

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

**PUBLIC ADOPTION HEARING AGENDA**  
**LCB File R016-24**

**WEDNESDAY, JULY 10, 2024 at 5:00 PM**

Comstock History Center  
20 N. E Street  
Virginia City, NV 89440

**Teleconference Access Information**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NWMyNGQ1OWItYWQ5Zi00YTAwLTgxMzAtNWY2ZmFiMTFIMjg5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d8975036-2be8-4c07-bdad-13357f754deb%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWMyNGQ1OWItYWQ5Zi00YTAwLTgxMzAtNWY2ZmFiMTFIMjg5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d8975036-2be8-4c07-bdad-13357f754deb%22%7d)

Meeting ID: 268 087 513 129

Passcode: qNxHWw

Or call in (audio only): (775) 321-6111, 78045583#

- 1. CALL TO ORDER – Pledge of Allegiance**
- 2. ROLL CALL OF COMMISSIONERS AND DETERMINATION OF QUORUM**
- 3. PUBLIC COMMENT**

Public comment will be made on any matter relevant to LCB File R016-24 or to the Commission. Public comment will be taken at the beginning and end of the hearing and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comments may be limited to three (3) minutes per person or five (5) minutes for group representatives, at the discretion of the Chair. Comment will not be restricted based on viewpoint. No action will be taken on any matters raised during the public comment period that are not already on the agenda. Persons making comment will be asked to begin by stating their name for the record.
- 4. REVIEW AND DISCUSSION OF LCB File R016-24 (FOR DISCUSSION ONLY)**

The proposed regulation change relates to the Comstock Historic District and the Comstock Historic District Commission. Proposed changes include: amending the district boundary to remove the Virginia City Highlands; streamlining the Certificate of Appropriateness process; eliminating unnecessary Commission officer positions; and clarifying definitions, responsibilities, and processes.
- 5. ADOPTION OF LCB File R016-24 (FOR POSSIBLE ACTION)**

## **6. PUBLIC COMMENT**

Public comment will be made on any matter relevant to LCB File R016-24 or to the Commission. Public comment will be taken at the beginning and end of the hearing and may be taken at the discretion of the Chair on agenda items listed for possible action. Public comments may be limited to three (3) minutes per person or five (5) minutes for group representatives, at the discretion of the Chair. Comment will not be restricted based on viewpoint. No action will be taken on any matters raised during the public comment period that are not already on the agenda. Persons making comment will be asked to begin by stating their name for the record.

## **7. ADJOURNMENT**

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Items on the agenda may be taken in a different order than listed.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Comstock Historic District Commission in writing at 20 North E Street, Virginia City, Nevada 89440, or by calling (775) 847-0281, or by emailing [knbrown@shpo.nv.gov](mailto:knbrown@shpo.nv.gov) no later than **9:00 am July 10, 2024**.

Supporting documents for agenda items will be available no later than **June 7, 2024**. Please contact Kristen Brown if you wish to obtain copies prior to the hearing by emailing her at [knbrown@shpo.nv.gov](mailto:knbrown@shpo.nv.gov), or call (775) 847-0281. Supporting materials will also be posted on the Comstock Historic District Commission website at <https://shpo.nv.gov/comstock-historic-district-commission>.

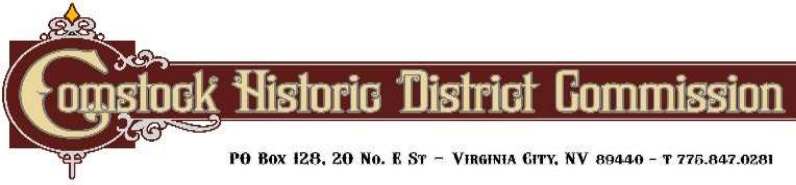
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Notice of this hearing was posted at the following locations:

- Comstock Historic District Commission office, 20 N. E Street, Virginia City, NV;
- Nevada Public Notice website, <https://notice.nv.gov>;
- Comstock Historic District Commission website, <https://shpo.nv.gov/comstock-historic-district-commission>;
- Nevada State Legislature website: [www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/);
- Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV;
- Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, NV;
- Storey County Courthouse, 26 S. B St., Virginia City, NV;
- Grant Sawyer Building, 555 E. Washington Ave., Las Vegas, NV;
- Nevada State Historic Preservation Office Las Vegas Office, 4747 Vegas Dr., Las Vegas, NV;

