence at the	e Nevada Highway Patro blic service building at T	and modification of an existing lease between the ol for use of certain unoccupied office spaces at RI-Center. The lease facilitates law enforcement Center where it is needed, and for the benefit of					
• Supporting M	<u>Materials:</u> See Attachme	ents					
• Fiscal Impact	t: None						
• <u>Legal review</u>	required: TRUE						
• Reviewed by:	<u>.</u>						
Departn	Department Head						
County	County Manager Other Agency Review:						

• Board Action:

[] Approved	[] Approved with Modification
[] Denied	[] Continued

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Lease"), prepared this 20th day of April, 2023, by and between STOREY COUNTY, hereinafter referred to as LESSOR, and STATE OF NEVADA, DEPARTMENT OF ADMINISTRATION, PUBLIC WORKS DIVISION, BUILDINGS AND GROUNDS, hereinafter referred to as LESSEE, for and on behalf of the DEPARTMENT OF PUBLIC SAFETY, NEVADA HIGHWAY PATROL, hereinafter referred to as TENANT (hereinafter collectively known as "the Parties").

WITNESSETH:

For and in consideration of the rents herein reserved and the covenants, terms and conditions herein contained, LESSOR does by these presents lease unto LESSEE the following described property:

393 usable square feet of office space, (the "Demised Premises") located at 1705 Peru Drive, Sparks, Nevada 89434. Refer to **EXHIBIT** "A", attached hereto and incorporated herein. After the completion of the 75 Sherri's office substation, tenant will vacate space shown in **Exhibit** "A" and co-occupy the space in the substation as determined appropriate by the Sheriff.

ONE. TERM OF LEASE. Subject to Section Thirty-Three below, LESSOR hereby leases unto LESSEE and LESSEE agrees to lease from LESSOR, property as described above, effective upon approval of the Nevada Board of Examiners, commencing July 1, 2023, and terminating on June 30, 2028.



Page 1 of 11

- 1.1 <u>Lack of Funding</u>. Not Applicable, ZERO-Dollar lease See Section Eleven below.
- $\overline{\text{TWO.}}$ TENANT agrees to pay to LESSOR as and for rental for said Demised Premises the sum of:
 - 2.1 A monthly total of ZERO DOLLARS AND 00/100 (\$0.00).

THREE. UTILITIES AND SERVICES.

- 3.1 <u>Utilities and Services Provided by LESSOR</u>. Lessor, at LESSOR'S sole cost and expense, shall provide the Demised Premises with utilities and services necessary to sustain a comfortable professional office environment.
- 3.2 Utilities and Services Provided and Paid by TENANT.
 Utilities include water, sewer, power, and gas, but not the cost of telecommunications, phone, internet, and broadband.
- a) TELEPHONE/DATA. TENANT shall provide state-owned telephone and computer/data equipment and pay Industrial Standard user fees for telephone/data services.
- b) JANITORIAL SERVICES. TENANT shall provide janitorial services for the Demised Premises. To include a once per week general cleaning of the Station 75 south restrooms, sweeping and mopping of the hallway floors between the occupied offices by Tenant and the restrooms. Lessor to provide and maintain paper towels, soap, and toilet paper.
- 3.3 Hours of Operation. TENANT shall have access to the Demised Premise and the Shared Space twenty-four hours a day 365 days a year as necessary to carry out its operations.



3.4 <u>Building Access.</u> LESSOR shall provide TENANT with access control cards, alarm codes, and building keys for TENANT employees' access to the Demised Premises and Shared Space. TENANT shall be responsible for safeguarding all LESSOR access control, cards, alarm codes, and building keys ensuring that only authorized employees have building access.

3.5 <u>Co-location</u>. TENANT and LESSOR shall ensure that their respective employees are sufficiently certified to view, modify, or otherwise use data which may be housed within the building. It is the responsibility pf TENANT and LESSOR to safeguard the privacy of its own data.

Neither LESSOR'S nor TENANT'S personnel shall act in any manner that unreasonably causes disruption to the other party's right to quiet enjoyment of Premises.

FOUR. REPAIR AND MAINTENANCE. LESSOR, at LESSOR'S sole cost and expense, agrees to provide maintenance and make all repairs necessary to keep the building and the Demised Premises in a first-class condition during the Lease Term. TENANT shall reimburse LESSOR for repairs and replacements to the Demised Premises which are necessary due to TENANT'S misuse or negligence.

FIVE. <u>ALETERATIONS</u>, <u>ADDITIONS AND IMPROVEMENTS</u>. TENANT shall not negotiate or cause to be made any alterations, additions, or improvements in or to the Demised Premises. TENANT may, at any time during the Lease Term, requisition LESSEE in writing to



negotiate and arrange alterations, additions, or improvements in and to the Demised Premises by the LESSOR.

SIX. PAYMENT OF TAXES AND INSURANCE. LESSOR, at their sole cost and expense, agrees to maintain property and liability insurance on the building complex and improvements on the Demised Premises and Shared Space at all times during the Term of this Lease. Lessor will pay all applicable real property taxes or any other assessments on the Demised Premises when due, including improvements thereon during the Lease Term hereof or any renewal period.

TENANT shall maintain in force at its sole cost and expense, all risk property insurance coverage, including sprinkler leakage (if the building is equipped with sprinklers), in an amount of equal to the replacement cost of TENANT'S trade fixtures, furnishings, equipment, and contents upon the Demised Premises.

The State of Nevada is self-insured for both liability and property insurance. All liability claims are handled in accordance with Nevada Revised Statutes, Chapter 41. Regarding property insurance, the State self-insures the first Five Hundred Thousand Dollars (\$500,000.00) of each loss. Claims above that amount are commercially insured under all risks property insurance policy.

SEVEN. <u>INDEMNIFICATION</u>. To the extent of the liability limitation set forth in NRS Chapter 41, the LESSEE/TENANT herby agrees to indemnify and hold harmless LESSOR, its successor, assigns, agents and employees from all claims, damages, losses and



expenses due to TENANT negligence arising out of resulting from the use and occupancy of the Demised Premises and Shared Space or any accident in connection therewith, but only to the extent caused in whole or in part by negligent acts or omissions of TENANT, its subtenants, employees, or agents. The State shall not be required to indemnify the LESSOR, its successors, assigns, agents and employees for any liability, claims, damages, losses or expenses relating to or arising out of this Lease to the extent caused in whole or in part by the acts, negligence or omission of LESSOR, its successors, assigns, agents and employees, or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Such obligation shall not be construed to negate, abridge, or otherwise reduce any other right of obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.

EIGHT. WAIVER OF SUBROGATION. LESSOR and LESSEE or TENANT hereby waive any rights each may have against the other for loss or damage to its property or property in which it may have an interest where such loss is caused by a peril of the type generally covered by all risk property insurance with extended coverage or arising from any cause which the claiming party was obligated to insure against under this Lease, and each party waives any right of subrogation regarding such property damage or losses, that it might otherwise have against the other party, any additional designated insured and any other tenant in the building. The



Parties agree to cause their respective insurance companies insuring the Demised Premises or insuring their property on or in the Demised Premises to execute a waiver of any such rights of subrogation or, if so provided in the insurance contract, to give notice to the insurance carrier or carriers that the foregoing mutual waiver of subrogation is contained in this Lease.

NINE. BREACH OR DEFAULT. In the event of any failure by LESSOR, LESSEE, or TENANT to keep and comply with any of the terms, covenants or provisions of the Lease or remedy any breach thereof, the defaulting party shall have thirty (30) days from the receipt of written notice of such default or breach within which to remove or cure said of default or breach, or in the event of defaulting party is diligently pursuing the removal or cure of such breach, a reasonable time shall be allowed beyond the thirty (30) days.

TEN. ATTORNEY'S FEES. In case suit shall be brought by LESSOR or by LESSEE or TENANT for breach of any express provision or condition of this lease, the prevailing party of such action shall be entitled to reasonable attorney's fees, not to exceed \$125.00 per hour, which shall be deemed to have accrued on the commencement of the action and shall be paid on the successful completion of that suit by LESSOR, LESSEE or TENANT whichever the case may be.

ELEVEN. <u>TERMINATION</u>. This Lease may be terminated by mutual consent of both parties or unilaterally be eighter party without cause, provided that a termination shall not be effective until ninety (90) days after a party has serviced written notice upon



the other party. The parties expressly agree that this Lease shall be terminated immediately if for any reason State and/or Federal funding ability to satisfy this Lease is withdrawn, limited, or impaired.

TWELVE. HOLDOVER TENANCY. If TENANT holds possession of the Demised Premises after the expiration of this Lease or if written notice of intent to renew for any option period herein is not provided as specified, this Lease shall become a month-to-month lease on the terms herein specified. The monthly rent for each month shall be in an amount equal to the monthly rental immediately preceding the Expiration Date.

THIRTEEN. OPTION TO RENEW. LESSEE shall have the option to renew this Lease by giving written notice of intention to renew at least ninety (90) days prior to expiration of the Lease Term or any renewal period hereunder. Receipt of which shall be acknowledged by LESSOR in writing. The exercise of the option shall, however, not be effective nor binding on the PARTIES hereto, unless and until the same has been approved by the Nevada Board of Examiners, which may occur after the required prior written notice.

FOURTEEN. REMEDIES. The remedies given to LESSOR, LESSEE and/or TENANT shall be cumulative, and the exercise of any one remedy shall not be to the exclusion of any other remedy.

FIFTEEN. NOTICES. All notices under this Lease shall be in writing and delivered in person or sent by certified mail, return receipt requested, to LESSOR or jointly to both LESSEE and TENANT



at their respective addresses set forth below or to such other address as may hereafter be designated by either party in writing:

LESSOR

Storey County
PO Box 176
Virginia City, Nevada 89440
Telephone: (775) 847-0968
Email: aosborne@storeycounty.org

LESSEE

State of Nevada
Department of Administration
Public Works Division
Attention: Leasing Services
515 East Musser Street, Suite 102
Carson City, Nevada 89701
Telephone: (775) 684-1815

Email: LeasingServices@admin.nv.gov

TENANT

Department of Public Safety Attn: Contract Manager

555 Wright Way

Carson City, Nevada 89711 Telephone: (775) 684-4698

Email: rvelasquez@dps.state.nv.gov

SIXTEEN. SEVERABILITY. If any term or provision of this Lease or the application of it to any person or circumstance shall to any extent determined in a legal proceedings to be invalid and unenforceable, the remainder of this Lease (or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable) shall not be affected thereby, and each term and provision of this Lease shall be valid and shall be enforced to the extent permitted by law.



SEVENTEEN. AMENDMENT OR MODIFICATION. This Lease constitutes the entire agreement between the Parties and may only be amended or modified with the mutual consent of the Parties hereto, which amendment or modification must be in writing, executed and dated by the Parties hereto and approved by the Nevada State Board of Examiners.

reserved parking spaces for marked patrol vehicles and privately owned employee vehicles as necessary for use by employees assigned to work at the Premises, at no cost to the TENANT.

NINETEEN. PRIOR TERMINATION. This Lease may be terminated prior to the terms set forth herein above if for any condemnation, casualty or force majeure event, the purpose of this agreement is substantially impaired or obstructed by any event, occurrence or circumstance outside the control of LESSOR, LESSEE, or TENANT, including any governmental condemnation, without prejudice or penalty to any party hereto and without such event, occurrence or circumstance being defined, and interpreted or construed as breach or default on the part of any party.

TWENTY. PRIOR APPROVAL OF THE NEVADA STATE BOARD OF EXAMINERS. This Lease is contingent upon prior approval by the Nevada State Board of Examiners and is not binding upon the Parties hereto or effective until such approvals.



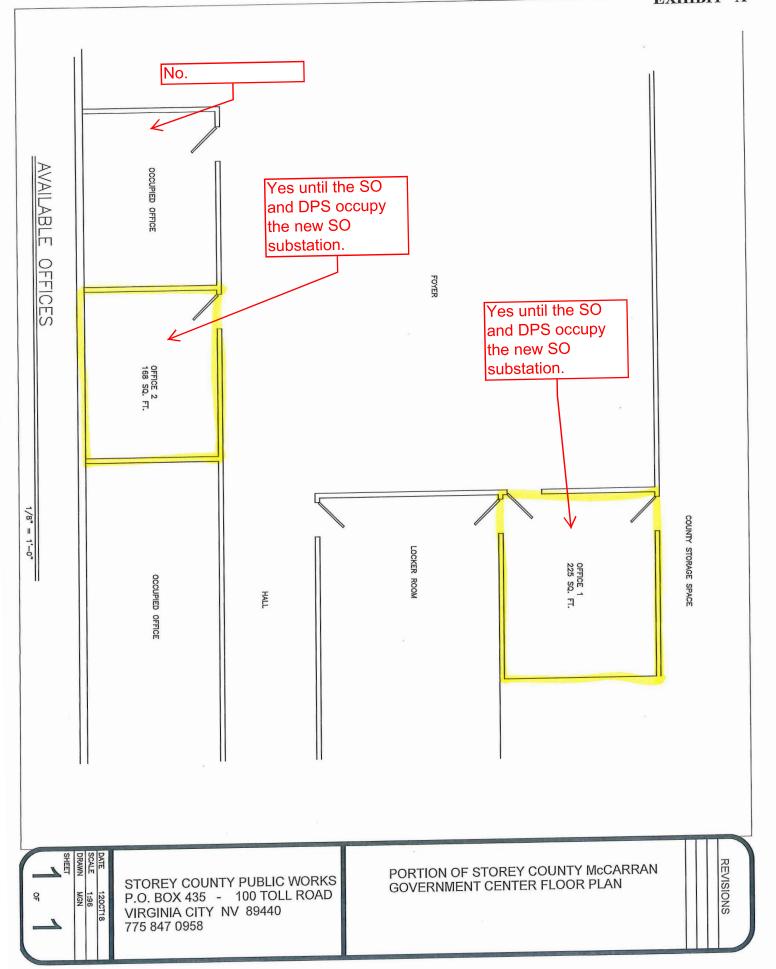
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IN WITNESS WHEREOF, the Parties hereto have executed this Lease as of the day and year first above written.

