

Storey County Planning Commission

Bret Tyler, *Chairman*
Laure Kekule, *Vice-Chairman*

Virgil Bucchianeri ~ John Herrington ~ Larry Prater ~ Pamela Smith ~ Doug Walling

Minutes of March 20, 2014

MEMBERS PRESENT:

Virgil Bucchianeri, John Herrington, Pamela Smith, Laura Kekule, and Doug Walling.

MEMBERS ABSENT:

Bret Tyler and Larry Prater

OTHERS PRESENT:

Senior Planner Austin Osborne, Planner Dessie Redmond, District Attorney Bill Maddox, and Commissioner Marshall McBride.

CALL TO ORDER:

With a quorum present, Vice Chairman Laura Kekule called the meeting to order at the Storey County Courthouse at 6:00 P.M.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA FOR March 20, 2014

Motion: Approval of Agenda, **Action:** Approve, **Moved** by John Herrington, **Seconded** by Doug Walling

Vote: Motion carried by roll call vote (summary: Yes = 5). Vice-Chairman Kekule asked if there was any public comment on the agenda. There was none.

APPROVAL OF MINUTES FOR February 20, 2014

Motion: Approval of Minutes, **Action:** Approve, **Moved** by John Herrington, **Seconded** by Doug Walling.

Vote: Motion carried by roll call vote (summary: Yes = 4), Abstain = Laura Kekule. Vice-Chairman Kekule asked if there was any public comment on approval of the minutes. Virginia City resident Mark Phillips stated that on page 5 of the minutes, he would like his comments to reflect that what he spoke about was way beyond what the minutes stated. He said his comments were about a master plan amendment and land use and zoning maps that he referred to.

DISCUSSION/FOR POSSIBLE ACTION:

Variance 2014-001: By Dan and Michelle Bartholomew APN 003-101-69 (21430 Saddleback Road, Virginia City Highlands). The applicant requests a height variance for a proposed residence in the Virginia City Highlands 1 acre Estates. Planner Dessie Redmond entered into the public record an Addendum with an additional condition of approval to the height variance along with Exhibit 8: Roof Pitch Variance Request – Storey County Building official Dean Haymore (approval letter with conditions) and Appendix 3: Letter from the VCHPOA President.

Planner Redmond said that the applicants Dan and Michelle Bartholomew were present at the meeting. Planner Redmond presented a power point presentation outlying the background and analysis of the Variance. Planner Redmond also stated the general compliance with Storey County guiding documents including the County Code and Master Plan are met with this application. The power point presentation showed a vicinity map, site map, the zoning and approximate proposed residence location, site photos, abutting properties, elevations of the property, and a plot plan.

Planning Commissioner Doug Walling asked if any of the notification postcards had been returned. Planner Redmond said no postcards have been returned to us at this time.

Storey County Courthouse ~ 26 S. "B" Street ~ P O Box 176 ~ Virginia City NV 89440 ~ (775) 847.1144 Fax 847.0949

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Planning Commissioner John Herrington asked if the proposed residence is a four story home.

Jack Hawkins with Hawkins and Associates explained that the residence complies with the 2006, 2012 Residential Building Code. He said that if 50% of your basement is below grade, they don't count it as a story. So the first floor starts at the garage and goes up. Planning Commissioner Herrington asked if the rusty metal siding is paint made to look like rust.

Jack Hawkins explained that it is not paint, but it is steel meant to rust and keep its color, and is super durable.

Vice Chairman Kekule asked if there was any public comment. There was none.

I. RECOMMENDED CONDITIONS OF APPROVAL

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

1. **Compliance.** The variance must comply with County Codes, and submitted plans and reports, as approved. The Applicant must provide the Planning and Building Department's site plans drawn to scale prior to obtaining a building permit.
2. **Permits and expiration.** The Applicant must apply for all building and fire permits for the structure within 24 months from the date of board approval for this variance, and continuously maintain the validity of those permits, as appropriate, or this approval will become null and void.
3. **Taxes paid.** Before obtaining a building permit, the Applicant must show the Community Development Department evidence that all property taxes on the land are paid to-date.
4. **Virginia City Highlands Property Owners Association.** The final structure elevation drawings must be stamped with the approval the Virginia City Highlands Property Owner Association (VCHPOA) prior to any building permit issued.

Please note the Planning Department is recommending an additional condition of approval to the 2014-001 height Variance. The additional condition of approval:

5. **The height Variance is for a maximum of five feet in addition to the 35 feet allowed height in an E1 VCH zone (a total of 40 feet). The height variance is only for the proposed residence's north elevation as shown in the Application and in the Staff Report (Exhibit 5 – Building Elevations Continued).**

Staff made a recommendation for a motion for approval in accordance with the findings and conditions referenced previously.

Motion: In accordance with the recommendation by staff, the findings of fact under Section 6.1 in the staff report, and in compliance with all conditions of approval, the Storey County Planning Commission hereby approves Variance Application no. 2014-001.

6.1 Motion for approval. The following findings of fact are evident with regard to the requested variance when the recommended conditions of approval in Section VII Recommended Conditions of Approval, are applied.

6.1.10 The variance complies with all federal, state, and county regulations.

6.1.20 The variance will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area.

6.1.30 The conditions of the variance adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.

6.1.40 The conditions under this variance do not conflict with the minimum requirements in SCC Chapter 17.40 Estate Zone and Chapter 17.03.140 Variances, or any other federal, state, or county regulations, including building and fire codes.

6.1.50 The variance address goals specified (and referenced above) in Chapter 5 of the Master Plan.

Action: Approve, **Moved** by Pamela Smith in accordance with the findings of fact, **Seconded** by John Herrington.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5).

