



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: Tuesday, September 5, 2023

PLACE: Piper's Opera House, 12 North B Street, Virginia City, Nevada

WORKSHOP MEETING: None

REGULAR MEETING TIME: 5:00 PM

CALL TO ORDER: 5:02 PM

PLEDGE OF ALLEGIANCE

COMMISSIONER ROLL CALL: Quorum achieved

Calvin Dillon – present

Tammy Hendrix – present (arrived during Agenda Item 7 discussion)

Julie Workman – present (arrived during Agenda Item 7 discussion)

Clay Mitchell – present

John Cassinelli – present

Joe Curtis – present

Nancy Cleaves – present

Mercedes de la Garza – present

(Chief Deputy Attorney General Greg Ott also present)

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

ADMINISTRATIVE ITEMS:

Chair's Report – Chair Joe Curtis reiterated his previous report regarding several violations in the district, including trailers being lived in full time (not temporarily) and shipping containers.

Staff Report – Comstock Preservation and History Officer Kristen Brown referred the Commissioners to her staff report that was sent to them along with the meeting materials. She noted that some Commissioners may not have been reading all of the materials and pointed out that the staff reports are different than the meeting materials packet. The “packet,” aka “supporting materials,” is public record and is posted on the website each month. The “staff notes” is an internal document that is attached to the emails she sends to the Commissioners each month. It is important to read both documents before each meeting.

Commissioner Comments – Clay Mitchell suggested that the approval of the previous month’s agenda be moved higher up in the agenda, before the administrative items. Mercedes de la Garza stated that she was not able to look at the new lights along SR 342 since she cannot drive at night.

Correspondence – None.

APPROVAL OF SEPTEMBER 5, 2023 AGENDA, AGENDA ITEM 5:

Calvin Dillon moved to approve the September 5, 2023 agenda as written, and Mercedes de la Garza seconded the motion. A vote was taken and the September 5, 2023 agenda was unanimously approved.

APPROVAL OF MINUTES FROM AUGUST 1, 2023 MEETING, AGENDA ITEM 6:

Clay Mitchell noted one typo – The text in Item 7 notes the school on B Street but should be D Street. Nancy Cleaves moved to approve the August 1, 2023 meeting minutes with that item corrected, and Calvin Dillon seconded the motion. A vote was taken and the August 1, 2023 meeting minutes were approved. John Cassinelli abstained from voting.

NEW CONSTRUCTION, NV ENERGY STREETLIGHTS, VARIOUS LOCATIONS, VIRGINIA CITY AND GOLD HILL, AGENDA ITEM 7 (FOR POSSIBLE ACTION):

NV Energy installed inappropriate light fixtures without consultation. This item was on previous meeting agendas to discuss a potential stop work order and later to discuss potentially approving the lights. Kristen Brown gave an update that NV Energy had finished installing the new, dimmer bulbs and that she had sent several emails inviting the Commissioners and County staff to view and evaluate them. Several Commissioners reported that they did view the lights after dark. All who viewed the lights reported that they were much improved, and that the problem has been lessened significantly, with the lights not as bright and not as blinding. Kristen Brown reported that she has not yet heard back from any County staff members regarding the new lights. Clay Mitchell suggested that we select several “pre-approved” light types that are appropriate for the district, in case private businesses or others request lights from NV Energy. Kristen Brown will send a note to NV Energy thanking them for replacing the lights along the highway, and asking them about other light types that could be installed elsewhere in the district. Clay Mitchell noted that the new bulbs in the decorative lampposts near the courthouse were installed and ready for viewing.

Public comment – Clay Mitchell reported that resident Sam Toll asked him if NV Energy could remove a light standard entirely. Clay feels that this is a question for the County. Resident and Virginia Township Justice of the Peace Eileen F. Herrington, and resident Lisa Howard asked which lights would be installed in the future in other locations. Kristen Brown answered that the lights that were recently installed were larger lights as they are on a highway, but that NV Energy would install similar, smaller lights along residential streets.

