



STOREY COUNTY PLANNING COMMISSION

Meeting

Thursday March 18, 2021 6:00 p.m.
26 South B Street, District Courtroom, Via Zoom
Virginia City, Nevada

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: Summer Pellett

COMMISSIONERS:

Kris Thompson, Adrienne Baugh, Bryan Staples, Jim Umbach, Alexia Sober

- Call to Order:** The meeting was called to order by the Chairman at 6:00 P.M.
- Roll Call via Zoom:** Jim Hindle, Summer Pellett, Bryan Staples, Jim Umbach, Alexia Sober, Kris Thompson
Absent: Adrienne Baugh

Also Present: Senior Planner Kathy Canfield, County Manager Austin Osborne, Deputy D.A. Keith Loomis, and County Commissioner Jay Carmona.
- Pledge of Allegiance:** The Chairman led the Pledge of Allegiance.
- Discussion/For Possible Action:** Approval of Agenda for March 18, 2021.

Chairman Hindle welcomed Alexia Sober as the new planning commissioner representing Virginia City.

Motion: Approval of Agenda for March 18, 2021, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Staples, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment.
- Discussion/For Possible Action:** Approval of Minutes for February 18, 2021.

Motion: Approval of Minutes for February 18, 2021, **Action:** Approve, **Moved by** Commissioner Umbach, **Seconded by** Commissioner Staples, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment
- Discussion/For Possible Action:** Special Use Permit request 2021-10 by Kris and Kate Hukari. The applicants request a special use permit to allow for a 5-foot side yard setback from the roadway easement line on the north side of the property and for a 12-foot side yard setback along the south property line. The property is located within the Virginia City Highlands at 2045 Alpine Road, Storey County, Nevada, Assessor's Parcel Number (APN) 003-081-43.

Senior Planner Kathy Canfield: The proposed location is within the 1-acre Virginia City Highlands subdivision. The parcel itself has a “diamond” shape and the 50-foot roadway access easement for Alpine Road is located entirely within the parcel on the west and north side of the property. Because of the shape of the parcel and the road access easement, when the setbacks are applied to the property, the area for development is limited to a long narrow area of the parcel which appears to be about 1/3rd of the property. The setback required for the barn is 15 feet from the edge of the road easement and the applicant is asking for a 5 foot setback for this accessory structure (barn) on the north side. The applicant also is asking for a 12 foot setback instead of 15 foot for an accessory structure (shed) on the south side. The applicant did place a couple of accessory structures on the property prior to a permit being issued. The Community Development Department has been working with him to correct this. Since this time the applicant has received his permit for the residence. The well and septic system are completed. The applicant has also been working with the HOA on relocating a couple of small horse shelter type structures (under 200 square feet) that were placed in the road easement area.

Planning received one inquiry from an adjacent neighbor that had questions about setbacks and the road easement. Staff sent him the staff report and answered his questions. He had no further concerns with the special use permit request. Because of the odd shape of the parcel and the fact that the roadway easement is entirely located on the property and taking up a lot of the buildable area, staff is recommending approval of the setback modifications.

Commissioner Umbach: Asked what the neighbor was concerned about.

Senior Planner Canfield: The neighbor was concerned that the roadway easement was too small to accommodate the reduced setback. Right now the road serves three properties and is just one lane, but the actual easement width is 50 feet. The road easement belongs to the Property Owner’s Association (POA). The property owner is not doing anything to the road. The neighbor does not use any part of this road to access his property.

Commissioner Sober: Asked if in the future the three properties that the road services were to be developed, would this (reduced setback) inhibit or make it more difficult for emergency services to reach the properties.

Senior Planner Canfield: Answered no because the roadway easement itself is 50 feet wide and roadways don’t typically take up that entire area of the easement. In this area the actual road is usually 24 to 25 feet with a pretty big shoulder. There is still plenty of room for drainage channels or something else (utilities). Canfield clarified that the applicant is just asking for a reduced setback of 5 feet from the edge of the 50 foot road easement. Chairman Hindle asked if the barn will be a permanent structure and that this request is just for reduced setbacks for accessory structures, not the residence. Canfield confirmed that the barn is permanent and that the residence will conform to required setbacks.

Chairman Hindle asked if there was any feedback from the homeowner’s association (HOA) on whether this will impinge on their ability to develop the road. Canfield answered that staff didn’t receive anything from the homeowner’s association; however the applicant has to get approval from the HOA for permitting the development on their site. Staff didn’t necessarily notice the HOA but we did notice all adjacent property owners and the applicant had to receive approval from the HOA before getting his building permit.

Kris Hukari, applicant: Said that the request has been explained well and the house is well within the setbacks; just asking for a reduction in the setback for the barn and accessory building because of the shape of the lot and the road running through it. Hukari said that the HOA concerns have been addressed and some corrections are being made to satisfy the HOA.

Chairman Hindle alerted Kathy to the word “abandonment” in the staff report. Canfield said that the word was an error and will remove it for the Board staff report. Hindle also inquired about the transferability of the SUP because the way the report read was that the SUP would stay with the property. Canfield said that yes it would stay with the property because these are permanent buildings.

Commissioner Pellett: Said that it is typical that a SUP stays with the land. Canfield agreed. Pellett also asked a question about the existing structures that had been placed on the road easement; didn’t see them in the conditions to be removed.

Kris Hukari, applicant: Answered that the structures were addressed in the approval from the HOA.