This notice and its supporting materials are also available for public inspection at the following locations:

- Washoe County Library, 301 South Center St., Reno, NV;
- Carson City Library, 900 N. Roop St. Carson City, NV;
- Douglas County Public Library, 1625 Library Ln., Minden, NV;
- White Pine County Library, 950 Campton St., Ely, NV;
- Elko County Library, 720 Court St., Elko, NV;
- Lincoln County Library, 63 Main St., Pioche, NV;
- Esmeralda County Library, Corner of Crook & 4<sup>th</sup> St., Goldfield, NV;
- Pershing County Library, 1125 Central Ave., Lovelock, NV;
- Mineral County Public Library, 110 W 1st St, Hawthorne, NV;
- Lyon County Library, 20 Nevin Way, Yerington, NV;
- Churchill County Library, 553 South Main St., Fallon, NV;
- Battle Mountain Branch Library, 625 South Broad St., Battle Mountain, NV;
- Humboldt County Library, 85 East 5th St., Winnemucca, NV;
- Eureka County Library, 80 Monroe St., Eureka, NV;
- Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV;
- Tonopah Public Library, 167 Central St., Tonopah, NV; and
- Storey County Community Library, 175 Carson St., Virginia City, NV.



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## NOTICE OF INTENT TO ACT UPON A REGULATION

### Notice of Hearing for the Adoption of Permanent Regulations of the Comstock Historic District Commission

LCB File Number R016-24

The Comstock Historic District Commission (CHDC) will hold a public hearing to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 384 of the Nevada Administrative Code (NAC).

Date: Wednesday, July 10, 2024

Time: 5:00 PM

Location: Comstock History Center  
20 N. E Street  
Virginia City, NV 89440

Virtual: Click the link to access the meeting:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NWMyNGQ1OWItYWQ5Zi00YTAwLTgxMzAtNWY2ZmFiMTFIMjg5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d8975036-2be8-4c07-bdad-13357f754deb%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWMyNGQ1OWItYWQ5Zi00YTAwLTgxMzAtNWY2ZmFiMTFIMjg5%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d8975036-2be8-4c07-bdad-13357f754deb%22%7d)

Meeting ID: 268 087 513 129

Passcode: qNxHWw

Or call in (audio only): (775) 321-6111, 78045583#

The following information is provided pursuant to the requirements of NRS 233B.0603:

#### 1. The need for and the purpose of the proposed regulation or amendment.

The proposed revision of NAC 384 seeks to clarify and streamline the definitions, responsibilities, duties, and processes that pertain to the CHDC and its ability to carry out the requirements of NRS 384. Revisions to NAC 384 include:

- Amending the district boundary to remove the Virginia City Highlands residential area. This will eliminate a large area that does not contain historic resources related to the Comstock.
- Streamlining the Certificate of Appropriateness (COA) process by formally allowing the District Officer to issue certain COAs administratively; namely, those that are