NEW CONSTRUCTION: RESTROOM/WASH STATION, SILVER TERRACE CEMETERY, 381 CEMETERY ROAD, VIRGINIA CITY, AGENDA ITEM 8 (FOR POSSIBLE ACTION):

Joe Curtis and Calvin Dillon recused themselves from the discussion as they serve on the board of the Comstock Cemetery Foundation (project proponent). Discussion among Commissioners about the proposed design and the building’s placement at the site. Mercedes de la Garza noted that the design does not appear to be ADA accessible, as it doesn’t include a way for wheelchairs to access the building from the parking area. As an architect, she has certain ethics she must uphold, so if she votes to approve the

design aesthetics, she wants to ensure her vote isn't implied to also be an approval of the building's accessibility. She noted that the County building permit is likely only for life safety, as the accessibility requirements of a building depend on its use and users. Clay Mitchell noted that our motion can be worded in such a way as to not imply approval of anything other than the appearance of the building. Mercedes de la Garza noted that we do need to alleviate this Commission's responsibility for it not meeting ADA. DAG Greg Ott stated that he does not think the Commission would be on the hook legally for it not meeting ADA if the CHDC simply approves the design. Regarding the design, Julie Workman noted that the building design does follow the design suggestions developed during the workshop that Comstock Cemetery Foundation participated in with Commissioners. Mercedes de la Garza suggested that if they remove the earthen ramp between the restroom and wash station and replace it with stairs, it would make it more obvious that the rear wash station area is not intended for public access. Mercedes de la Garza began to state a motion that included a stipulation that stairs be installed instead of a ramp, but Clay Mitchell asked whether we should be doing that since the CHDC's role is design and historical accuracy, not site planning for accessibility. Tammy Hendrix asked if the Comstock Cemetery Foundation needed the ramp to the wash station, and Calvin Dillion said they do not. John Cassinelli stated that these are just schematic drawings, not construction drawings, so we are getting ahead of ourselves with these fine details anyway. Mercedes rescinded her initial motion and offered a new motion (below).

Public comment – Kathy Canfield, Storey County Planning Manager noted that the County would consider an alternative location closer to the parking area, but it may not be possible due to disputes over land ownership in that area. Storey County Building Official Pete Renaud stated that if this design came to them as a public building, they would not approve the design without it meeting ADA requirements.

Motion – Mercedes de la Garza moved to approve the new restroom/wash station building, with the caveat that the CHDC is approving the exterior design and appearance only, that we are not commenting on the ADA accessibility of the design, and that if the location or design changes, the applicant must submit a new COA application for consideration. Nancy Cleaves seconded the motion. A vote was taken and the motion passed with Joe Curtis and Calvin Dillon abstaining.

NEW CONSTRUCTION: SHOP, 205 E. MILL STREET, VIRGINIA CITY, AGENDA ITEM 9 (FOR POSSIBLE ACTION):

Public comment prior to Commissioner discussion – Member of the public Lisa Howard lives in the house across the street. She does not have a problem with this shop being built, but she would like its visibility to be lessened somehow. When the sun hits this building, it will be very visible. She suggested that it be “rusticated” like the wastewater treatment building near Gold Hill, or screened with trees.

Discussion among the Commissioners regarding the design of the new metal building. Joe Curtis noted that this type of building can be built with pre-rusted material, or acid can be applied to encourage patina. Clay Mitchell feels that the heavily rusted look is not authentic, especially since galvanized material is intended to prevent or reduce rust. Mercedes de la Garza asked how tall the building will be, and the owner William Breitenbach specified 14 feet plus additional height for the roof peak. Joe Curtis asked if the garage doors can be changed to something less modern, and the owner answered no, other door types don't have the clearance he requires for his vehicles. Owner William Breitenbach would like a galvanized or brown building with brown trim, brown roof, and brown garage doors, but he is open to other colors. Kristen Brown suggested that if the color matched the tailings behind the building, it would help the

building blend in. Joe Curtis noted that some new metal buildings that were approved for the district in the past are not appropriate, and some should not have been approved. Owner William Breitenbach indicated that he would be OK with a tan building but still prefers brown trim and doors. Mercedes de la Garza noted that contrasting trim would not help the building blend in, but would instead make it more visible. Mercedes de la Garza asked if the owner could obtain color samples. Mercedes de la Garza began a motion to deny the application until more information and colors are known, and Nancy Cleaves seconded the motion. The Commissioners did not vote but instead discussed whether there was an approved color list and whether staff or a subcommittee could develop such a list. DAG Greg Ott noted that a subcommittee or working group can be established but that they would still need to meet Open Meeting Law. Clay Mitchell asked if the colors for this building could be worked out with staff. Mercedes de la Garza withdrew her motion.

Public comment – A Street resident Eileen F. Herrington is surprised the new metal garage on B Street was approved as it does not seem appropriate. Resident Lisa Howard stated that she thinks the color of this proposed shop should match the tailings pile behind it.