LESSOR	LESSEE
	STATE OF NEVADA DEPARTMENT OF ADMINISTRATION PUBLIC WORKS DIVISION
STOREY COUNTY	
Ву	By Kent A. LeFevre
Austin Osborne County Manager	Kent A. LeFevre Administrator
Date	Date
Reviewed as to form and compliance with law only:	TENANT
AARON D. FORD ATTORNEY GENERAL	DEPARTMENT OF PUBLIC SAFETY
Ву	Ву
Susan K. Stewart Deputy Attorney General	By George Togliatti Director
Date	Date
Approved by:	DEPARTMENT OF PUBLIC SAFETY
BOARD OF EXAMINERS	NEVAD HIGHWAY PATROL
Ву	ByPatrick J. Conmay
Amy Stephenson Clerk of the Board	Patrick J. Conmay Chief
Date	Date







Board of Storey County Commissioners Agenda Action Report

Meeting date: 6/20/2024 2:00 PM - Estimate of Time Required: 15 min.

BOCC Meeting

Agenda Item Type: Discussion/Possible Action

- <u>Title:</u> First reading of Bill No. 143, Ordinance No. 24-331, amending Storey County Code Title 15 BUILDINGS AND CONSTRUCTION to more efficiently hear and decide appeals of orders, decisions, or determinations made by the building official or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments by adding an option for appeals to be heard by Hearing Officers in situations where the full Board of Appeals is not seated and by adding a process for Judicial Review after the Board of Appeals/Hearing Officer decision.
- Recommended motion: I (commissioner) motion to approve First Reading amending Storey County Code Title 15 BUILDINGS AND CONSTRUCTION to more efficiently hear and decide appeals of orders, decisions, or determinations made by the building official or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments by adding an option for appeals to be heard by Hearing Officers in situations where the full Board of Appeals is not seated and by adding a process for Judicial Review after the Board of Appeals/Hearing Officer decision.
- **Prepared by:** Brian Brown

Department: District Attorney **Contact Number:** 775-246-1056

• <u>Staff Summary:</u> This ordinance amends Title 15 of the Storey County Code to allow for appeals of orders, decisions, or determinations made by the building official or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments by adding an option for appeals to be heard by Hearing Officers in situations where the full Board of Appeals is not seated and by adding a process for Judicial Review after the Board of Appeals/Hearing Officer decision.

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• Currently, Storey County Code 15.08.060 requires that appeals from decisions of the building official and fire marshal be heard by a panel of three members of a board of appeals. The ordinance, as written, has been in place since 2019. Since that time staff has diligently attempted to identify individuals with the specific qualifications listed in the code and a willingness to sit on the Board of Appeals to present to the Board of County Commissioners. To date, staff has not been able to identify such individuals. This

presents an issue to the building official and staff in their ability to carry out their enforcement obligations under the code.

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• The recommended change to the Storey County Code adds an option of using a hearings officer to hear an appeal in the situation where the board of appeals has not been fully seated. A hearing officer will be a person designated by the board of county commissioners. The hearing officer may not be a county employee. The board may designate a justice court or municipal court pro tem from outside of the county as a hearing officer. The board may designate more than one hearing officer and if the board does, the hearing should be alternated equally between the hearing officers by the clerk depending on their availability. The board may by resolution set the compensation for the hearing officer.

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• In addition, this amendment adds a procedure for either the individual or the county to file a petition for judicial review in district court after the decision by the appeals board or hearing officer if no appeals board is properly seated.

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- Staff believes that the change to allow for the addition of the option to use hearing officers in situations where the board of appeals is not fully seated will allow the staff the ability to fulfill their enforcement obligations in a more efficient and effective manner. In addition, the addition of the procedure for judicial review of the board of appeals/hearing officer decision will more clearly set forth the process for individuals and the county to appeal the final administrative decision to the district court.
- Supporting Materials: See Attachments
- Fiscal Impact:
- Legal review required: False

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Department Head	Department Name:
County Manager	Other Agency Review:

Board Action:

[] Approved	[] Approved with Modification
[] Denied	[] Continued

Bill No143
Ordinance No24-331

Summary

An ordinance amending provisions of Storey County Code Title 15 – BUILDINGS AND CONSTRUCTION, to more efficiently hear and decide appeals of orders, decisions, or determinations made by the building official or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments by adding an option for appeals to be heard by Hearing Officers in situations where the full Board of Appeals is not seated and by adding a process for Judicial Review after the Board of Appeals/Hearing Officer decision. The Board of County Commissioners of the County of Storey, State of Nevada, does ordain as follows:

Title

An ordinance amending provisions of Storey County Code Title 15 BUILDINGS AND CONSTRUCTION, to more efficiently hear and decide appeals of orders, decisions, or determinations made by the Storey County Building Official or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments by adding an option for appeals to be heard by Hearing Officers in situations where the full Board of Appeals is not seated and by adding a process for Judicial Review after the Board of Appeals or Hearing Officer decision.

Title 15 - BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.04 - BUILDINGS AND CONSTRUCTION[1]

Footnotes:

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Editor's note—Ord. No. 14-255, § II, adopted May 19, 2014, amended Chapter 15.04 in its entirety to read as herein set out. Former Chapter 15.04, §§ 15.04.010—15.04.090, pertained to similar subject matter, and derived from Ord. 172 § 1(part, 2000; Ord. No. 13-249, § I, 10-1-2013.

15.04.010 - Adoption of International and Uniform codes.

In order to regulate all matters relating to the construction, maintenance and safety of buildings structures and property within the county, the board, pursuant to NRS 244.3675 and NRS 278.580, adopts the following codes to be in force:

A.The 2018 International Building Code (IBC).

B.The 2018 International Residential Code (IRC).

C.The 2018 International Existing Building Code (IEBC).

D.The 2018 International Energy Conservation Code (IECC).

E.The 2018 International Fuel Gas Code (IFGC).

F.The 2018 International Mechanical Code (IMC).

G.The 2017 National Electric Code (NEC).

H.The 2018 Uniform Mechanical Code (UMC).

I.The 2018 Uniform Plumbing Code (UPC).

J.The 2018 International Swimming Pool and Spa Code (ISPSC).

K.The 2018 Northern Nevada Amendments published by Northern Nevada Chapter of the International Code Council.

L.The 2012 International Fire Code (IFC).

M.The 2012 International Wildland Urban Interface Code (IWUI), with the exception of Section 602 Residential Fire Sprinkler requirements.

N.The 2017 National Fire Protection Association Standards (NFPA).

O.The 2018 Northern Nevada Fire Code Amendments.

Where conflicts occur between the codes and amendments referenced above and this chapter if this chapter is more restrictive, this chapter will apply.

(Ord. No. 14-255, § II, 5-19-2014; Ord. No. 18-293, § I, 10-26-2018)

15.04.020 - Adoption authority.

The board of county commissioners may, by ordinance, adopt later editions of the applicable codes identified in Section 15.04.010 of this chapter, and must include in the ordinance all the uniform codes in force.

(Ord. No. 14-255, § II, 5-19-2014)

15.04.030 - Modification.

The board may modify the uniform codes enumerated in Section 15.04.010 of this chapter so that the codes specifically apply to the county, provided the changes are in conformance with applicable state laws.

(Ord. No. 14-255, § II, 5-19-2014)

15.04.040 - Copies on file.

Copies of the latest adopted codes in section 15.04.010 and "Standard Details and Specifications for Public Works Construction" must be kept in the offices of the public works or building department. The latest editions of the International Fire Code, International Building

Code, the International Wildland Urban Interface Code, and NFPA Standards must be kept at the community development offices.

(Ord. No. 14-255, § II, 5-19-2014; Ord. No. 18-293, § I, 10-26-2018)

15.04.050 - Construction standards adopted.

"Standard Specifications for Public Works Construction," sponsored by the regional transportation commission of Washoe County, City of Sparks, City of Reno, Carson City, and the City of Yerington, is adopted as the construction standard for all public works and development construction projects. Any updated issue of "Standard Specification for Public Works Construction" will be automatically adopted by Storey County per this section. Other standards and specifications may be adopted by the board by ordinance specifying and identifying the standards.

(Ord. No. 14-255, § II, 5-19-2014)

15.04.060 - Storey County building construction standards.

The following construction standards are required for all structures regulated by code within Storey County:

A. Snow load requirements. All building construction must have a snow load capacity as follows:

Site Elevation	Ground Snow Load
(feet above sea level)	(pounds per square foot)
9,500 and above	142
9,000—9,499	114
6,500—8,999	90
6,000—6,499	70
5,500—5,999	50
Below 5,500	20

- B. Seismic zone design requirements.
 - 1.I.B.C. for commercial and industrial construction: The seismic design site class for structures must be based on the Risk Category, and the spectral response acceleration parameters in accordance with Chapter 16 of I.B.C and Chapter 20 of ASCE 7.
 - 2.I.R.C. for single-family residential structures: The seismic design site class for single-family residential structures and structures accessory to residential use is D2.
- C. Wind speed design requirements. Per the adopted 2012 Northern Nevada Amendments:

Ultimate design wind speed for risk category I structures is 105 mph V ult '.

Ultimate design wind speed for risk category II structures is 115 mph V ult '.

Ultimate design wind speed for category III and IV structures is 120 mph V ult '.

Exposure Category is C. An altitude density reduction may not be taken.

The minimum basic wind speed (3-second gust) for Group R-2 and R-3 structures is 100 mph, Exposure Category C.

D.Foundations.

- 1. The foundation frost depth requirement for all foundations is twenty-four inches from bottom of footing to level of finish grade.
- 2. Foundations exposed more than two feet above the grade level must be finished in natural wood, native rock, brick, cultured stone, or split face block.
- 3.The minimum foundation anchor bolt requirement is five-eights inch diameter by ten inches length or as required to obtain at least seven inches of embedment in the concrete. Anchor bolts must be spaced no more than forty-eight inches on center. All anchor bolts are to be equipped with 3" square $\times \frac{1}{4}$ " thick plate washers.

E.Roofing requirements. Fire retardant roofing material is required per NRS 472.100. All roofing materials used must be listed by a nationally recognized testing agency with a Class A rating, unless otherwise approved for industrial or commercial use by the building official. All roofing materials must be installed per manufacturers' specifications. No wood shakes or shingles are allowed.

F.Storage on unimproved lot. No storage of any kind is allowed on any unimproved lot. Building materials and construction equipment may be located on a lot that has an active building permit for a single-family dwelling. No automobiles or RV type vehicles may be stored on a lot until a certificate of occupancy or safety seal has been issued for the single-family dwelling.

G.Temporary quarters during construction. A temporary trailer permit may be issued at the discretion of the building official for one travel trailer or motor home connected to a permanent water source and sewer or septic system, as the owner's living quarters during construction of a single-family residence. The permit is initially valid for no more than one hundred eighty days. If substantial progress is completed on the permanent residence, the building official may renew the permit for an additional one hundred eighty days.

H.Water wells. Newly constructed water wells for domestic residential use are required to flow at a rate of not less than two g.p.m. during the initial one-hour flow test to meet the requirements for issuance of a residential dwelling building permit. A water quality test report displaying that the water is safe for drinking is required prior to issuance of a residential dwelling building permit.

I.Drainage.

- 1.Roof drainage or surface storm-water drainage from a structure or developed lot must be controlled through measures approved by the building official, and must not cause adverse impacts on neighboring or adjacent properties.
- 2. For development of commercial or industrial lots or parcels of five acres or larger, or development of residential subdivisions where the aggregate sum of lots or parcels is five acres or larger, an engineered hydraulic analysis is required that displays that post development run-off during a 100-year storm event will not exceed pre-development run-off.
- J.Retaining walls. Retaining walls constructed for slope stabilization that are greater than four feet in height require engineered design and a building permit.
- E.K.No duplication of buildings. Zoning classifications (E-1-VCH), (E-10-HR), and (E-40-VR), of the Storey County zoning ordinance, Chapter 17.40, shall not permit the same architectural elevation design (regardless of exterior treatment and/or reversal of layout) be approved within two thousand five hundred feet in all directions of the proposed building lot. (Ord. No. 14-255, § II, 5-19-2014)

15.04.070 - Electrical wiring in commercial buildings.