- minor projects and also meet the district design standards. This will eliminate the need for small projects to be placed on a CHDC public meeting agenda.
- Eliminating the unnecessary CHDC officer positions of Secretary and Treasurer, and eliminating the authority of CHDC officers to enter contracts or sign checks. These positions are not required as the District Officer will become responsible for the meeting minutes, and because the CHDC does not have reason to collect fees, enter contracts, or manage financial accounts. Contracts and checks are not required since the operation of the office building is handled by the State Historic Preservation Office, the Department of Conservation and Natural Resources, and the State Public Works Department.
  - Clarifying the duties of the District Officer. This will help the public understand what the CHDC staff position is responsible for, and which duties they are allowed to perform.
  - More accurately describing the process for providing written notice of special meetings, and allowing the transmittal of meeting notices to the Commissioners via email. This will help the Commissioners receive notice more quickly and will help staff distribute meeting notices more efficiently.
  - Removing the requirement that future architectural committee members have particular experience relating to the architectural design and engineering methods used between 1865 and 1880. This will give the CHDC the flexibility to appoint any person who has general knowledge and expertise in architecture, engineering, or design.
  - Eliminating the requirement that the CHDC is to meet on the first Tuesday of each month, and instead adding the requirement that they will meet once each month, and that there will be certain instances that would exempt them from that requirement. This will give the CHDC flexibility to select another meeting date if circumstances prevent them from meeting on the first Tuesday, and would allow them to cancel a meeting if there is no district business to discuss, if there will not be a quorum of members, or if there is inclement weather or other uncontrollable circumstances.
  - Clarifying what items are required for submittal with a COA application by listing which items are required, and which may be required pending a request for additional information by the CHDC. This will help the public understand what information they are expected to compile and submit. It will also help staff explain the COA application process more clearly, and will allow the CHDC to request certain additional items on an as-needed basis.
  - Clarifying the principles by that the CHDC must consider when determining whether to issue a COA, by revising the existing language in NAC 384.170 to cite the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and by using clearer language to describe the CHDC's design review principles. This will help the public understand how the CHDC reviews COA applications and what the goals of the CHDC are regarding historic preservation and the alteration of buildings and parcels within the district.
  - Eliminating the requirement for advance notice to be given to the CHDC before a preapplication review. This will allow the CHDC to be more flexible in scheduling

preapplication reviews, and will allow applicants to request preapplication review without a long lead time.

- Clarifying the powers granted to a county or city building inspector designated by the CHDC to state that they have authority only for inspecting areas within the historic district and providing reports to the CHDC. This will help the public understand the duties of a designated inspector.
- Revising gender-specific titles such as “Chairman” to become gender-neutral titles such as “Chair.” This will increase the inclusivity of the language within NAC 384.

**2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is not a temporary regulation.

**3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**

**a. Both adverse and beneficial effects; and**

- On business: The CHDC foresees no adverse effects on regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to business will be a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district’s principles, requirements, and processes.
- On the public: The CHDC foresees no adverse effects to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial effects to the public will be eliminating the requirement for design review of houses built in the Virginia City Highlands, a more streamlined process for obtaining COAs for small projects, the ability to schedule a preapplication review in a more expedient manner, and a greater understanding of the historic district’s principles, requirements, and processes.

**b. Both immediate and long-term effects.**

- On business: The CHDC foresees no immediate effect on a regulated businesses as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the district’s historic character and integrity. That in turn will result in increased and continued economic impacts from heritage tourism.

- On the public: The CHDC foresees no immediate effect to the public as a result of the adoption of the proposed regulation change since no new requirements or processes will be added. Beneficial long-term effects will be the more effective implementation of historic district regulations, which will result in the longevity of the district's historic character and integrity. That in turn will result in the protection of property values and improved aesthetics of the district in which they reside.

**4. The methods used by the agency in determining the impact on a small business.**

The CHDC public workshops afforded opportunity for small businesses within the district to attend and contribute. No comments were received. The CHDC also reviewed its current policies and procedures to evaluate how the district guidelines and processes would affect small businesses. The Comstock Historic District is governed by an existing statute (NRS 384) that requires property owners in the district, including small businesses that own buildings, to receive a COA prior to altering the exterior of their building or prior to constructing a new building. The regulations found in NAC 384 simply explain the principles, definitions, and processes by which NRS 384 is implemented. The proposed administrative regulation changes do not add new requirements or new processes. The proposed changes only serve to streamline and clarify the existing regulation. Because of this, the CHDC determined that there would not be adverse impacts on small businesses resulting from the proposed changes to NAC 384.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

The CHDC does not anticipate incurring any additional cost resulting from the proposed NAC 384 changes.

**6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any existing regulation.

**7. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

**8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

**9. Whether the proposed regulation establishes a new fee or increases an existing fee.**

The regulation does not create any new fees or increase an existing fee.

**10. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)**

This is not a temporary regulation.

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Persons wishing to comment upon the proposed action of the Comstock Historic District Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, by emailing [knbrown@shpo.nv.gov](mailto:knbrown@shpo.nv.gov) or by mailing to the following address: P.O. Box 128, Virginia City, NV 89440.

Written submissions must be received by the Comstock Historic District Commission on or before 9:00 AM on July 10, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours.