Motion – John Cassinelli moved to approve the application as presented, with the colors to be either “Rawhide” or “Earth Brown,” as appropriate, as depicted on the manufacturer’s color sample sheet. Nancy Cleaves seconded the motion. A vote was taken and the motion passed unanimously.

Additional Related Discussion – Mercedes de la Garza stated that we should have a checklist of things required for submittal, and that it should include hard-copy color samples for any proposed colors. The materials submitted with a COA application should be thorough and contain all information needed for the Commissioners to understand the project. Joe Curtis said that in the past they have denied applications that did not contain enough information, and that staff can help obtain more information before an application goes on the agenda. Kristen Brown noted that she does work with each applicant to obtain as much information as possible, but that she will continue to ask for even more information, and she can revise the COA application form to include a checklist. Joe Curtis noted a 1954 County law regarding changes to Virginia City that was described in a historic newspaper article, and asked if the law still exists. DAG Greg Ott noted that although this discussion is relevant to the last agenda item, we need to halt the discussion and return to the agendized items.

STOP WORK ORDER, FENCE, 107 E. WASHINGTON STREET, VIRGINIA CITY, AGENDA ITEM 10 (FOR POSSIBLE ACTION):

Owner Vanina Larroca Vicena stated that her Realtor informed them that changes to the house required a COA, but did not mention anything about fences. She displayed a section of fence as a visual aid and stated that she would be happy to screen it with plants. Julie Workman noted that it isn’t a permanent fence type and it is already partially screened with plants. Nancy Cleaves noted that she has a similar fence that was approved by former staff. Tammy Hendrix stated that she thinks the fence is fine. Julie Workman began a motion to approve the fence, but DAG Greg Ott noted that the agenda item is for a stop work order, not a COA. Julie Workman revised her motion (below).

Public Comment – None.

Motion – Julie Workman moved to deny the stop work order. Clay Mitchell seconded the motion. A vote was taken and the motion passed unanimously.

TRAILERS AND SHIPPING CONTAINERS, AGENDA ITEM 11 (FOR DISCUSSION ONLY):

Joe Curtis mentioned the suggestion from the last meeting, that Commissioners meet with the DAG and with staff from both counties, such as their Building Departments and sewer/water department, to try to tackle the problem of people living in trailers. Clay Mitchell asked if that would constitute a quorum. DAG Greg Ott said that the Commission is allowed to meet with its attorneys outside of a public meeting if litigation or fines are anticipated. In that case the CHDC would not need to follow Open Meeting Law. However, other parties such as staff from counties could not attend. Joe Curtis asked how we can get input from other agencies. John Cassinelli asked if Code Enforcement could help. Tammy Hendrix noted that Lyon County recently held a Code Enforcement workshop with various county offices and staff present, that was open to the public. No action items were decided upon, but the feedback was helpful, so perhaps a similar workshop could be held in Storey County. Clay Mitchell suggested that the CHDC meet with our DAG first, outline some goals, then reach out to the counties and/or schedule a public workshop. Tammy Hendrix noted that holding a public meeting about this issue would be beneficial regardless. Joe Curtis noted that in the past, staff allowed shipping containers if they were screened or camouflaged with wood or metal. DAG Greg Ott reminded the Commission that this agenda item is for discussion only. Joe Curtis asked about the RV park in the district – is that legal per NRS 384? He also asked what “placed or established” means in NRS 384 – what if an RV is simply being stored at someone’s home and no one is living in it? Kristen Brown will set up a meeting with the DAG and the Commissioners, and ensure that the Chair and both County Commissioners can attend.

Public Comment – Storey County Building Official Pete Renaud is glad this group is addressing the problem, as the County’s “pre-prosecution” process is long and arduous. Resident and Justice of the Peace Eileen F. Herrington noted that the Sheriff office doesn’t know what it is that they’re enforcing, and that it is important to include the District Attorney, the Sheriff, and Code Enforcement. She also noted that her street has numerous trailers and containers. Resident Lisa Howard thinks this is a public awareness issue, as residents clearly do not believe the CHDC will do anything about the problem. Eileen F. Herrington said that in the past, citations were seen as selective, or “picking on” someone, and therefore this needs to be enforced district-wide. Storey County Manager Austin Osborne mentioned the RV park and noted that the County should create an overlay to keep it legal pursuant to NRS 384.

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

ADJOURNMENT:

Nancy Cleaves moved to adjourn the meeting, and Clay Mitchell seconded the motion. A vote was taken and the motion passed unanimously. Meeting adjourned at 7:29 PM.