The electrical wiring in all commercial buildings in Storey County must be installed in conduit approved by the applicable code.

(Ord. No. 14-255, § II, 5-19-2014)

15.04.080 - Fire district requirements.

A. The following amendments in addition to the 2018 Northern Nevada Amendments to the 2018 International Fire Code apply to the International Fire Code:

Table 903.2.1a

Required Automatic Sprinklers by Fire Area, Response Time and Height For A, B, E, F, H, I, M, S and U Occupancies

Sprinklers are required when any one of the listed conditions is met.

Fire Jurisdiction	Fire Area b, c	Height,d	Response Time
Carson City Fire	>5,000 square feet e, f	3 stories or greater	-
East Fork Fire	>5,000 square feet	3 stories or greater	-
Protection District			
(Douglas County)			
North Lake Tahoe	≥5,000 square feet g	2 stories and a greate	r
Fire Protection Distric	t	basement or 3 stories	or -
North Lyon Fire	≥5,000 square feet	3 stories or greater	-
Protection District			
Reno Fire Department	t >5,000 square feet h	3 stories or greater	-
Truckee Meadows	≥5,000 square feet	3 stories or greater	-
Fire Protection Distric	t and		

Fire Protection District

Sparks Fire Department >5,000 square feet

Storey Fire Department >5,000 square feet

3 stories or greater Over 6 minutes 2 stories and a basement or 3 stories or greater

Tahoe Douglas Fire Protection District (Douglas County)

- a. This table is in addition to any other automatic sprinkler requirements in this code.
- b. Fire areas may be separated according to IBC 707.3.10.
- c. Any addition or remodel that increases the fire area will be included in the calculation for the total square footage.
- d. Airport towers and open parking garages complying with IBC 406.5 are exempt from this table.
- e. S-1 and S-2 occupancies are exempt from this table.
- f. A one-time increase in the fire area is permitted provided said increase is ≤50% of the structure's existing permitted fire area square footage.
- g. A one-time increase of 360 square feet of fire area is permitted.
- h. Automatic fire detection system installed throughout and connected to a central station fire alarm company can be substituted for automatic sprinkler system.

TABLE 1016.2 EXIT ACCESS TRAVEL DISTANCE

OCCUPANCY	WITHOUT SPRINKLER SYSTEM (feet)	WITH SPRINKLER
		SYSTEM (feet)
A, E, F-1, M, R, S-1	200	250 b
I-1	Not Permitted	250 c
В	200	300 c
F-2, S-2, U	300	400 c
H-1	Not Permitted	75 c
H-2	Not Permitted	100 c
H-3	Not Permitted	150 c
H-4	Not Permitted	175 c
H-5	Not Permitted	200 c
I-2, I-3, I-4	Not Permitted	200 c
For SI: 1 foot = 304.8	3 mm.	

a. See the following sections for modifications to exit access travel distance requirements:

Section 402.8: For the distance limitation in malls.

Section 404.9: For the distance limitation through an atrium space.

Section 407.4: For the distance limitation in Group I-2.

Sections 408.6.1 and 408.8.1: For the distance limitations in Group I-3.

Section 411.4: For the distance limitation in Special Amusement Buildings.

Section 1015.4: For the distance limitation in refrigeration machinery rooms.

Section 1015.5: For the distance limitation in refrigerated rooms and spaces.

Section 1016.4: For increased limitation in Groups F-1 and S-1.

Section 1021.2: For buildings with one exit.

Section 1028.7: For increased limitation in assembly seating.

Section 1028.7: For increased limitation for assembly open-air seating.

Section 3103.4: For temporary structures.

Section 3104.9: For pedestrian walkways.

- b. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems in accordance with Section 903.3.1.2 are permitted.
- c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.
 - B. All sections of the International Fire Code and the International Wildland Urban Interface Code adopted in Section 15.04.010 that refer to a board of appeals are amended and all appeals of orders, decisions, or determinations made by the fire marshal, must follow the process in SCC 15.08.060.

(Ord. No. 14-255, § II, 5-19-2014; Ord. No. 18-293, § I, 10-26-2018; Ord. No. 19-303, § I, 12-17-2019)

15.04.090 - Violation—Criminal penalty.

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor.

(Ord. No. 14-255, § II, 5-19-2014)

Chapter 15.08 - BUILDING OFFICIAL[2]

Footnotes:

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Editor's note—Ord. No. 14-255, § II, adopted May 19, 2014, amended Chapter 15.08 in its entirety to read as herein set out. Former Chapter 15.08, §§ 15.08.010—15.08.080, pertained to similar subject matter, and derived from Ord. 172 § 1(part), 2000; Ord. No. 13-249, § I, 10-1-2013.

15.08.010 - Office created.

There is created a building department with an official in charge known as the county building official, pursuant to NRS 278.570.

(Ord. No. 14-255, § II, 5-19-2014)

15.08.020 - Appointment.

The building official must be appointed by the chairman of the board of county commissioners with the approval of a majority of the board.

(Ord. No. 14-255, § II, 5-19-2014)

15.08.030 - Reserved.

15.08.040 - Abatement of dangerous buildings.

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in the approved codes are declared to be public nuisances and must be abated by repair, rehabilitation, demolition or removal in accordance with the procedures of the approved codes. The building official must file and serve on the record owner and on the property a notice and order required by the Uniform Code for the Abatement of Dangerous Buildings. If the building official determines that there is a violation of code the building official must refer the matter to the district attorney's office.

If the building or structure is in a condition that is immediately dangerous to life, limb, property, or safety of the public or its occupants the building official may order it to be vacated. If the notice and order requires demolition, the district fire chief and the sheriff must agree with the determination and sign the notice as required by NRS 244.3601.

(Ord. No. 14-255, § II, 5-19-2014)

15.08.050 - Private practice restricted.

Any person holding the office of county building official, inspector, or staff is prohibited from engaging in the private practice of architecture, design, or structural engineering of buildings and projects, whether the design and planning concerns new construction or renovation of existing buildings within the county.

(Ord. No. 14-255, § II, 5-19-2014)

15.08.060 - Appeal from decisions.

Section 113 of the IBC and IRC is replaced by the following language:

A. In order to hear and decide appeals of orders, decisions, or determinations made by the building official about the application and interpretation of the currently adopted building and uniform codes, or any amendments, or any orders, decisions, or determinations made by the fire marshal about the International Fire Code, the Wildland Urban Interface code or any amendments, there is created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and fire-safety, who are not employees of the jurisdiction. The board of appeals may not waive the requirements of this code. The building official is an ex officio member of the board of appeals and will act as its secretary, but has no vote on any matter before the board. The board of appeals appointed by the board of county commissioners will convene when an appeal has been filed. The board of appeals may adopt rules of procedure for conducting its business, and

must render all decisions and findings in writing to the appellant with a duplicate copy to the building official or fire marshal, whoever was appealed.

- B. The board of appeals has no authority to interpret the administrative provisions of this code except for decisions of the building official about modifications, alternative materials. alternate designs, methods of construction and uncovering work for inspections.
- C. The board of county commissioners must appoint three members to the board of appeals, one of whom must be an architect, engineer, or a general contractor licensed by the State of Nevada, one of whom must be a person with experience as a fire protection professional, and one of whom must represent the public at large.
 - 1. The terms for all board members are for a period of two years. If a position becomes vacant for any reason, the vacancy must be filled for the duration of the unexpired term of the member by a majority vote of the board.
- D. Any individual may appeal an order, decision or determination made by the building official or fire marshal, except as limited by subsection B above, to the board of appeals by filing a written notification of appeal with the secretary to the board within ten working days of the decision. The board of appeals must hold a hearing within thirty days from the receipt of the written notice of appeal unless the appellant agrees to an extension of the time limit. If the applicant has not submitted written notification of appeal within the time frame, the action of the building official or fire marshal is final.
- E. All hearings on appeal pursuant to this section are open to the public. All written materials introduced must be identified for the record, and the board of appeals may request the production of records and the appearance of persons necessary for their deliberations. The technical rules of evidence do not apply. Any evidence presented to the board of appeals must be relevant to the issue before the board.
- F. At the conclusion of the hearing the board of appeals must rule <u>in writing</u> within twenty days from the date of the hearing and state its findings and recommendations on the appeal. The decision of the board of appeals is the final administrative decision and must be served upon all parties to the appeal by mailing of a copy of the decision to each party and filed with the Storey County Clerk. The appeal must be recorded or reported. Any evidence introduced at the hearing must be retained in the custody of the Storey County Clerk.
- G. In the event that the board of appeals is not fully seated pursuant to SCC 15.08.060.C, there is hereby created the position of hearing officer. A hearing officer will be a person designated by the board of county commissioners. The hearing officer may not be a county employee. The board may designate a justice court or municipal court pro tem from outside of the county as a hearing officer. The board may designate more than one hearing officer and if the board does, the hearing should be alternated equally between the hearing officers by the clerk depending on their availability. The board may by resolution set the compensation for the hearing officer. The hearing officer shall be bound by and follow the same procedures and

processes outlined for the appeals board as set forth in 15.08.060, except that the notice of appeal set forth in 15.08.060.D shall be filed with the Storey County Clerk. In the event that the board of appeals is not fully seated and the appeal is heard by a hearing officer pursuant to this subsection, the decision of the hearing officer is the final administrative decision.

(Ord. No. 14-255, § II, 5-19-2014; Ord. No. 19-303, § II, 12-17-2019)

15.08.070 - Reserved. Petition for Judicial Review

- A. <u>Either party that appeared and participated in the appeal in front of the board of appeals, or hearing officer, and who was also aggrieved by the final administrative decision is entitled to file a petition for judicial review of the decision.</u>
- B. Petitions for judicial review must name as respondent the building official or fire marshal and all parties of record in the administrative hearing that was heard by the board of appeals, or hearing officer, pursuant to SCC 15.08.060.C. The petition for judicial review is instituted by filing a petition in First Judicial District Court for Storey County Nevada. The petition must be served upon the Storey County District Attorney's Office in Virginia City, Nevada and upon the individual(s) and the building official or fire marshal that appeared as parties at the appeal hearing. The petition must be filed within 30 days after the written decision of the hearing is placed in the mail for service on the parties. The petition must be served on all parties within 45 days after the filing of the petition in district in court.
- C. Any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon every other party within 20 days after service of the petition.
- D. Within 45 days after the service of the petition for judicial review, the county clerk shall transmit to the court the original or a certified copy of the transcript of the hearing and a certified copy of the complete record of the hearing.
- E. The petitioner shall file a memorandum of points and authorities in support of the petition within 40 days after the filing of the transcript and record of the hearing with the court. The respondent shall file an opposition memorandum of points and authorities within 30 days after the filing of the petitioner's memorandum of points and authorities. The petitioner may file a reply memorandum of points and authorities in support of the petition within 30 days after the filing of the opposition memorandum of points and authorities. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.
- F. The hearing on the petition for judicial review must be conducted by the court without a jury and is confined to the record that was before the hearing officer. The final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in

whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid. The court shall not substitute its judgment for that of the hearing officer as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the hearing officer is:

- a. In violation of constitutional or statutory provisions;
- b. In excess of the statutory authority of the agency;
- c. Made upon unlawful procedure;
- d. Affected by other error of law;
- e. Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- f. Arbitrary or capricious or characterized by abuse of discretion.

As used in this section, "substantial evidence" means evidence which a reasonable mind might accept as adequate to support a conclusion.

15.08.080 - Violation—Penalty.

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor.

(Ord. No. 14-255, § II, 5-19-2014)

Chapter 15.12 - BUILDING PERMITS[3]

Footnotes:

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Editor's note— Ord. No. 14-255, § II, adopted May 19, 2020, amended Chapter 15.12 in its entirety to read as herein set out. Former Chapter 15.12, §§ 15.12.010—15.12.150, pertained to similar subject matter, and derived from Ord. 172 § 1(part), 2000; Ord. No. 11-236, § 1, 8-2-2011; Ord. No. 13-249, § I, 10-1-2013.

ARTICLE I. - GENERAL PROVISIONS FOR CONSTRUCTION

15.12.010 - Building permit required.

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or mobile, manufactured or modular home for human habitation, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Code, or cause any of this work to be done, must first make application to the building official and obtain the required permit.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.020 - Application contents and fee.