Additional copies of the notice and the regulation to be amended will be available at each Division office location detailed in the notice below and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the Comstock Historic District Commission, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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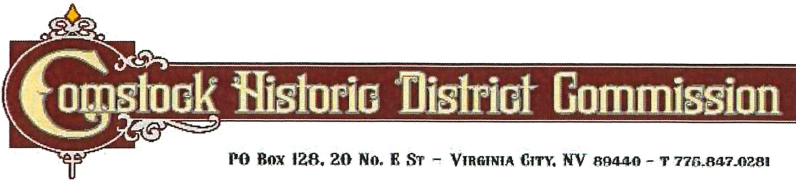
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- Comstock Historic District Commission website, <https://shpo.nv.gov/comstock-historic-district-commission>;
- Nevada State Legislature website: [www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/);
- Nevada State Library and Archives, 100 N. Stewart St., Carson City, NV;
- Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, NV;
- Storey County Courthouse, 26 S. B St., Virginia City, NV;
- Grant Sawyer State Office Building, 555 E. Washington Ave., Las Vegas, NV;
- Nevada State Historic Preservation Office Las Vegas Office, 4747 Vegas Dr., Las Vegas, NV

This notice and its supporting materials are also available for public inspection at the following locations:

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- White Pine County Library, 950 Campton St., Ely, NV;
- Elko County Library, 720 Court St., Elko, NV;
- Lincoln County Library, 63 Main St., Pioche, NV;
- Esmeralda County Library, Corner of Crook & 4<sup>th</sup> St., Goldfield, NV;
- Pershing County Library, 1125 Central Ave., Lovelock, NV;
- Mineral County Public Library, 110 W 1st St, Hawthorne, NV;
- Lyon County Library, 20 Nevin Way, Yerington, NV;
- Churchill County Library, 553 South Main St., Fallon, NV;
- Battle Mountain Branch Library, 625 South Broad St., Battle Mountain, NV;
- Humboldt County Library, 85 East 5th St., Winnemucca, NV;
- Eureka County Library, 80 Monroe St., Eureka, NV;
- Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV;
- Tonopah Public Library, 167 Central St., Tonopah, NV; and
- Storey County Community Library, 175 Carson St., Virginia City, NV.

Posted on 06/07/2024



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

## COMSTOCK HISTORIC DISTRICT COMMISSION SMALL BUSINESS IMPACT STATEMENT

Date: June 3, 2024

RE: Proposed Permanent Changes to Nevada Administrative Code 384

I, Joseph Curtis, Chair of the Comstock Historic District Commission, do hereby certify that, to the best of my knowledge or belief:

Pursuant to NRS 233B.0608, the proposed administrative regulation changes are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

The Comstock Historic District Commission has determined that its proposed changes have no significant negative effect on Nevada Small Businesses. The proposed changes are related to the principles and processes related to protecting the Comstock Historic District and implementing Nevada Revised Statute 384. The purpose of these regulation changes is to amend the district boundary to remove the Virginia City Highlands, to streamline the Certificate of Appropriateness process, to eliminate unnecessary Commission officer positions, and to clarify definitions, responsibilities, and processes.

There are no anticipated adverse effects to small businesses since no new requirements or processes will be added. The regulation change has a potential benefit to small businesses through a greater understanding of district guidelines and more efficiency in the district's various processes. There is no estimated cost to the agency for enforcement of this regulation.

The Comstock Historic District Commission held public workshops to discuss the existing language in NAC 384 and the proposed regulation changes, and posted the agendas pursuant to the rulemaking process for permanent regulations. The workshops afforded opportunity for small businesses within the district to attend and contribute. No comments were received. Additional comments were not solicited from small businesses, and no summary of their response is provided, because small businesses are not adversely impacted by these regulations and thus a burden or economic impact cannot be assessed.

Respectfully,

A handwritten signature in blue ink that reads 'J. Curtis'.

Joseph Curtis, Chair  
Comstock Historic District Commission

**PROPOSED REGULATION OF THE  
COMSTOCK HISTORIC DISTRICT COMMISSION**

**LCB File No. R016-24**

April 10, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 384.050 and 384.090; §§ 3, 10 and 12, NRS 384.090; § 4, NRS 384.080, 384.090, 384.115 and 384.190; §§ 5 and 6, NRS 384.060 and 384.090; § 7, NRS 384.090 and 384.100; § 8, NRS 384.090 and 384.110; § 9, NRS 384.090 and 384.140; § 11, NRS 384.090 and 384.190.

