



State of Nevada
Department of Conservation and Natural Resources
Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Rebecca Palmer, *Administrator*
Joseph Curtis, *Chair*

MINUTES OF THE COMSTOCK HISTORIC DISTRICT COMMISSION

DATE: Wednesday, July 10, 2024

PLACE: Comstock Historic District Commission Office, 20 N. E Street, Virginia City, Nevada

HEARING TIME: 5:00 PM

CALL TO ORDER: 5:00 PM

AGENDA ITEM 1, PLEDGE OF ALLEGIANCE

AGENDA ITEM 2, COMMISSIONER ROLL CALL: Quorum achieved

Calvin Dillon – present

Tammy Hendrix – present

Julie Workman – present

Clay Mitchell – present

David Bates – present

Joe Curtis – present

Nancy Cleaves – present

Mercedes de la Garza – present

(Deputy Attorney General Nicole N. Ting also present)

AGENDA ITEM 3, PUBLIC COMMENT: (Comment limited to 3 minutes per speaker, no action will be taken until it is properly agendaized): No public comment from the audience. One emailed public comment was received and will be summarized into the record during the relevant section of the forthcoming summary and discussion (see below).

AGENDA ITEM 4, REVIEW AND DISCUSSION OF LCB File R016-24 (FOR DISCUSSION ONLY):

Clay Mitchell asked if this hearing and the regular CHDC July meeting to follow would be handled as two separate meetings. Chair Joe Curtis said yes, these are separate meetings and this one will be adjourned and then the next one will start.

Joe Curtis asked Kristen Brown to give a summary of the effort to revise NAC 384. Kristen Brown explained the process that began with public workshops during the winter of 2022-2023, and how staff used the recommendations from the public and the Commissioners to write the proposed revisions. The draft revisions were sent to the Legislative Counsel Bureau, who amended them further, then Kristen prepared several required reports that summarized the reason for each revision and the revisions' potential impact on small businesses. The draft revisions and those supporting documents were then posted more than 30 days in advance of the hearing at locations across Nevada. If the amendments are adopted during tonight's public hearing, Kristen will be preparing an additional packet of information to

the Legislative Commission. Kristen then gave an overview of the proposed amendments, section by section.

Kristen Brown received one public comment via email and summarized it for the record – it was received from Lyon County Community Development Director Gavin Henderson, who was writing on behalf of his department. They were concerned with the proposed change to eliminate the CHDC meeting on the first Tuesday of each month and to change it to simply stating that the CHDC will meet once each month. Mr. Henderson stated that a regular monthly meeting makes it easier for members of the community to plan ahead. Kristen Brown agreed that this was a legitimate concern, but stated that her goal was to continue to hold the meetings on the first Tuesday of the month and to maintain consistency. Eliminating the requirement, however, would give us flexibility in the rare occurrence when a meeting must be rescheduled in advance. It would allow her to choose a day based on known attendance availability and not have to place the proposed reschedule on a meeting agenda for a formal vote.

Julie Workman spoke about the proposed district boundary revisions, in which the Virginia City Highlands was removed and the rest of the district boundary is the same. She explained that about 20 years ago, the Commission held public meetings and began the process of revising the boundaries. At that time, the Commissioners came to a consensus that the boundaries would be revised slightly in Dayton and in the Mound House area as well. She believes that since we are making this effort to revise the regulations, we should incorporate those additional boundary revisions as well so that the district boundary more accurately reflects the presence/absence of historic resources. Before this hearing, she had sent Kristen Brown the Dayton boundaries that were agreed upon at that time, and stated that those revised boundaries were commonly accepted in the community and distributed by Lyon County staff. Kristen Brown then displayed a proposed new boundary map that looks like the map in the proposed NAC revision packet, but now also includes a small inset map depicting the Dayton boundaries.

Mercedes de la Garza asked a question regarding the proposed repeal of the Treasurer position and its duties outlined in NAC 384.060. She asked if there was previously a discussion of collecting fees for COA applications. Other Commissioners answered that they did discuss the possibility but decided against it. Clay Mitchell noted that although the Treasurer position is proposed for elimination and the Treasurer duties section is proposed for repeal, the regs still give the Commission the ability to collect fees – it says “may establish a reasonable fee to cover the cost of processing an application” in Section 384.160(1). He asked if there is a conflict between removing the ability to deposit money and retaining the ability to collect money.

DAG Nicole Ting answered that no, it is OK to leave the language about potentially collecting fees in 384.160, but by repealing the description of how the Treasurer would make the deposit, we would have less guidance for that process and the decisions for how to make deposits would be up to the Chair. Mercedes de la Garza said that it’s better to leave that process language in the 384.060 then, that we should revise the language there and leave it in.

Clay Mitchell spoke about the proposed change away from meeting on the first Tuesday of each month and said that he would be OK with any regular meeting day. He then asked about the Sutro area of the district, whether the boundary revision effort can include clarifying the boundaries around the Sutro Tunnel. Kristen Brown said that yes, she could work with Lyon County to map accurate boundaries in that location.

Clay Mitchell referred to Section 8 of the revisions, which proposes to revise NAC 384.160. Since Item 5 says that the application “may” be accompanied by legible photographs of all sides of the structure, he recommended swapping the order of Item 5 and Item 6. Since Item 6 states that the Commission may require an applicant to submit additional information, it would be clearer if it came first so that people are aware that the Commission has the right to ask for more information than what is outlined in the preceding Item 4. He suggested that we could also add the words “as required” to the end of the current Item 5.

Several Commissioners had questions about the intent of the changes in that section that require some items to be submitted, but not all. Kristen Brown explained that based on the workshop notes she was given, the intent of these revisions was to not make it mandatory for a small, simple project to submit as many items as a much larger, more complicated project. Some projects are very simple and would only require a very brief application with minimal attachments.

DAG Nicole Ting recommended a motion to make the various proposed changes that were discussed. Kristen Brown summarized the three revisions that the Commission asked for during the discussion: 1) Revise Section 384.060 to accurately reflect that we will no longer have a Treasurer, then keep that section in the regulations instead of repealing it; 2) to revise the district boundary map to address the new boundaries in Dayton as displayed today, and to also revise the boundaries at Mound House and Sutro; and 3) to swapping the current Item 5 and Item 6 in Section 8 (NAC 384.161) and adding “as required” to the end of the current Item 5 in that section.

AGENDA ITEM 5, ADOPTION OF LCB File R016-24 (FOR POSSIBLE ACTION):

Chair Joe Curtis asked if there was additional public comment prior to the motion. No comments were received.

Clay Mitchell moved to propose additional changes to our regulations as summarized by Kristen Brown on the record, and to authorize staff to make the changes and send them to LCB for review. Nancy Cleaves seconded the motion. A vote was taken and the motion passed unanimously.

AGENDA ITEM 6, PUBLIC COMMENT: (Comment limited to 3 minutes per speaker, no action will be taken until it is properly agendized): None

AGENDA ITEM 7, ADJOURNMENT (FOR POSSIBLE ACTION):

Nancy Cleaves moved to adjourn the meeting. A vote was taken and the motion passed unanimously. Meeting adjourned at 5:49 PM.