A.The application for a building permit must be made on forms provided by the building official, and must contain the following information:

- 1. Name and address of applicant;
- 2. Identify and describe the work to be covered by the permit;
- 3. Primary contractor's name, address and Nevada state license number;
- 4.If submitted under NAC 624 as an owner-builder. A written acknowledgement of the Owner-Builder Restriction Statement per NRS 278.573;
- 5.A description of the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed work;
- 6. The intended use and occupancy of the proposed work;
- 7. Any construction documents or other information required by code;
- 8. Subcontractor's name, address and Nevada state license number;
- 9. Residential designer, address and Nevada state license number;
- 10. Architect's name, address and Nevada state license number;
- 11. Engineer's name, address and Nevada state license number;
- 12. Cost of work, based on the retail price or a contractor's price for such work;
- 13. Date the work is to commence and the estimated date of completion.
- B. Permit fees. Applications for building permits must be accompanied by the fees established by resolution of the board, which resolutions are on file in the county building department.
- C. Plan review fees. In addition to any other fee required in connection with an application or permit, when submittal documents are required a plan review fee must be paid at the time of submitting the construction documents for plan review. The plan review fee is sixty-five percent of the building permit fee unless the fee is set by resolution of the board.

(Ord. No. 14-255, § II, 5-19-2014; Ord. No. 18-293, § 1, 10-26-2018)

15.12.030 - Reapplication procedures.

A new permit must be obtained before the work can be recommenced at a fee of one-half of the amount required for the original permit, provided no changes have been made or will be made in the original application and plans are provided, further, that the suspension of work has not exceeded one year.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.040 - Nontransferability.

All permits are nontransferable.

A.Fees for building permits that have been issued may not be transferred to a new owner or a new project location; B.Fees for permits issued for a specific project or scope of work may not be transferred to another project or change of scope of work by the same owner. (Ord. No. 14-255, § II, 5-19-2014)

ARTICLE II. - RESIDENTIAL CONSTRUCTION REQUIREMENTS

15.12.080 - Permits for septic system installation and well drilling required.

A permit must be obtained from the county building department before a person may drill a well and from the state division of health before a person installs a septic system or does any work in preparation for the well or septic system.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.090 - Water source required.

A building permit may not be issued until the applicant has provided an adequate source of water fit for human consumption, either by drilling a well on the premises or by water being piped in through a public or private utility designed for the transportation of water. A will serve letter must be issued by that public or private utility designed for transportation and deliverance of water and be submitted to the building department with the permit application.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.094 - Accessory dwelling unit and accessory structure defined.

- A. An attached accessory dwelling unit is a portion of or an addition to a single-family main dwelling that is designed to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceilings and accessed through a lockable exterior or interior door. Converting part of, or adding on to, an existing single-family main dwelling may create an attached accessory dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached dwelling unit. Typical uses include guest rooms, guest apartments and "granny flats."
- B. A detached accessory dwelling unit refers to a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities. Typical uses include guesthouses, second units, "granny flats" and caretaker's quarters.
- C. A detached accessory structure refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main

residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen and a toilet in a detached accessory structure requires the structure to be considered a dwelling unit and subject to the accessory dwelling unit provisions. Typical uses include storage buildings and sheds, barns and detached garages.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.096 - Domestic use limit.

If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in Section 15.12.094, qualifies as a domestic use or domestic purpose:

- A. The owner of the well must:
 - 1. Obtain approval for that use from the board after a report and recommendation by the planning commission; and
 - 2. Install a water meter, at owner's expense, capable of measuring the total withdrawal of water from the well; and
 - 3. Ensure the total withdrawal of water from the well does not exceed two acre-feet per year.
- B. The board or its designee must report the approval of the accessory structure on a form provided by the state engineer.
- C. The state engineer is required to monitor the annual use of water from the well.
- D. The date of priority for the use of the domestic well to supply water to any accessory structure is the date of approval received by the owner of the well from board.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.099 - Tampering.

A. Tampering: No one except an employee or representative of Storey County or the State of Nevada may at any time or in any manner operate or alter a water meter or otherwise interfere with a meter or its connections.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.100 - Sewage disposal system required.

A building permit may not be issued unless the applicant has first installed a suitable sewerage disposal system meeting all applicable governmental standards or the owner must provide a "will serve letter" from a public or private sewage process utility designed to transport and process raw sewage.

(Ord. No. 14-255, § II, 5-19-2014)

15.12.110—15.12.140 - Reserved.

15.12.150 - Violation—Penalty.

Any person, firm, or corporation violating any provision of this chapter is guilty of a misdemeanor.

(Ord. No. 14-255, § II, 5-19-2014)

Chapter 15.16 - GREASE TRAPS

Sections:

15.16.010 - Installation—Required.

To promote the general health, safety and welfare of the citizens of the county, the county building department shall be empowered to designate, based on previously adopted guidelines, which restaurants and food vendors will be required to install and maintain grease traps in their operations.

(Ord. 104-B § 1, 1987)

15.16.020 - Installation—Time for compliance.

After the designation in Section 15.16.010, and after proper notice being duly served upon designees, the designees must comply with the directive to install the grease trap within ten days. Failure to comply with the directive within the ten-day period may result in the imposition of a civil penalty not to exceed one hundred dollars per day during periods of noncompliance.

(Ord. 104-B § 2, 1987)

15.16.030 - Inspections.

The county building department shall be further empowered to make periodic inspections of all businesses required to maintain the grease traps and to determine if the traps are in accord with previously adopted standards. After proper written notice has been duly served, all grease traps found to be below standard shall be rehabilitated so as to comply with standards or be replaced within ten days. Civil penalties not exceeding one hundred dollars per day may be imposed during periods of noncompliance.

(Ord. 104-B § 3, 1987)

Chapter 15.20 - FLOOD DAMAGE PREVENTION

Sections:

ARTICLE I. - GENERAL PROVISIONS

15.20.010 - Statutory authorization.

The Legislature of Nevada in Nevada Revised Statutes 278.020, 244A.057, and 543.020 confers upon local government units, authority to adopt regulations designed to promote the public

health, safety, and general welfare of its citizenry. Therefore, the county commission of Storey County does hereby adopt the following floodplain management regulations.

(Ord. 184 (part), 2003)

15.20.020 - Findings of fact.

- A. The flood hazard areas of Storey County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effects of obstructions in areas of special flood hazards, which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Structures that are inadequately flood proofed, elevated or protected from flood damage also contribute to flood loss.

(Ord. 184 (part), 2003)

15.20.030 - Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure potential buyers are notified that property is located in areas of special flood hazards;
- H. Ensure those who occupy the areas of special flood hazards assume responsibility for their actions; and I. Maintain qualifying standards for participation in the National Flood Insurance Program. (NFIP)

(Ord. 184 (part), 2003)

15.20.040 - Definitions.

Unless specifically defined below, words or phrases used in this chapter must be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Accessory use" means a use, which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Act" means the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973, both as amended.

"Actual cash value (ACV)" means the replacement cost of an insured item of property at the time of loss, less the value of physical depreciation as to the item damaged.

"Adversely affects" means the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one-half foot at any point.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of clay, silt, sand, gravel, and boulders that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor.

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high velocity flows: active processes of erosion, sediment transport, deposition, and unpredictable flow paths.

"Anchor" means a series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.

"Apex" means the highest point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the local floodplain administrator's interpretation of any provisions of this chapter or a request for a variance.

"Appurtenant structure" means a detached garage or carport servicing a one to four family dwelling.

"Area of shallow flooding" means designed AO and AH zones on the flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist; where the path of flooding is unpredictable; and where velocity flow may be evident, AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard. See "special flood hazard area."

"Area of special flood-related erosion hazard" means the land within a community that is most likely to be subject to severe flood-related erosion losses. This area may be designated as zone E on the flood insurance rate map (FIRM).

"Area of special mudslide (i.e., mudflow) hazard" means the area subject to severe mudslides (i.e., mudflows). This area is designated as zone M on the flood insurance rate map (FIRM).

"Assignment" means the transfer by a policyholder of his/her legal right or interest in a policy contract to a third party. In the NFIP, written assignment of a local policy is permissible upon transfer of title without the consent of the administrator except in the case where a residential (household) contents - only policy is involved or a policy was issued to cover a one to four family residential building in the course of construction.

"Association" means a group of unit owners that manages a described condominium building.

"Backwater effect" means the rise in water surface elevation caused by some obstruction such as a narrow bridge opening, buildings or fill material that limits the area through which water must flow.

"Backfill" means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the nature contours existing prior to excavation.

"Base flood" means a flood, which has a one percent change of being equaled or exceeded in any given year. Also referred to as the "one hundred year flood."

"Base flood depth (BFD)" means the depth shown on the flood insurance rate map (FIRM) for zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

"Base flood elevation" means the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplain of the riverine areas.

"Base floodplain" means the floodplain that would be inundated by a one-percent chance flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Binder" means a temporary agreement between company, producer, and insured that the policy is in effect. Binders are not permitted under the NFIP.

"Blanket insurance" means a single amount of insurance applying to more than one building and/or contents. Blanket insurance is not permitted under NFIP.

"Breakaway walls" means a wall that is not part of the structural support of the building and is intended throughout its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system or any buildings to which they might be carried by flood waters. A breakaway wall shall have a sage design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway wall must be certified by a registered engineer or architect and shall meet the following conditions:

1.Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and 2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See "structure."

"Channel" means a natural or artificial water course with the definite bed and banks to confine and conduct flowing water.

"Claims coordinating office (CCO)" means a clearinghouse for the various insurers who are responding to a multi-peril catastrophe. Through voluntary participation, all losses are reported to the coordinating office and are processed to locate address matches among the reported claims. The interest of each carrier is protected as the Claims Coordinator maintains sole control over the policy and loss information. If a match is found, special care is taken to direct the assigned adjuster(s) to a mutually agreeable adjustment or to have one adjuster surrender his/her loss with the assurance that every effort will be made to replace it.

"Code of Federal Regulations" means codification of the general and permanent rules published in the Federal Regulations Register (CFR) by the executive departments and agencies of the federal government.

"Coinsurance" means this provision reduces the loss payment if the insured does not carry coverage equal to at least eighty percent of the replacement cost of the damaged building.

"Community" means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Community number" means a six-digit designation identifying each NFID community. The first two numbers are the state code. The next four are the Federal Insurance Administration (FIA) assigned community number. An alphabetical suffix is added to a community number to identify revisions in the flood insurance rate map (FIRM) for that community.

"Community rating system (CRS)" means a program developed by the FIA to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

"Conditional letter of map amendment (CLOMA)" means a letter from FEMA stating that a proposed structure that is not to be elevated by fill would not be inundated by the base flood if built as proposed.

"Conditional letter of map revision (CLOMR)" means procedures by which contractors, developers and communities can request review and determination by the Federal Insurance Administrator of scientific and technical data for a proposed project, when complete and functioning effectively would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the FIRM.

"Conditional letter of map revision (based on fill) (CLOMIR-F)" means a letter from FEMA stating that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

"Condominium" means a system of individual ownership of units in a multi-unit building or buildings or in single-unit buildings in which each unit owner has an undivided interest in the common areas of the building(s) and facilities that serve the building(s).

"Condominium association" means a corporation made up of owners of the condominium buildings. The condominium association is responsible for (1) the operation and (2) the adoption and enforcement of rules or bylaws that govern the owners of the condominium buildings.

"Control office" means an NFIP claims office similar to a Flood Insurance Claims Office (FICO) with the exception that the control office does not (1) maintain insured files, (2) maintain a claims examiner staff at the site, and (3) issue claims payments.

"Countywide map" means a flood insurance rate map (FIRM) that shows flooding information for the entire geographic area of a county, including the incorporated communities within the county.

"Critical features" means an integral and readily identifiable part of a flood protection system, (e.g., dams, flood walls, channel improvements), without which the flood protection provided by the entire system would be compromised.

"Critical structures" means a structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency. Fire stations, hospitals, municipal airports, police stations, communication antennas or towers, elder care facilities (retirement homes) fuel storage facilities, schools designated as emergency shelters, fresh water and sewage treatment facilities are some examples of critical structures.

"Curvilinear line" means the border on either a flood hazard boundary map (FHBM) or flood insurance rate map (FIRM) that delineates the special flood, mudslide (i.e., mudflow) and/or flood related erosion hazard areas and consists of a curved or contour line that follows the topography.

"Date of construction" means the date that the building permit was issued provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty days of the permit date.

"Deductible buyback" means for an additional premium, policyholders who wish to reduce their deductibles from the standard deductibles of one thousand dollars for pre-FIRM risks may opt to purchase separate five hundred dollar deductibles for building and content coverage.

"Designated floodway" means the channel of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

"Diagram number" means the diagram numbers on the FEMA elevation certificate identify the various types of buildings.

"Direct physical loss by or from flood" means any loss in the nature of actual loss of or physical damage, evidenced by physical changes, to the insured property (building or personal property) which is directly and proximately caused by a "flood" (as defined in the policy forms).

"Doublewide manufactured (mobile) home" means a manufactured (mobile) home that, when assembled as a non-movable, permanent building, is at least sixteen feet wide with an area within its perimeter walls of a least six hundred square feet. A doublewide is not classified as a manufactured (mobile) home for insurance rating purposes under the NFIP, but is classified under one of the other building types.