A REGULATION relating to the Comstock Historic District; eliminating the offices of Secretary and Treasurer of the Comstock Historic District Commission; revising the qualifications of members of an architectural committee; renaming the Office Manager employed by the Commission as the District Officer; revising the duties of the District Officer; revising requirements related to meetings of the Commission; revising a map of the boundaries of the historic district; revising requirements relating to an application for a certificate of appropriateness; requiring the Commission to consider certain standards when determining whether to issue a certificate of appropriateness; revising requirements relating to a preapplication review conducted by the Commission; clarifying the powers of a county or city building inspector designated by the Commission; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Comstock Historic District Commission and authorizes the Commission to establish a historic district in certain areas of Storey and Lyon Counties. Existing law also: (1) prescribes the procedure for the establishment of a historic district; and (2) authorizes the Commission to alter or change the boundaries of the historic district by following the same procedure as provided for the establishment of a historic district. (NRS 384.040, 384.100) Existing regulations set forth a map of the boundaries of the historic district, as originally established. (NAC 384.110) **Section 7** of this regulation revises this map in accordance with alterations or changes made to the boundaries of the historic district.

Existing law grants the Commission various powers and duties related to the preservation and protection of any historic district established by the Commission. (NRS 384.080) Existing regulations require the Commission to elect or appoint a Chair, a Vice Chair, a Secretary and a Treasurer and set forth the powers and duties of these officers. (NAC 384.020-384.080) **Section 1** of this regulation eliminates the offices of Secretary and Treasurer of the Commission. **Sections 2 and 12** of this regulation make conforming changes related to the elimination of these offices. Under existing regulations, the Chair of the Commission is required to supervise and

control all of the business and affairs of the Commission. (NAC 384.040) **Section 2** removes this requirement.

Existing law authorizes the Commission to appoint any committees or subcommittees necessary to carry out its duties. (NRS 384.090) Existing regulations authorize the Commission to appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design, particularly as it relates to the architectural design and engineering methods used between 1865 and 1880. (NAC 384.090) **Section 3** of this regulation removes the requirement that a member of the architectural subcommittee have particular experience relating to the architectural design and engineering methods used between 1865 and 1880, thereby authorizing the Commission to appoint any person who has expertise and background in architecture, engineering or design to an architectural committee.

Existing law authorizes the Commission to employ such personnel as the Commission deems necessary to carry out its duties. (NRS 384.080) Existing regulations: (1) authorize the Commission to employ an Office Manager; and (2) prescribe the duties of a person so employed. (NAC 384.110) **Section 4** of this regulation renames the Office Manager as the District Officer. **Section 4** also revises the duties of the District Officer by requiring the District Officer to perform certain duties previously performed by Secretary of the Commission.

Existing law authorizes the Commission to establish requirements related to meetings of the Commission. (NRS 384.060) Existing regulations require the Commission to meet on the first Tuesday of each month. (NAC 384.120) **Section 5** of this regulation eliminates this requirement and instead requires the Commission to hold at least one regular meeting each month unless an exception applies. **Section 5** also exempts the Commission from this requirement if: (1) inclement weather or other uncontrollable causes make it impossible, impracticable or inadvisable for the Commission to meet; (2) a quorum of members is unable to meet; or (3) the Chair determines that there is not sufficient business to warrant meeting.

Existing regulations: (1) authorize the Commission to hold special meetings; and (2) require that written notice of any such meeting be delivered personally or sent by mail or telegram to each Commissioner. (NAC 384.120, 384.130) **Section 6** of this regulation authorizes the electronic transmission of this notice.