Senior Planner Canfield: Also answered that the county building inspectors are working with him to correct this and that the structures are less than 200 square feet and are allowed to be up to three feet from the edge of the road easement.

No Public Comment

Motion: In accordance with the recommendation by staff, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I Kris Thompson, hereby recommend approval to allow for a 5-foot side yard setback from the roadway easement line on the north side of the property and for a 12-foot side yard setback along the south property line. The property is located within the Virginia City Highlands at 2045 Alpine Road, Storey County, Nevada, Assessor's Parcel Number (APN) 003-081-43. **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Umbach,

Senior Planner Canfield read the findings into the record:

- (1) This approval is to allow for a 5-foot side yard setback from the roadway easement line on the north side of the property and for a 12-foot side yard setback along the south property line. The property is located within the Virginia City Highlands at 2045 Alpine Road, Storey County, Nevada, Assessor's Parcel Number (APN) 003-081-43.
- (2) The proposed project complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.
- (3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
- (4) The proposed project will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
- (5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
- (6) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Virginia City Highlands 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 17.40 – E Estates Zone.

Vote: Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

7. **Discussion/For Possible Action:** Determination of next planning commission meeting.

Chairman Hindle asked about when staff anticipates meeting in person as opposed to Zoom.

County Manager Osborne: Stated that the Governor has announced that May 1st will be the date that in a hypothetical sense he will “hand over the keys” to the counties, but in the interim the counties have to present reopening plans to the Governor’s office. Joe Curtis and Lara Mather are head of the task force and they are putting together our local plan with local business and community members and county personnel. Osborne said he is hopeful that May 1st the planning commission and the board of county commissioners can meet in person.

Deputy D.A. Loomis: Said that the Governor’s Directive 006 is the directive that affected the Open Meeting Law provisions and that provides for the Zoom meetings and that has not been changed. It is still staying in effect. The county may change May 1st when jurisdiction transfers over to the county.

Motion: Next planning commission meeting to be held on April 15, 2021 at 6:00 P.M. at the Storey County Courthouse, Virginia City, Nevada, Via Zoom, Action: Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Staples, **Vote:** Motion carried by unanimous vote (**summary:** Yes=6).

No Public Comment

8. **Discussion/For Possible Action:** Approval of claims – None

9. **Correspondence (No Action)** – None

10. **Public Comment (No Action)** – Deputy D.A. Loomis: Said that because the commission voted twice on the Stericycle special use permit he wanted to give an update on the Stericycle lawsuit. The commission voted 5-1 to recommend approval to the board of county commissioners (BOCC) and the BOCC ultimately approved the special use permit. This was met by a lawsuit challenging the validity of the decision. Stericycle intervened in the suit and the county was involved in the suit. Both the county and Stericycle filed motions to dismiss to petition to review because of a lack of standing by the person bringing the suit because she had not participated in any of the proceedings before either the planning commission or the Board (county commission). Judge Russell granted the motion to dismiss. The petitioner has now indicated that they will be filing to the Nevada Supreme Court.

Commissioner Thompson: Stericycle has closed escrow on their twenty acres in the Tahoe Reno Industrial Center. They had an executive V.P. out here and they are looking to build quickly. All indications are that they will be getting their air quality permit on their cutting edge technology here in probably the next 60 to 90 days.

11. **Staff (No Action)** – Senior Planner Canfield said that we (county) are pursuing some grant opportunities. One is with the Carson Water Subconservancy (CWSD) looking at flooding and grant ideas related to Virginia City and Six Mile Canyon. There is another potential grant opportunity with the State which would be for the Lockwood area including Long Valley Creek. This would be for planning and research opportunities not mitigation. Canfield said there will probably be two applications that will be heard at the April planning commission meeting. Mentioned the “innovation letter” she sent to the commissioners regarding the county’s position on the Innovation Zone.

County Manager Osborne: Told the commission that the Innovation Zone letter detailing the county’s position on this is on the county website. There is a portal on the main page where the public can view the letter, other related documents, and draft bill document provided by the proponent of innovation zone.

Chairman Hindle asked about the master plan update that may be coming up.

Senior Planner Canfield answered that the update will potentially begin when in person meetings start back up, but there is no specific timeline. It is not a requirement to have the update done after 5 years, but it will probably begin late fall or next winter.

12. **Board Comments (No Action)** – Commissioner Thompson thanked County Manager Osborne for his work in opposing assembly bill (AB) 90. This is a Washoe County driven bill. It essentially says that before any county can grant a permit to a company for a facility or a project that meets certain criteria such as size or construction impact, etc. it has to clear certain criteria for impacting surrounding counties, and that's subject to discussion between the two counties. For example if a company wants to develop in Storey County and their big enough or complex enough to meet this criteria for regional impact, then the company would have to wait for approval from Washoe County and Lyon County before Storey County could grant a permit. It is essentially a revenue discussion; they want a piece of the revenue that comes to our county. This would kill development and our county is working hard against it.

Chairman Hindle said he wanted to clarify something that has come up, specifically his name in relation to another organization for which he is an officer, that he was against Storey County's application to join the Carson Water Subconservancy District. There is no opposition to this. Hindle said that he and the organization in which he is an officer completely backs the county joining this organization.

13. **Adjournment (No Action)** - The meeting was adjourned at 6:54 p.m.

Respectfully Submitted, By Lyndi Renaud