"Dry proofing" means a flood proofing method used to design and construct buildings so as to prevent the entrance of flood waters.

"Elevated building" means a non-basement building that has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Elevation certificate" means the elevation certificate is required in order to properly rate post-FIRM buildings, which are buildings constructed after publication of the flood insurance rate map (FIRM), for flood insurance zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. The elevation certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM flood insurance rules.

"Emergency program" typically means, the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates to all insurable structures in that community before the effective date of the initial flood insurance rate map (FIRM).

"Enclosure" means that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.

"Encroachment" means the advance of infringement onuses, plant growth, excavation, fill, buildings, permanent structures or development, storage of equipment and materials, or any other physical object placed in the floodplain that hinders the passage of water or otherwise affects flood flows.

"Erosion" means the process of the gradual wearing away of any landmass. This peril is not per se covered under the program. (See flood-related erosion.)

"Existing manufactured homes (mobile home) park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to a manufactured home (mobile home) park" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Emergency Management Agency (FEMA)" means the federal agency under which the National Flood Insurance Program (NFIP) is administered.

"Federal Insurance Administration" means the government unit, a part of the Federal Emergency Management Agency (FEMA), that administers the National Flood Insurance Program (NFIP).

"Federal Register" means a document published daily by the federal government that provides a uniform system for making available to the public, regulations and legal notices issued by federal agencies.

"Flash flood" means a flood that crests in a short period of time and is often charactered by high velocity flows. It is often the result of heavy rainfall in a localized area.

"Flood, flooding, or flood waters" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters; the unusual and rapid accumulation or runoff of surface water from any source; mudslides; and the condition resulting from flood-related erosion.

"Flood control" means keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

"Flood frequency" means a statistical expression of the average time period between floods equaling or exceeding a given magnitude.

"Flood hazard boundary map (FHBM)" means an official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (mudflow) and related erosion areas having special hazards have been designated as zones A, M, and/or E.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.

"Floodplain and flood-prone area" means any land area susceptible to being inundated by waters from any source. (See flooding.)

"Floodplain administrator" means the building official or his designee who is given specific authority and responsibilities to enforce the local floodplain management regulations. The person named as floodplain administrator must be capable of interpreting the ordinance codified in this chapter and have access to necessary technical competence.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works and floodplain management plans, regulations and ordinances.

"Floodplain management regulations" means this chapter, and any federal, state or local regulations plus community zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a grading and erosion control) and other

applications of police power which control development in flood-prone areas to prevent and reduce flood loss and damage.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their constants. (Refer to FEMA Technical Bulletins TB1-93, TB8-93 and TB7-93 for guidelines on dry and wet flood proofing).

"Flood-related erosion" means the collapse or subsidence of land along a stream or wash, the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

"Floodway" means the channel of the river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. Also referred to as a "regulatory floodway."

"Floodway encroachment lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.

"Floodway fringe" means the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

"Flood insurance risk zone designations" means the zone designations indicate the magnitude of the flood hazard in specific areas of a community.

Zone A

Zone A1-30 and Zone AE

Zone AO

Special flood hazard areas inundated by the one hundred year flood; base flood elevations are not determined.

Special flood hazard areas inundated by the one hundred

year base flood elevations are determined.

Special flood hazard areas inundated by the one hundred year flood; flood depths of one to three feet (usually sheet

flow on sloping terrain) average depths are determined.

For areas of alluvial fan flooding, velocities are

determined.

Zone AH Special flood hazard areas inundated by the one hundred

year flood; flood depths of one to three feet (usually areas

of ponding); base flood elevations are determined.

Zone AR Special flood hazard areas that result from the

decertification of a previously accredited flood protection system that is in the process of being restored to provide a one hundred year or greater level of flood protection.

Zones AR/A1-30, AR/AE, AR/AH Special flood hazard areas that result from the

Zone A99

decertification of a previously accredited flood protection system that is in the process of being restored to provide a one hundred year or greater level of flood protection. After restoration is complete, these areas will still

experience residual flooding from other flooding sources. Special flood hazard areas inundated by the one hundred

year flood to be protected from the one hundred year flood by a federal flood protection system under construction; no base flood elevations are determined.

Zone V Special flood hazard areas inundated by the one hundred

year flood; coastal floods with velocity hazards (wave action); no base flood elevations are determined.

Zones V1-30 And Zone VE Special flood hazard areas inundated by the one hundred

year flood; coastal floods with velocity hazards (wave

action); base flood elevations are determined.

Zone B and Zone X (shaded) Areas of one hundred year flood; areas subject to the one

hundred year flood with average depths of less than one foot or with contributing drainage areas less than one square mile; and areas protected by levees from the base

flood.

Zone C and Zone X (unshaded) Areas determined to be outside the one hundred year

floodplain.

Zone D Areas in which flood hazards are undetermined.

Zone E Area of special flood-related erosion hazards.

Zone M Area of special mudslide or mudslide or mudflow hazards.

"Footing" means the enlarged base of a foundation wall, pier, or column; designed to spread the load of the structure so that it does not exceed the soil bearing capacity.

"Foundation" means the underlying structure of a building usually constructed of concrete that supports the foundation walls, piers or columns.

"Foundation walls" means a support structure that connects the foundation to the main portion of the building or superstructure.

"Fraud or victimization" means related to variance provisions of this chapter, the variance granted must not cause fraud on or victimization to the public. In examining this requirement, the authority evaluating the request for a variance must consider the fact that every newly constructed building adds to government responsibilities, and remains a part of the community for fifty to one hundred years. Buildings permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. Additionally, future owners may be unaware of the risk potential to the property due to flood damage and the extremely high rates for flood insurance.

"Freeboard" means a margin of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only marina facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and boat building and boat repair facilities, but does not include long-term storage or related manufacturing facilities.

"Governing body" means the Storey County board of county commissioners.

"Hardship" means a requirement related to variance of this chapter. The exceptional hardship would result from a failure to grant the requested variance. The Storey County commission requires the variance be exceptional, unusual, and pertain only to the property involved. Mere economic or financial considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, quality as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Hydraulics" means the science that deals with practical applications of water in motion.

"Hydrodynamic loads" means forces imposed on structures by floodwaters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

"Hydrograph" means a graph that charts water movement as a function of time. It shows flood stages, depicted in feet above mean sea level or gage height, plotted against stated time intervals.

"Hydrology" means the science of the behavior of water in the atmosphere, on the earth's surface and underground.

"Hydrostatic loads" means forces imposed on a flooded structure due to the weight of the water.

"Letter of map amendment (LOMA)" means the procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area can submit scientific and technical information to the Federal Insurance Administrator for review to remove the property from said area. The administrator will not consider a LOMA if the information submitted is based on alternation of topography or new hydrologic or hydraulic conditions since the effective date of the FIRM.

"Letter of map revision (LOMR)" means an official revision to a currently effective FIRM. A LOMR officially changes flood zone, floodplain and floodway designations, flood elevations and planimetric features.

"Letters of map revision (based on fill) (LOMR-F)" means a letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system, which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that the enclosure does not violate applicable non-elevation design requirements.

"Lowest floor elevation (LFE)" means the measured distance of a building's lowest floor above the National Geodetic Vertical Datum (NGVD) or other datum specified on the FIRM for that location.

"Manufactured home (mobile home)" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include "recreational vehicles." For flood plan management purposes, "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

"Market value" means for the purposes of determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping or detached accessory structures on the property. For determining improvement, the value of the land must always be subtracted.

Acceptable estimates of market value can be obtained from the following sources:

- 1. Independent appraisals by a professional appraiser.
- 2. Detailed estimates of the structure's actual cash value (used as a substitute for market value based on the preference of the community).
- 3. 3.Property appraisals used for tax assessment purposes (adjusted assessed value: used as a screening tool).
- 4. 4.The value of buildings taken from NFIP claims data (used as a screening tool).
- 5. "Qualified estimate" based on sound professional judgment made by staff of the local building department or local or state tax assessor's office.

As indicated above, some market value estimates should only be used as screening tools to identify those structures where the substantial improvement ratios are obviously less than or greater than fifty percent (e.g., less than forty percent or greater than sixty percent). For structures that fall between the forty percent and sixty percent range, more precise market value estimates should be used.

"Mean sea level" means for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mobile home. See "manufactured home."

"Modular building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home. A modular building is classified and rated under one of the other building types.

"Mudslide (mudflow) area management" means the operation of an overall program of corrective and preventive measures for reducing mudslide (mudflow) damage including, but not limited to emergency preparedness plans, mudslide control works and floodplain management regulations.

"Mudslide (mudflow)" means a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Federal Insurance Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

"Mudslide prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflows.

"National Geodetic Vertical Datum (NGVD)" means as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

"Natural grade" means the grade unaffected by construction techniques such as fill, landscaping, or berming.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, including any subsequent improvements.

"New manufactured home (mobile home) subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads us completed on or after the effective date of the floodplain management regulations adopted by Storey County.

"Non-residential" means and includes, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months duration.

"Obstruction" means and includes, but is not limited to, any dam, wall, whaft, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock gravel refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may later, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, has the propensity to snare or collect debris carried by the flow of water, or the likelihood of being carried downstream.

"One hundred year flood." See "base flood."

"Other residential" means hotels or motels where the normal occupancy of a guest is 6 months or more; a tourist home or rooming house that has more than 4 roomers. A residential building (excluding hotels and motels with normal room rentals for less than 6 months duration and containing more than four dwelling units) is permitted incidental office, professional private school, or studio occupancy, provided that the total area of such occupancy is limited to less than 25 percent of the total floor area within the building.

"Physical map revisions (PMR)" means a reprinted NFIP map incorporating changes to floodplains, floodways, or flood elevations. Because of the time and cost involved to change, reprint, and redistribute an NFIP map, a PMR is usually processed when a revision reflects large scope changes.

"Ponding hazard" means a flood hazard that occurs in flat areas when there are depressions in the ground that collect "ponds" of water. The ponding hazard is represented by the zone designation AH on the FIRM.

"Post-FIRM construction" means construction or substantial improvement that started on or after the effective date of the initial flood insurance rate map (FIRM) of the community or after December 31, 1974, whichever is later.

"Principal residence" means a single family dwelling in which at the time of loss, the named insured or the named insured's spouse has lived for either (1) 80 percent of the calendar year, or (2) 80 percent of the period of ownership, if less than one year.

"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Proper openings enclosures (applicable to zones A, A1-30, AE, AO, AH, AR, and AR dual zones)" means all enclosures below the lowest floor must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings, with positioning on at least two walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided. The bottom of all openings must be no higher than one foot above grade.

"Public safety nuisance" means a requirement related to variance provisions of this chapter. The granting of a variance must not result in anything that is injurious to safety or health of the entire community or neighborhood, or any number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty track, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Residential cost" means the cost to replace property with the same kind of material and construction without deduction for depreciation.

"Residential condominium building" means a building owned by the members of a condominium association containing one or more residential units and in which at last seventy-five percent of the floor area within the building is residential.

"Residential condominium building association policy (RCBAP)" means a policy designed to insure, under one master policy, the entire residential condominium building, including all units within the building. It is available only to residential condominium associations.

"Riverine" means relating to, formed by, or resembling a river including tributaries, stream, brook, etc.

"Special flood hazard area" means darkly shaded area on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM) that identifies an area that has a one percent chance of being flooded in any given year (one hundred year floodplain). Over a thirty year period, the life of most mortgages, there is at least a twenty-six percent chance that this area will be flooded. The FIRM identifies these shaded areas as FIRM zones A, AO, AH, A1-30, AE, A99, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V, V1-30 and VE.

"Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either

the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground and includes gas or liquid storage tanks and manufactured homes.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either;

- 1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development in a special flood hazard area, without an elevation certificate, other certifications, or other evidence of compliance required in this chapter, is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or (other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Zone" means a geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.050 - Methods of reducing flood losses.

To accomplish its purposes, this chapter includes methods and provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that land uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, alluvial fans, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 184 (part), 2003)

15.20.060 - Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Storey County.

(Ord. 184 (part), 2003)

15.20.070 - Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) in a scientific and engineering report entitled "The Flood Insurance Study for Storey County" dated February 19, 1987 and July 19, 1993 with accompanying flood insurance rate maps (FIRM) and all subsequent revisions, are hereby adopted by reference and declared to he a part of the chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of the ordinance codified in this chapter and which are recommended to the Storey County commission by the floodplain administrator. The FIS, FIRMs and FBFMs are on file at the Storey County building department at 100 Toll Road, Gold Hill Divide.

L15.20.080 - Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the ordinance codified in this chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposed the more stringent restrictions or that imposing the higher standards, shall prevail.

(Ord. 184 (part), 2003)

15.20.090 - Interpretation of provisions.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 184 (part), 2003)

15.20.100 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Storey County commission, any officer or employee thereof, the state of Nevada, the Federal Insurance Administration or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 184 (part), 2003)

15.20.104 - Declaration of public nuisance.

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after date of first FIRM in violation of this ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.106 - Abatement of violations.