In general, existing law requires a person to obtain a certificate of appropriateness from the Commission before building or altering a structure within the historic district. Under existing law, an application for a certificate of appropriateness must be accompanied by such plans, specifications and other material as the Commission prescribes. (NRS 384.110) Existing regulations require each application for a certificate of appropriateness to be accompanied by drawings or plans of the proposed alterations, additions or changes. (NAC 384.160) **Section 8** of this regulation instead requires each application to be accompanied by a written description of the proposed alterations, additions or changes. **Section 8** also removes a requirement that certain applications for a certificate of appropriateness be accompanied by certain photographs. (NAC 384.160) Finally, **section 8** authorizes the Commission to require an applicant to submit any additional information, documentation, drawings or photographs necessary to determine whether to issue a certificate of appropriateness to the applicant.

Existing law requires the Commission to consider certain factors in determining whether to issue a certificate of appropriateness. (NRS 384.140) **Section 9** of this regulation revises the principles that the Commission must consider when determining whether to issue a certificate of appropriateness. (NAC 384.170)

Existing regulations provide for the preapplication review of certain preliminary materials by the Commission. (NAC 384.180) **Section 10** of this regulation eliminates a requirement that certain notice be given to the Commission before a preapplication review.

Existing law prescribes the powers of a building inspector or other similar authority employed by the Commission. (NRS 384.190) Existing regulations authorize the Commission to designate a county or city building inspector to perform certain duties within the historic district. (NAC 384.190) **Section 11** of this regulation clarifies the powers granted to a county or city building inspector so designated. Finally, **section 12** eliminates the authorization for certain officers of the Commission to enter into contracts or sign checks on behalf of the Commission.

**Section 1.** NAC 384.020 is hereby amended to read as follows:

384.020 1. The officers of the Commission consist of a Chair ~~[, a]~~ **and** Vice Chair, ~~[, a Secretary and a Treasurer,]~~ as determined by the Commission.

2. The Commission may elect or appoint such other officers as it deems desirable. These officers shall perform the duties prescribed from time to time by the Commission.

3. Any two or more offices may be held by the same person, except the Office of Chair.

**Sec. 2.** NAC 384.040 is hereby amended to read as follows:

384.040 1. The Chair is the principal executive officer of the Commission . ~~[and shall supervise and control all of the business and affairs of the Commission.]~~

2. The Chair shall preside at all meetings of the Commission.

3. The Chair may sign, with the ~~[Secretary, or any other proper officer of the Commission authorized by the Commission,]~~ **Vice Chair**, any deeds, mortgages, bonds, contracts, or other instruments which the Commission has authorized to be executed, except in cases where the signing and execution is expressly delegated by the Commission, or by statute, to some other officer or agent of the Commission.

4. The Chair shall perform the duties incident to his or her office and such other duties as may be prescribed by the Commission from time to time.

**Sec. 3.** NAC 384.090 is hereby amended to read as follows:

384.090 1. The Commission, by resolution adopted by a majority of the Commissioners, may designate one or more committees, each of which must consist of two or more Commissioners.

2. The committees, to the extent provided in the resolution, have and shall exercise the authority of the Commission and the management of the Commission; but the designation of such committees and the delegation of authority to them does not operate to relieve the Commission or any individual Commissioner of any responsibility imposed upon the Commission or the Commissioner by law.

3. The Commission may appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design . ~~[, particularly as it relates to the architectural design and engineering methods used and employed in the Comstock Era between 1865 and 1880.]~~ This committee's purpose is to advise and consult with the Commission on applications for certificates of appropriateness, make recommendations to the Commission, and perform such other duties and functions as the Commission deems advisable. The members of this committee need not be members of the Commission.

4. Other committees not having and exercising the authority of the Commission may be designated by a resolution adopted by the Commission. Except as otherwise provided in the resolution, the members of such a committee need not be members of the Commission. The Chair shall appoint the members of the committee. Any member of the committee may be removed by the Chair whenever in his or her judgment the best interests of the Commission will be served by the removal.