PRESENTATION (ANNUAL SUP UPDATE): By Comstock Mining, Inc. (Gold Hill/American Flat)

Special Use Permit Holder to present its annual compliance review in accordance with the conditions of Special Use Permit No. 2011-016 (mineral exploration only).

Senior Planner Austin Osborne stated that this is the annual review for CMI's Special Use Exploration permit only. Staff will be here if there are any questions or concerns.

Rachel Yelderman of Comstock Mining, Inc. presented a power point for the annual compliance review. She stated that this is in compliance with the SUP. We are presenting our review in March this year to better comply with other scheduling issues that the commission had. She stated that Comstock Mining is in compliance with all conditions of the SUP 2011-16 mainly because Comstock did not complete any exploration activities in the year 2013.

Ms. Yelderman explained that a survey for noxious weeds on Comstock land holdings was conducted in 2013. An integrated weed management plan has been implemented. She stated that Comstock has identified a suitable location with County input, for a pedestrian oriented visitor information area. A future visitor area will be developed at the site of the Justice Foundation.

Planning Commissioner Doug Walling asked if this SUP was for "What we see down there?" [implying reference to mine pit.].

Ms. Yelderman stated that this is only an exploration permit. She said that Comstock Mining has another SUP that covers the mining operations.

Planning Commissioner Pamela Smith asked if Comstock Mining was working with anyone else regarding the weed abatement program.

Ms. Yelderman answered that yes, they work with several different agencies including BLM. She said that they are in contact with Senior Planner Osborne on a regular basis. Senior Planner Osborne explained that Comstock Mining stays in close contact with his office on all matters.

DISCUSSION/FOR POSSIBLE ACTION: By Ardagh Metal Packaging USA Inc. (McCarran)

Pursuant to SCC 15.08.060 Appeal of Decisions, appeal of decision of Building Official for relief of certain Building Permit fees based on valuation.

Senior Planner Austin Osborne stated that Storey County Code Title 15 states that anyone that disagrees with a building official may present an appeal the planning commission. He stated that Ardagh is currently disputing plan review fees. Senior Planner Osborn said that Ardagh representatives were present at the meeting, but that Community Development Director Dean Haymore was unable to make this meeting due to a serious matter. Mr. Osborne said that it is necessary that Mr. Haymore be present to represent the Building Department. He asked that the Planning Commission consider a motion to continue this item to the next meeting in April. Staff is recommending that we continue this item until the April 17th Planning Commission meeting.

Planning Commissioner Doug Walling asked if the Ardagh representatives had any problem with meeting again in April. They said that they are fine with continuing at the next meeting, and that it is important that Dean Haymore be present.

Motion: Continue to next Planning Commission meeting on April 17th, **Moved** by John Herrington, **Seconded** by Pamela Smith

Vote: Motion carried by roll call vote (summary: Yes = 5).

DETERMINATION OF NEXT PLANNING COMMISSION MEETING:

Senior Planner Osborne recommended that the next meeting be held on April 17, 2014 at the Storey County Courthouse, Virginia City. **Motion:** Next Planning Commission meeting to be held at 6:00 p.m. on April 17, 2014, at the Storey County Courthouse, Virginia City, Nevada.

Action: Approve, **Moved** by John Herrington, **Seconded** by Pamela Smith.

Vote: Motion carried by roll call vote (summary: Yes = 5).

APPROVAL OF CLAIMS: NONE

CORRESPONDENCE: NONE

PUBLIC COMMENT: NONE

STAFF:

Senior Planner Osborne shared that the BLM has conveyed to us the land for Virginia City's new sewer plant. We have issued an RFP, and will be taking bids for construction of that project.

Senior Planner Osborne said that we need to revisit tattoo parlors in the ordinance and how to address them. We will be developing a code for tattoo parlors. We plan to visit the VCTC on an agenda item and ask for public comment. Planning has some basic

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parameters, but we want to know what the business community thinks. We need to develop a master plan component that fits with what our community wants.

Planning Commissioner Herrington asked if tattooing is allowed in the industrial park now. He also asked if it is true that there is a higher crime rate in Reno and Carson City around tattoo parlors.

Senior Planner Osborne answered that yes, it is allowed in the industrial park as pursuant to the 2012 Zoning Ordinance. Mr. Osborne continued that he spoke with planning and other staff in Washoe County and Carson City, as well as other places in the state. He stated that in some cases there had been cases of drug sales and other illicit activities at tattoo parlors. However, in general, agencies reported that most tattoo parlors operate appropriately with little concern.

Vice-Chairman Kekule asked if anyone knows if there was ever a tattoo parlor in Virginia City in the past. There may be historical value in it.

Senior Planner Osborne said that might be something to look into. He explained that during Street Vibrations last year, we had a mobile tattoo parlor here under a Special Events Permit. It was like a doctor's office, and Carson City oversaw it in regards to the health aspect. It went very well.

Planning Commissioner Bucchianeri asked if we would have exactly the same problem with a marijuana dispensary.

Senior Planner Osborne said that we are looking into the medical marijuana issue caused by it being made legal in Nevada. He summarized state law and regulations pertaining to this use. Storey County has an outright prohibition in our code at this time regarding medical marijuana.

Vice-Chairmen Kekule shared that Mark Twain's having its first annual health fair this Saturday and it is turning into a great event.

Mark Twain also had its first parade experience in the St. Patrick's Day event in Virginia City.

ADJOURNMENT: Vice-Chairman Laura Kekule adjourned the meeting at 6:43 P.M.

The Planning Commission minutes as stated above are a summary of the proceeding and are not a verbatim record. The meeting held on the above date was recorded on the District Courtroom's recording system.

Respectfully Submitted,

Lyndi Renaud, Sitting Secretary

Laura Kekule, Vice-Chairman