Within thirty days of discovery of a violation of this chapter, the floodplain administrator must submit a report to the governing body, which includes all information available to the

floodplain administrator that is pertinent to the violation. Within thirty days of receipt of this report, the governing body may either:

- A. Take any necessary action to effect the abatement of the violation;
- B. Issue a variance to this ordinance in accordance with the provisions of this chapter;
- C. Refer the matter to the district attorney's office; or
- D. Order the owner of the property where the violation exists to provide whatever additional information may be required for their determination. The information must be provided to the floodplain administrator within thirty days of the order, and he must submit an amended report to the floodplain board within twenty days. At their next regularly scheduled public meeting, the governing body may take any action allowed in this section.
- E. Submit to the administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited statute or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.108 - Unlawful acts.

- A. It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Storey County building official. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the floodplain administrator.
- B. Any person violating the provisions of this section is guilty of a misdemeanor. (Ord. No. 13-248, \S I, 6-18-2013)

15.20.110 - Violation-Penalty.

A person may not construct, locate, extend, convert, or alter a structure without full compliance with the terms of this chapter and other applicable regulations. Any person violating the provisions of this chapter is guilty of a misdemeanor.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

ARTICLE II. - ADMINISTRATION

15.20.120 - Development permit-Required.

A floodplain development permit is required for all construction and other development to be undertaken in areas of special flood hazard in Storey County for the purpose of protecting its citizens from increased flood hazards and ensuring new development is constructed in a manner that minimizes its exposure to flooding. It is unlawful to undertake any development in

an area of special flood hazard, as shown on the flood insurance rate map enumerated in Section 15.20.070, without a valid floodplain development permit. Applications for a permit must be made on forms furnished by the local floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, fill, storage of materials, and drainage facilities.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.130 - Development permit-Application.

The applicant must provide at least the following information, where applicable. Additional information may be required on the permit application forms.

- A. The proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all residential and non-residential structures whether new or substantially improved to be located in zones A, A1-A30, AE, and AH, if base flood elevation data are available.
- B. In zone AO the proposed elevation in relation to mean sea level, of the lowest floor (including basement) and the elevation of the highest adjacent grade of all residential and non-residential structures whether new or substantially improved.
- C. The proposed elevation in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood proofed.
- D. A certificate from a licensed professional engineer or architect in the state of Nevada that any utility flood proofing meets the criteria in Section 15.20.220, Utilities.
- E. A certificate from a licensed professional engineer or architect in the state of Nevada that any non-residential flood proofed structures meet the criteria in Section 15.20.260, Non-residential construction.
- F. When a watercourse will be altered or relocated as a result of the proposed development, the applicant must submit the maps, computations, and other materials, required by the FEMA to process a letter of map revision (LOMR) and pay any fees or other costs assessed by FEMA for processing the revision.
- G. A technical analysis, by a professional engineer licensed in the state of Nevada, showing the proposed development located in the special flood hazard area will not cause physical damage to any other property.
- H. When there is no base flood elevation data available for zone A from any source, the base flood elevation data will be provided by the permit applicant for all proposed development of subdivisions, manufactured home and recreational vehicle parks in the special flood hazard areas, for all developments of at least fifty lots or five acres, whichever is less.

(Ord. 184 (part), 2003)

15.20.140 - Building official-Designation.

The building official is hereby appointed local floodplain administrator to administer and implement this local ordinance by granting or denying floodplain development permits in accordance with its provisions.

(Ord. 184 (part), 2003)

15.20.150 - Building official-Duties.

Duties and responsibilities of the building official include, but are not be limited to:

A. Permit Application Review.

- 1. Review all applications for completeness, particularly with the requirements of Section 15.20.130, Development permit-Application, and for compliance with the provisions and standards of this chapter.
- 2. Review all subdivision and other proposed new development, including manufactured home and recreational vehicle parks to determine whether the proposed development site will be reasonably safe from flooding. When the proposed building site is located in the special flood hazard area, all new construction and substantial improvements must meet the applicable standards of Section 15.20.190, General standards.
- 3. Determine whether any proposed development in the special flood hazard area may result in physical damage to any other property to include stream bank erosion and any increase in velocities or that it does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. For purposes of the chapter, "adversely affects" means the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one-half foot at any point. To assist the local floodplain administrator in making this determination, the permit applicant may be required to submit additional technical analysis.
- 4. Ensure all other required state and federal permits have been received. B. Use of other base flood data.
 - 1. When FEMA has designated special flood hazard areas on the community's flood insurance rate maps but has not produced water surface elevation data identified as a floodway, the local floodplain administrator must attempt to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to subsection 15.20.150(H), as criteria for requiring new construction, substantial

- improvements or other proposed development to meets the requirements of this chapter.
- 2. When base flood elevations are not available, the local floodplain administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the special flood hazard areas. Any new flood elevations established by the flood plain administrator must be submitted to the board for approval. This information must be sent to FEMA.

C.Alteration of watercourses. Prior to issuing a permit for any alteration or relocation of watercourse the local floodplain administrator must:

- 1. Have processed and received back from FEMA a letter of map revisions (LOMR).
- 2. Notify all adjacent communities, Nevada's National Flood Insurance Program (NFIP) Coordinator, and submit evidence of the notification to the Federal Insurance Administration, and the Federal Emergency Management Agency.
- 3. Require that maintenance be provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- D. Inspections. The local floodplain administrator or designee must make periodic inspections throughout the period of construction to monitor compliance with the requirements of the floodplain development permit or any variance provisions.
- E. Stop work orders. The local floodplain administrator must issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this chapter or the conditions of the development permit, and all development found ongoing without a floodplain development permit. Disregard of a stop work order will subject the violator to the penalties described in Section 15.20.110.F.Retaining floodplain development documentation. The local floodplain administrator must obtain and retain for public inspection and have available for the National Flood Insurance Program coordinator or the FEMA representative conducting a community assistance visit, the following:
 - 1. Floodplain development permits and certificates of compliance.
 - 2. Certification required by subsection 15.20.250(C).
 - 3. Certification required by Section 15.20.260, Flood-proofing nonresidential construction.
 - 4. Certification of elevation required by Section 15.20.230, Subdivisions.
 - 5. Certification required by Section 15.20.280, Floodways.
 - 6. Reports required by Section 15.20.350, Mudslide (i.e. mudflow) prone areas.
 - 7. Variances issued pursuant to Section 15.20.175, Nature of variances.
 - 8 .Notices required under subsection 15.20.150(C), Alteration of watercourses.

- G. Map determinations. The local floodplain administrator may make map interpretations where needed, in writing with appropriate documentation, as to the exact location of the boundaries of the areas of special flood hazard and where there appears to be a conflict between a mapped boundary and actual field conditions.
- H. Submission of new technical data to FEMA. When Storey County base flood elevations either increase or decrease resulting from physical changes affecting flooding conditions, as soon as practicable, but not later than six months after the date the information becomes available, Storey County will submit the technical or scientific data to FEMA. These submissions are necessary so that upon confirmation of the physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.160 - Building official-Additional duties.

The building official has the following additional duties:

- A. Assist the administrator, at his request, in his delineation of the limits of the area having special flood, mudslide, or flood-related erosion areas;
- B. Provide information the administrator may request concerning present uses and occupancy of the floodplain, mudslide, or flood-related erosion areas;
- C. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain mudslide, or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide, or flood-related erosion areas in order to prevent aggravation of existing hazards;
- D. Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures;
- E. Upon occurrence, notify the administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all flood hazard boundary maps and flood insurance rate maps accurately represent the community's boundaries, include within the notification a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
- F. The building official must maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all

areas having special flood hazards identified on a flood hazard boundary map or flood insurance rate map, any certificates of flood proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest habitable floor (including basement if habitable) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.170 - Appeal board.

The flood hazard area appeal board is established by Storey County to hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. The board of county commissioners is the flood hazard area appeal board.

- A. When reviewing requests for variances, the flood hazard appeal board must consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and;
 - 1. The danger of materials being swept onto other lands and injuring others;
 - 2. The danger to life and property due to the flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
 - 11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
- B. Any applicant granted a variance must be given written notice signed by the floodplain administrator that:

- 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage.
- 2. Construction below the base flood level increases risks to life and property. A copy of the notice must be recorded by the floodplain administrator in the office of the Storey County recorder in a manner so that it appears as an exception on the title of the affected parcel of land.
- C. The floodplain administrator must maintain a record of all variance actions, including justification for their issuance, and report each variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.175 - Nature of variances.

These variance criteria are based on the general principal of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the board of county commissioners to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. The variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.180 - Variance—Conditions.

A. Generally, variances may be issued for new construction, substantial improvements, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of this chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

- B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.20.040) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances may only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the board need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposed, but only to that elevation which the board believes will both provide relief and preserve the integrity of the local ordinance.
- E. Variances may only be issued upon:
 - 1. A showing of good and sufficient cause;
 - A determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 15.20.040) to the applicant; and
 - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 15.20.040, Public safety nuisance), cause fraud or victimization (as defined in Section 15.20.040) of the public, or conflict with existing local laws or ordinances.
- F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of this chapter are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- G. Upon consideration of all the factors of Section 15.20.380 and the purposes of this chapter, the board may attach conditions to the granting of, variances it deems necessary to further the purposes of this chapter.

(Ord. No. 15-267, § V, 3-15-2016; Ord. No. 13-248, § I, 6-18-2013)

ARTICLE III. - FLOOD HAZARD REDUCTION

15.20.190 - General standards.

In all areas of special flood hazard areas the following standards are required.

15.20.200 - Anchoring.

- A. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured homes shall meet the anchoring standards of Section 15.20.270.

(Ord. 184 (part), 2003)

15.20.210 - Construction materials and methods.

All new construction and substantial improvements shall be constructed:

- A. With materials and utility equipment resistant to flood damage;
- B. Using methods and practices that minimize flood damage;
- C. Ensure electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. 184 (part), 2003)

15.20.220 - Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters or discharge from the systems into floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 184 (part), 2003)

15.20.230 - Subdivisions.

- A. All preliminary subdivision proposals must identify the flood hazard area and the elevation of the base flood.
- B. All subdivision plans must provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final lowest floor and pad elevation must be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.
- C. All subdivision proposals must be consistent with the need to minimize flood damage.

- D. All subdivision proposals must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions must provide adequate drainage to reduce exposure to flood hazards.
- F. Additionally all subdivision proposals must demonstrate, by providing a detailed hydrologic and hydraulic analysis, that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. No. 13-248, § I, 6-18-2013)

ARTICLE IV. - SPECIFIC STANDARDS

15.20.240 - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.20.070 or subsection 15.20.150(B), the provisions set out in this article are required to be met.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.250 - Residential construction.

Residential construction, new or substantial improvements, must have the lowest floor, including basement:

- A. In zone AO, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
- B. B.In zone A, elevated to or above the base flood elevation, as determined by the community.
- C. In all other zones, elevated to or above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor including basement must be certified by a registered professional engineer or surveyor and verified by the community-building inspector to be property elevated. The certification must be provided to the floodplain administrator using the current FEMA Elevation Certificate.
- D. D.When constructing a crawlspace in a building within special flood zone areas, it must meet the National Flood Insurance Program's minimum requirements defined in FEMA Technical Bulletin 11-01.

- E. E.Fully enclosed areas below the lowest floor, which are subject to flooding are prohibited or must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - Must have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all such openings will be no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

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(Ord. 184 (part), 2003)
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(Ord. No. 13-248, § I, 6-18-2013)

15.20.260 - Nonresidential construction.

Nonresidential construction must either be elevated to conform with Section 15.20.250 or together with attendant utility and sanitary facilities must:

- A. Be flood proofed below the elevation recommended under Section 15.20.250 so that the structure is watertight with walls substantially impermeable to the passage of water;
- B. Have the structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- C. Be certified by a registered professional engineer or architect that the standards of Section 15.20.250 are satisfied. The certification must be provided to the floodplain administrator.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.270 - Manufactured homes.

- A. All manufactured homes that are placed or that are substantially improved, within zones A, AH, AE, and on the community's flood insurance rate map, on sites located:
 - 1. Outside of a manufactured home park or subdivision;
 - 2. In a new manufactured home park or subdivision;
 - 3. In an expansion to an existing manufactured home park or subdivision; or
 - 4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as a result of a flood:

Must be elevated on a permanent foundation so that the bottom of the structural frame or the lowest point of the manufactured home will be elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of will be elevated so that either:
 - 1. The bottom of structural frame or the lowest point of the manufactured home is at or above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements, of at least equivalent strength, that are no less than thirty-six inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- C. Within zone A, when no base flood elevation data is available, new and substantially improved manufactured homes must have the floor elevated at least three feet above the highest adjacent grade.
- D. D.Within zone AO, the floor for all new and substantially improved manufactured homes must be elevated above the highest adjacent grade at least as high as the depth number specified on the flood insurance rate map, or at least two feet if no depth number is specified. Upon completion of the structure, a registered professional must certify the elevation of the lowest floor, including basement.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § i, 6-18-2013)

15.20.280 - Floodways.