**Sec. 4.** NAC 384.110 is hereby amended to read as follows:

384.110 1. The Commission may employ ~~[an Office Manager]~~ *a District Officer* to ~~[supervise all]~~ *carry out the powers and duties described in subsections 2 and 3.*

2. *The District Officer shall:*

(a) *Supervise:*

(1) *The office and day-to-day* ~~[routine]~~ *operations* of the Commission ~~[, supervise the]~~ ;

(2) *Any personnel employed by the Commission pursuant to NRS 384.090; and*

(3) *Any building inspectors* ~~[and handle violations.]~~

~~—2.—The Office Manager shall advise]~~ *designated by the Commission pursuant to NAC 384.190;*

(b) *Advise* the Commission of pending business and applications ~~[and report]~~ ;

(c) *Report* violations ~~[~~

~~—3.—The Office Manager shall interview]~~ *of this chapter or NRS 384.010 to 384.210, inclusive, and handle any such violations in any manner required by the Commission;*

(d) *Interview* and advise applicants according to law and practice, ~~[and shall advise them]~~ *including, without limitation, advising applicants* of approved standards and details ~~[~~

~~—4.—The Office Manager shall review]~~ ;

(e) *Review* applications for presentation to meetings of the Commission ;

(f) *Keep the minutes of the meetings of the Commission, in one or more books provided for that purpose;*

(g) *See that all notices are given in accordance with the provisions of this chapter or as required by law;*

*(h) Be custodian of the records of the Commission, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the library of the Commission;*

*(i) Keep a register of the mailing address of each member of the Commission; and ~~shall perform~~*

*(j) Perform* such other duties as the Commission from time to time may assign.

*3. The District Officer may:*

*(a) Issue certificates of appropriateness on behalf of the Commission in accordance with NRS 384.115; and*

*(b) Exercise the powers granted to a building inspector or similar authority by NRS 384.190.*

**Sec. 5.** NAC 384.120 is hereby amended to read as follows:

384.120 1. ~~[Regular meetings of the Commissioners must be held]~~ *Except as otherwise provided in subsection 2, the Commission will hold a regular meeting at least once each month* at the Office of the Commission in Virginia City . ~~[on the first Tuesday of each month.]~~

*2. The requirements of subsection 1 do not apply if:*

*(a) Inclement weather or other uncontrollable circumstances make it impossible, impracticable or inadvisable for the Commission to meet;*

*(b) A quorum of members is unable to meet; or*

*(c) The Chair determines that there is not sufficient business to warrant meeting.*

~~[2.]~~ *3. Special meetings of the Commissioners may be called by or at the request of the Chair or two Commissioners. The Chair shall fix the time of the special meeting and the place of the meeting, which may be within or without the ~~Historic District.~~*



~~—3.]~~ *historic district.*

4. If less than a majority of Commissioners are present, a majority of the Commissioners present may adjourn a meeting from time to time without further notice.

**Sec. 6.** NAC 384.130 is hereby amended to read as follows:

384.130 1. ~~[Notice]~~ *Written notice* of a special meeting of the Commission must be given at least 7 days before the meeting . ~~[, by written]~~ *The* notice ~~[delivered]~~ *must be:*

(a) *Delivered* personally ~~[, or sent]~~ *to each Commissioner;*

(b) *Sent* by *regular* mail ~~[or telegram]~~ to each Commissioner, at his or her address as shown on the records of the Commission ~~[,]~~ ; *or*