Designated floodways are located within the special flood hazard areas established in Section 15.20.070. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A .Encroachments are prohibited, including fill, new construction, substantial improvements, storage of equipment or supplies, and any other development within the adopted regulatory floodway; unless it has been demonstrated through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge and FEMA has issued a conditional letter of map revision (CLOMR).

B. If subsection A has been satisfied; all proposed new development and substantial improvements must comply with all other applicable flood hazard reduction provisions of this article.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.290—15.20.320 - Reserved.

Editor's note— Ord. No. 13-248, § I, adopted June 18, 2013, repealed §§ 15.20.290—15.20.320, which pertained to declaration of public nuisance; abatement of violations; unlawful acts; severability and derived from Ord. 184(part), 2003; Ord. No. 15-267, § V, 3-15-2016.

15.20.330 - Standards for critical structures.

Critical structures are not authorized in a Special Flood Hazard Area, unless:

- A. All alternative locations in flood zone X have been considered and rejected.
- B. All alternative locations in flood zone shaded X have been considered and rejected. If the floodplain manager determines the only practical alternative location for the development of a new or substantially improved critical structure is in a special flood hazard area he must:
- C. Give public notice of the decision and reasons for the elimination of all alternative locations.

(Ord. 184 (part), 2003)

15.20.340 - Standards for recreational vehicles.

All recreational vehicles placed on sites within the floodplain on the community's flood insurance rate map will either:

- A. Be on the site for fewer than one hundred eighty consecutive days;
- B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Will meet the permit requirements of Section 15.20.130 Development permit-Application and the elevation and anchoring requirements for manufactured homes in Section 15.20.270 Manufactured homes.

(Ord. 184 (part), 2003)

(Ord. No. 13-248, § I, 6-18-2013)

15.20.350 - Mudslide (i.e. mudflow) prone areas.

A. All permit applications must be reviewed by the floodplain administrator to determine if the proposed development will be located within a mudslide area.

- B. The flood plain administrator will determine if the proposed site and improvements will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the following:
 - 1. Type and quality of soils.
 - 2. Evidence of ground water or surface water problems.
 - 3. Depth and quality of any fill.
 - 4. The overall slope of the site.
 - 5. The weight that any proposed structure will impose on the slope.
- C. When a proposed development is located in an area that may have mudslide hazards, the following will be the minimum requirements to be met by the applicant:
 - 1. A report of a site investigation and further review made by persons qualified in geology and soils engineering.
 - The proposed grading, excavations, new construction, and substantial improvements are adequately designated and protected against mudslide damages.
 - The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either onsite or off-site disturbances.
 - 4. Drainage, planting, watering, and maintenance does not endanger slope stability.
- D. When a proposed development is determined to be within a mudslide hazard area, the following requirements will apply, including but not be limited to:
 - 1. Require the proposed development to meet county grading standards.
 - 2. Regulate the location of foundation systems and utility systems of new construction and substantial improvements.
 - 3. Regulate the location, drainage and maintenance of all excavations, cuts and fills and planted slopes.
 - 4. Provide special requirements for protective measures including but not necessarily limited to retaining walls, buttress fills, subdrains, diverted terraces and benching.
 - 5. Require engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering amid geology reports.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.360 - Flood-related erosion-prone areas.

A. The floodplain administrator must review all permit applications to determine if the proposed development will be located within a special flood-related erosion hazard zone.

- B. The flood plain administrator must determine if the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard.
- C. When the proposed development is found to be in the path of flood-related erosion or to increase the erosion hazard, the improvement must be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.
- D. When flood plain administrator determines the proposed development is in a special flood-related erosion hazard, as delineated zone E on the community FIRM, the administrator must require:
 - 1. A setback for all new development from the lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open spaces purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

(Ord. No. 13-248, § I, 6-18-2013)

15.20.370 - Reserved.

Editor's note—Ord. No. 13-248, § I, adopted June 18, 2013, repealed § 15.20.370, which pertained to nature of variances and derived from Ord. 184(part), 2003.

15.20.380 - Letters of map revision/amendment.

National Flood Insurance Program regulations provide procedures to remove property from the one hundred year floodplain or from a special flood hazard area. Amendments and revisions to community flood insurance rate maps cannot adversely impact the floodplain or floodway delineation's of the level of the one hundred year flood.

There are several procedures used by the Federal Insurance Administrator to review information from the community, an owner, or a lessee of property where it is believed the property should not be included in a special flood hazard area.

Submissions to FEMA for revisions to effective Flood Insurance Studies (FISs) by individual and community requestors will require the signing of application and certification forms by the applicant. These forms will provide FEMA with assurance that all pertinent data relating to the revision is included in the submittal. They will also assure that: (a) the data and methodology are based on current conditions; (b) qualified professional have assembled data and performed

all necessary computations: and (c) all individuals and organizations impacted by proposed changes are aware of the changes and will have an opportunity to comment on them. FEMA procedures permit the following types of request:

A request for revision to the effective FIS information (FIRM, FBFM, and/or FIS report) is usually a request that FEMA replace the effective floodplain boundaries, flood profiles, floodway boundaries, etc., with those determined by the requestor. Before FEMA will replace the effective FIS information with the revised, the requestor must: (a) provide all of the data used in determining the revised floodplain boundaries, flood profiles, floodway boundaries, etc.; (b) provide all data necessary to demonstrate that the physical modifications to the floodplain have been adequately designed to withstand the impacts of the one percent annual chance flood event and will be adequately maintained; (c) demonstrate that the revised information (e.g., hydrologic and hydraulic analysis and the resulting floodplain and floodway boundaries) are consistent with the effective FIS information.

Requests for amendments or revisions to FEMA maps must be submitted to the county for review on forms acceptable to FEMA. The applicant for a map amendment or revision is required to prepare all the supporting information and appropriate FEMA forms. If the review of the application requires expertise beyond that of county personnel, the county may hire qualified persons, to be paid by the applicant, to review the application. Once the application is approved by the county as to form and content, and it meets the requirement of this Code, the county will send it to FEMA.

The scientific or technical information to be submitted with these requests may include, but is not limited to the following:

- A. An actual copy of the recorded plat map indicating the official recordation and proper citation, deed or plat book volume and page number, or an equivalent identification where annotation of the deed or plat book is not the practice.
- B. A topographical map showing:
 - 1. Ground elevation contours in relation to the NVGD (National Geodetic Vertical Datum).
 - 2. The total area of the property in question.
 - 3. The location of the structure or structures located on the property in question.
 - 4. The elevation of the lowest adjacent grade to a structure or structures.
 - 5. An indication of the curvilinear line, which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a federal agency, department of water resources, a county water control district, a county or city engineer, a Federal Emergency Management Agency Flood Insurance Study, or a determination by a registered professional engineer.
- C. A copy of the FHBM or FIRM indicating the location of the property in question.

- D. A certification by a registered professional engineer or licensed land surveyor that the lowest grade adjacent to the structure is above the base flood elevation.
- E. The completion of the appropriate forms in the Federal Emergency Management Agency's Packets, Amendments and Revisions to National Flood Insurance Program Maps (MT-1 FEMA FORM 81-87 Series and MT-2 FEMA form 81-89 Series).

(Ord. No. 13-248, § I, 6-18-2013)

15.20.390 - Crawlspace construction.

Crawlspaces that have enclosed areas or floors below the base flood elevation must include the following:

- A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. The crawlspace in an enclosed area below the base flood elevation must have openings that equalize hydrostatic pressures by allowing for the automatic entry amid exit of floodwaters. The bottom of each flood vent opening must be no more than one foot above the lowest adjacent exterior grade.
- C. Crawlspace construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.
- D. Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevation.
- E. Any building utility systems within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters.
- F. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.
- G. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.
- H. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace within a reasonable time after a flood event.
- The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types must be used.

(Ord. 184 (part), 2003)



____ Department Head

Board of Storey County CommissionersAgenda Action Report

	VEVADA					
	ing date: 6/20/ C Meeting	2024 2:00 PM -	Estimate of Time Required: 15 min.			
Agenda Item Type: Discussion/Possible Action						
• <u>Title:</u> First reading of Bill No. 142, Ordinance No. 24-330, amending Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.						
•	Recommended motion: I (commissioner) motion to approve First Reading amending Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.					
•	• Prepared by: Brian Brown					
	Department:	District Attorney	Contact Number: 7752461056			
•	Staff Summary: This ordinance amends Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.					
•	Currently, Storey County Code 8.01.070 requires that appeals from the final decision of the hearing officer be heard by the Board of County Commissioners. The recommended change to the Storey County Code removes the requirement that appeals be heard by the Board of County Commissioners and allows for either the individual or the county to file a petition for Judicial Review in District Court.					
•	Staff believes that the change will provide a more efficient and cost effective appeal process in nuisance cases.					
•	Supporting Materials: See Attachments					
•	Fiscal Impact:					
•	Legal review required: False					
•	Reviewed by:					

Department Name:

County Manager	Other Agency Review:	
Board Action:		
[] Approved	[] Approved with Modification	
[] Denied	[] Continued	

Bill No	
Ordinance No	-

Summary

An ordinance amending provisions of Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.

Title

An ordinance amending provisions of Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.

Chapter 8.01 – NUISANCES

8.01.010 - Declaration of nuisances.

In order to protect the public health, safety and welfare of the residents of the county from public nuisances, the board of county commissioners or its designee may order the owner of real property within the county to:

- A. Repair, safeguard, or eliminate any dangerous structure or condition.
- B. Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of NRS chapter 459 Hazardous Materials.
- C. Clear weeds and noxious plant growth.
- D. Abate any condition or use that is declared a nuisance in this code.
- E. Repair, clear, correct rectify, safeguard or eliminate any other public nuisance to protect the public health, safety and welfare of the residents of the county.

As an alternative to the abatement of nuisances in the manner provided in this chapter, the district attorney is authorized, pursuant to NRS 244.360(6) to bring all necessary civil actions on behalf of the county to enjoin, abate or restrain the violation of the any ordinance of this county, the violation of which is declared to be a public nuisance in the ordinance violated and to seek damages for the cost of abatement of nuisances and the recovery of expenses and costs of suit arising out of such actions.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.020 - Definitions.

For the purpose of this chapter, unless the context otherwise requires, the following definitions apply:

"Authorized inspector (inspector)" means the person designated or authorized by this section to enforce the provisions of the code dealing with nuisances.

- A. The building official or his or her designee is the authorized inspector for public nuisances regulated by <u>Title 15</u>, Buildings and Construction, <u>chapter 15.20</u>, Flood damage prevention and <u>Title 13</u>, Public Services when involving dangerous structures. The building official must use the Code for Abatement of Dangerous Buildings to abate structures that are public nuisances.
- B. The fire district chief or his or her designee is the authorized inspector for public nuisances regulated by the International Fire Code as amended.
- C. The planning director or his or her designee is the authorized inspector for public nuisances regulated by Titles 8, Health and Safety and 17, Zoning.
- D. The sheriff or his or her designee is the authorized inspector for public nuisances regulated by Title 6, Animals.
- E. The public works director or his or her designee is the authorized inspector for public nuisances regulated by Title 13, Public Services.
- F. Any person designated as an authorized inspector may refer a complaint received by that person, which may be more appropriately handled by another inspector, to the county manager or his or her designee to be reassigned to an appropriate authorized inspector.

"Dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the properly on which the structure or condition is located. It includes any violation of any building, electrical, housing, plumbing or safety code or the violation of an ordinance regulating public health, welfare or safety which violation is designated a public nuisance in such ordinances.

"Hearing officer" means a person designated by the board of county commissioners to hear matters that are declared nuisances under this code or to determine the propriety or amount of civil penalties. The hearing officer may not be a county employee. The board may designate a justice court or municipal court pro tem from outside of the county as a hearing officer. The board may designate more than one hearing officer and if the board does, the hearing should be alternated equally between the hearing officers by the clerk depending on their availability. The board may by resolution set the compensation for the hearing officer.

"Occupant" means a legal entity that through the rights of ownership, rental, or residence has the use and enjoyment of the subject real property for residential or commercial purposes.

"Owner" means the legal entity listed as the current owner as recorded in the official records of the Storey County Recorder's office.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.030 - Notice of nuisance.

When the county's authorized inspector receives a written and signed complaint about the existence of a condition which is declared to be a public nuisance by any provision of this code on property within the county, or if the inspector observes a public nuisance, the inspector must personally deliver to the property owner, or send to the owner of the property at the mailing address provided by the owner in the real property records of the county, a notice of the existence of the conditions along with an order to abate the nuisance. If sent by mail, the notice must be sent by certified mail, return receipt requested.

The notice of nuisance must inform the owner of the following:

- A. The street address, parcel number, or legal description sufficient to identify the property.
- B. A description and pictures if available of the offending condition or conditions.
- C. A statement of the action required to abate the nuisance and the date by which the abatement must be completed.
- D. A statement informing the owner that he may be subject to civil or criminal penalties or both for each day the nuisance is not abated after the date specified in the notice for completing the abatement has passed.
- E. A statement that the owner has a right to request a hearing before the hearing officer and the right to an appeal of the hearing officer's decision to the board of county commissioners.

The authorized inspector may alternatively refer the notice of nuisance to the district attorney. The district attorney may commence a civil action to abate, remove and enjoin the violation as a public nuisance or commence a criminal action in the manner provided by law. If a civil or criminal matter is filed in court the procedure in this chapter no longer applies. (Ord. No. 15-267, § I, 3-15-2016)

8.01.040 - Voluntary abatement.

Upon service of the written notice of nuisance, the owner of the property on which the offending conditions exist has until the date set out in the notice of nuisance to abate the nuisance unless the inspector grants an extension of time in writing. If the nuisance has been abated, the owner may request an inspection to verify the condition of the property. If the applicable time limit in the notice has expired, the inspector must re-inspect the property. If the nuisance has been abated, no further enforcement action may be taken. If the nuisance has not been abated by the date set forth in the notice of nuisance and no hearing or appeal has been requested, the inspector may refer the matter to the district attorney's office for enforcement.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.050 - Time limit for abatement.

A. The owner has thirty calendar days from the date of personal service of the notice of nuisance or from the deposit for mailing of the notice of nuisance to

- abate a nuisance. The <u>authorized</u> inspector may extend the time for abatement in writing if the owner has made reasonable progress in complying with the notice. If the condition of the property or structure is causing an immediate danger to the public health, safety or welfare. If there is an immediate danger to the public health, safety or welfare the inspector has discretion to require immediate abatement or abatement in a time period of less than thirty days.
- B. The date for abatement set forth in the notice is tolled during the time the owner requests a hearing until he receives a decision from the hearing officer and for the time taken to decide an appeal if an appeal from the hearing officer's decision is taken.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.060 - Hearing procedures.

- A. If the owner of the property contests the notice of nuisance, the owner may request a hearing before a hearing officer designated by the board. The hearing must be requested by the owner in writing within ten business days of service of the notice of nuisance and must be delivered to the county clerk. The owner is required to post a deposit, in an amount set by resolution of the board, to cover the cost of the hearing officer and the transcription of the hearing.
- B. The county clerk must, within ten business days of receiving the request for hearing, set a hearing before the hearing officer. The hearing must be set within thirty days of the date of the receipt of the request for the hearing.
- At the hearing the authorized inspector and the owner of the property must C. present evidence to prove or disprove the facts set out in the notice of nuisance. The hearing is to be informal and the rules of evidence used in court do not have to be followed. The authorized inspector may ask for civil penalties to be imposed by the hearing officer taking into account the gravity of the owners conduct. The civil penalties start if the nuisance has not been abated on the date in the notice that the nuisance was to be abated. The hearing officer must determine if there is a nuisance that must be abated and may impose civil penalties or may reduce the amount of the civil penalty in consideration of all relevant circumstances. The hearing officer must issue a written order within five working days of the conclusion of the hearing. If the hearing officer determines there is a nuisance the hearing officer must order the owner to abate the nuisance within ten business days of service of the order or within the number of days remaining in the original notice of nuisance, whichever is longer. If the hearing officer determines there is no nuisance the deposit will be refunded.
- D. The hearing conducted by the hearing officer must be recorded or reported. Any evidence introduced at the hearing must be retained in the custody of the

county clerk. The decision of the hearing officer is the final administrative decision.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.070 - Appeal procedures.

- A. If the owner of the property disagrees with the decision of the hearing officer, the owner may appeal to the board of county commissioners. The appeal must be requested in writing by filing a written notice of appeal, within ten working days of the service of the hearing officer's order, with the clerk of the board and payment of a filing fee set by resolution of the board. The clerk of the board must set the matter for a hearing at the next available meeting of the board. The county clerk must provide for the transcription of the record made before the hearing officer at the expense of the county. The clerk must provide the board with transcribed record along with the evidentiary materials admitted by the hearing officer.
- B. At the appeal the board must review the record made in the hearing before the hearing officer to see if there is substantial evidence to support the hearing officer's decision. If the board finds there is substantial evidence and agrees with the decision of the hearing officer that there is a nuisance the board must order the owner to abate the nuisance within ten business days of their decision or within the number of days remaining on the original notice of nuisance, whichever is longer.
- A. <u>Either party that appeared and participated in the appeal in front of the hearing officer, and who was also aggrieved by the final administrative decision is entitled to file a petition for judicial review of the decision.</u>
- **B.** Petitions for judicial review must name as respondent the authorized inspector, and all parties of record in the administrative hearing that was heard by the hearing officer, pursuant to SCC 8.01.060. The petition for judicial review is instituted by filing a petition in First Judicial District Court for Storey County Nevada. The petition must be served upon the Storey County District Attorney's Office in Virginia City, Nevada and upon the individual(s) and the authorized inspector that appeared as parties at the appeal hearing. The petition must be filed within 30 days after the written decision of the hearing is placed in the mail for service on the parties. The petition must be served on all parties within 45 days after the filing of the petition in district in court.
- C. Any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon every other party within 20 days after service of the petition.
- D. Within 45 days after the service of the petition for judicial review, the county clerk shall transmit to the court the original or a certified copy of the transcript of the hearing and a certified copy of the complete record of the hearing.
- E. The petitioner shall file a memorandum of points and authorities in support of the petition within 40 days after the filing of the transcript and record of the hearing with

the court. The respondent shall file an opposition memorandum of points and authorities within 30 days after the filing of the petitioner's memorandum of points and authorities. The petitioner may file a reply memorandum of points and authorities in support of the petition within 30 days after the filing of the opposition memorandum of points and authorities. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure. Within 7 days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

- F. The hearing on the petition for judicial review must be conducted by the court without a jury and is confined to the record that was before the hearing officer. The final decision of the agency shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid. The court shall not substitute its judgment for that of the hearing officer as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the hearing officer is:
 - a. In violation of constitutional or statutory provisions;
 - b. In excess of the statutory authority of the agency;
 - c. Made upon unlawful procedure;
 - d. Affected by other error of law;
 - e. Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
 - <u>f.</u> Arbitrary or capricious or characterized by abuse of discretion.
 As used in this section, "substantial evidence" means evidence which a reasonable mind might accept as adequate to support a conclusion.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.080 - Abatement by the county and recovery of costs.

- A. The county may abate a nuisance that has been determined under this chapter at any time ten days after the authorized inspector personally delivers to the property owner or sends the owner of the property written notice of the estimated costs to abate the nuisance and any accrued civil penalties, to the address provided by the owner in the real property records of the county, by certified mail, return receipt requested.
- B. The county may recover from the owner of the property on which a nuisance exists, the amount expended to abate a nuisance, if the owner has not abated the nuisance within the time required by the notice of nuisance, or after a hearing where the owner did not prevail and the owner has not filed an appeal within the time specified, or the board has denied an appeal and the owner has failed to abate the nuisance in the time specified.

C. The county, in addition to filing a civil suit or any other legal means, may make the nuisance abatement expense a special assessment against the property with the nuisance and may collect the special assessment according to state law.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.090 - Summary abatement.

The county may secure or summarily abate a dangerous structure or condition that the building official, the fire chief, and the sheriff determine in a written document is an imminent danger to the public health, safety and welfare.

- A. Before taking action to secure or summarily abate the nuisance, the owner of the property must be given notice that is hand delivered to the owner of the property or sent pre-paid by United States mail or posted on the property. The notice must state that the owner may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and an address where the owner may obtain additional information about abating the nuisance.
- B. If the imminent danger will occur before the notice and an opportunity to challenge the action can be provided, the county may summarily abate the structure or condition to the extent necessary to remove the imminent danger.
- C. The owner of the property must be given written notice of the abatement after its completion. The notice must state that the owner may seek judicial review and contain a telephone number and an address where the owner may obtain additional information about abating the nuisance.

(Ord. No. 15-267, § I, 3-15-2016)

• 8.01.100 - Civil penalty, appeal.

- A. An owner of property that fails to abate a nuisance by the date specified in the notice of nuisance or as subsequently ordered by the hearing officer or the board, may be assessed a civil penalty by the hearing officer one hundred dollars per day for each day the nuisance continues beyond the date specified in the notice or set by the hearing officer, whichever is later. The cumulative civil penalties may not exceed three times the actual cost to abate, or, if the county elects not to abate the nuisance, three times the estimated cost to abate the nuisance as set forth in the estimate provided to the owner of the property pursuant to section 8.01.080(A) or five thousand dollars, whichever is greater.
- B. Appeal.
 - 1. If the owner of the property disagrees with the decision of the hearing officer to impose civil penalties, the owner may <u>file a petition for judicial review as outlined in SCC 8. 8.01.070 Appeal Procedures.</u> appeal to the board of county commissioners. The appeal must be requested in writing by filing a written notice of appeal, within ten working days of the service

of the hearing officer's order, with the clerk of the board and payment of a filing fee of one hundred dollars. The clerk of the board shall set the matter for a hearing at the next available meeting of the board. The county clerk shall provide for the transcription of the record made before the hearing officer at the expense of the county. The clerk must provide the board with the transcribed record along with copies of the evidentiary materials admitted by the hearing officer.

- 2. At the appeal the board must review the record made in the hearing before the hearing officer to see if the decision of the hearing officer is arbitrary or capricious.
- C. Collection of civil penalties. If the decision of the hearing officer is not appealed and he determined that civil penalties in any amount were appropriate or if the board upheld a decision of the hearing officer that civil penalties in any amount were appropriate, the civil penalties must by collected as allowed by state law.

A decision by the county to enforce civil penalties does not limit or prohibit the prosecution of the owner for a nuisance violation by criminal complaint.

(Ord. No. 15-267, § I, 3-15-2016)

8.01.110 - Criminal penalty.

In addition to any other civil remedies set forth in this chapter, the owner, occupant or agent of any lot or premises within the county who permits or allows the existence of a public nuisance as defined in this code, upon any lot or premises owned, occupied or controlled by them, or who violates any provisions of this chapter is guilty of a misdemeanor. Each day of any violation constitutes a separate offense.

(Ord. No. 15-267, § I, 3-15-2016)



Board of Storey County Commissioners Agenda Action Report

	CAVAL DE LA CALLES					
Meeting date: 6/20/2024 2:00 PM -			Estimate of Time Required: 1 min			
BOCC Special Meeting						
Agenda Item Type: Correspondence						
•	• <u>Title:</u> Correspondence from David Fraley.					
•	Recommended motion: Correspondence					
•	Prepared by:	Drema Smith				
	Department:	Planning	Contact Number: 7758158601			
•	Staff Summar	ry: See Attached				
•	Supporting Materials: See Attachments					
•	Fiscal Impact:					
•	Legal review	required: False				
•	Reviewed by:					
	Departm	nent Head	Department Name:			
	County	Manager	Other Agency Review:			
•	Board Action	<u>:</u>				
	[] Approved		[] Approved with Modification			
	[] Denied		[] Continued			

David L. Fraley

PERSONAL CORRESPONDENCE TELEPHONE (775) 847-7026 FAX (775) 847-7268 EMAIL – dfraleyl@aol.com

OFFICES
35 SILVER STREET
STOREY COUNTY
VIRGINIA CITY NV

MAILING P.O. BOX 1130 VIRGINIA CITY NV 89440

June 11, 2024

Storey County Planning Department Attn: Kathy Canfield Planning Manager PO Box 176 Virginia City NV 89440

Additional Comments 450 South E Street Variance Request

I have already submitted a request for denial of the above variance. Below are comments and a request for modification of the requested variance if granted.

Since we exit our home at 35 Silver Street through the use of Silver Street onto E street, my wife and I have serious concerns the planned construction will add difficulty and danger to this exit. The approach to Silver Street is on a significant downward slope. At the present as we start down we have a partial view of E street traffic conditions. The proposed construction will result in a total loss of view. The only way to determine traffic conditions will be to drive our car onto E street. This can be additionally difficult in the winter with snow piled up from the E street plowing and the significant downgrade which can, and has, result in our sliding into E street traffic. This made more difficult because the variance request allows for only 2.5' of setback allowing no vision of traffic until we are well into E street lanes of traffic.

Adding to the difficulties in the use of our entry into E street has been the practice of the variance petitioners to parallel park multiple cars in front of their residence. This when there will only be 2.5' of setback results in their vehicles significantly protruding into the lanes of traffic. The residents have used their double garages for storage and most likely they will use the additional one in the same way. All of this is compounded more by now allowing more residents in the home with no provision for additional parking on which I have previously commented.

If you approve the variance I request that you prohibit parallel parking on the West side of E street from the Silver street junction to the South end of petitioners property. This will reduce significantly our need to enter the E street lanes of traffic before observing traffic conditions.

03/20

Very truly yours,

David L. Fraley



View Friseway



Applicants vehicles & st in front of House



view experoceting & st



How for I must enter & st before cross