(c) *Transmitted by electronic mail.*

2. Any Commissioner may waive notice of any meeting.

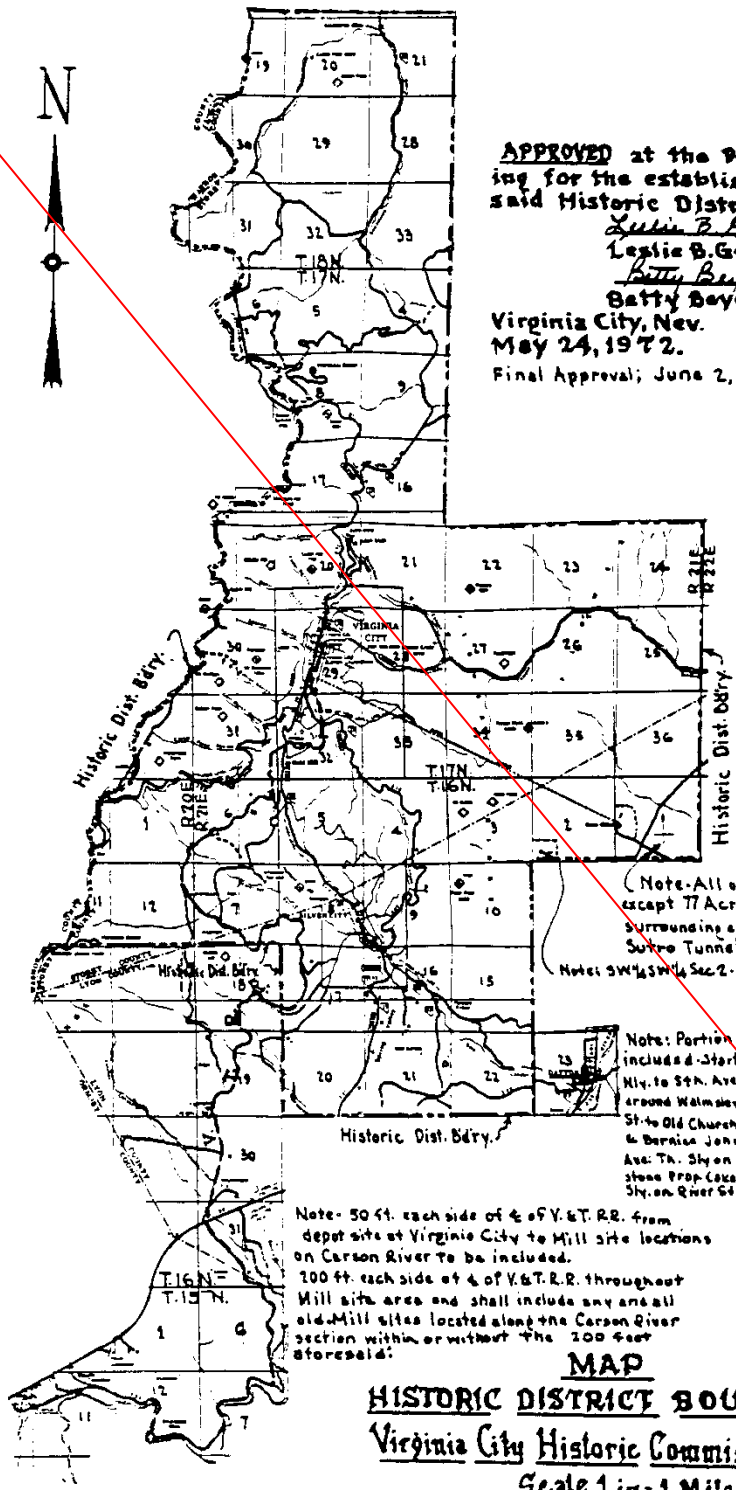
3. A Commissioner's attendance at a meeting constitutes a waiver of notice, except where the Commissioner attends for the express purpose of objecting to the transaction of business because it was not lawfully called.

4. The general nature of the business to be transacted at the special meeting must be set forth in the notice.

**Sec. 7.** NAC 384.150 is hereby amended to read as follows:

384.150

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**APPROVED** at the Public Hearing for the establishment of said Historic District

*Leslie B. Gray*  
 Leslie B. Gray Chairman

*Betty Beyer*  
 Betty Beyer Secretary

Virginia City, Nev.  
 May 24, 1972.  
 Final Approval; June 2, 1972

Note-All of Sec. 1 Excluded except 77 Acres immediately surrounding entrance to Sutte Tunnel.

Note: SW 1/4 SW 1/4 Sec. 2 - Excluded

Note: Portion of Town of Dayton included - Start at inter. US 50. T.R. Hwy. to 5th Ave. Th. to Pike St around Walmsley Prop. Th. Slyan, Ave St. to Old Church; Th. West to old School & Bernice Johnson Prop. Shady Ave. Th. Sly on Shady Ave. to Bluestone Prop. (Look up Act Peckers); Th. Sly. on River Rd. to P.O. B.

Note - 50 ft. each side of  $\frac{1}{4}$  of V. & T. R.R. from depot site at Virginia City to Mill site locations on Carson River to be included.

200 ft. each side of  $\frac{1}{4}$  of V. & T. R.R. throughout Mill site area and shall include any and all old Mill sites located along the Carson River section within or without the 200 feet aforesaid.

**MAP**  
**HISTORIC DISTRICT BOUNDARY**  
 Virginia City Historic Commission  
 Scale 1 in = 1 Mile

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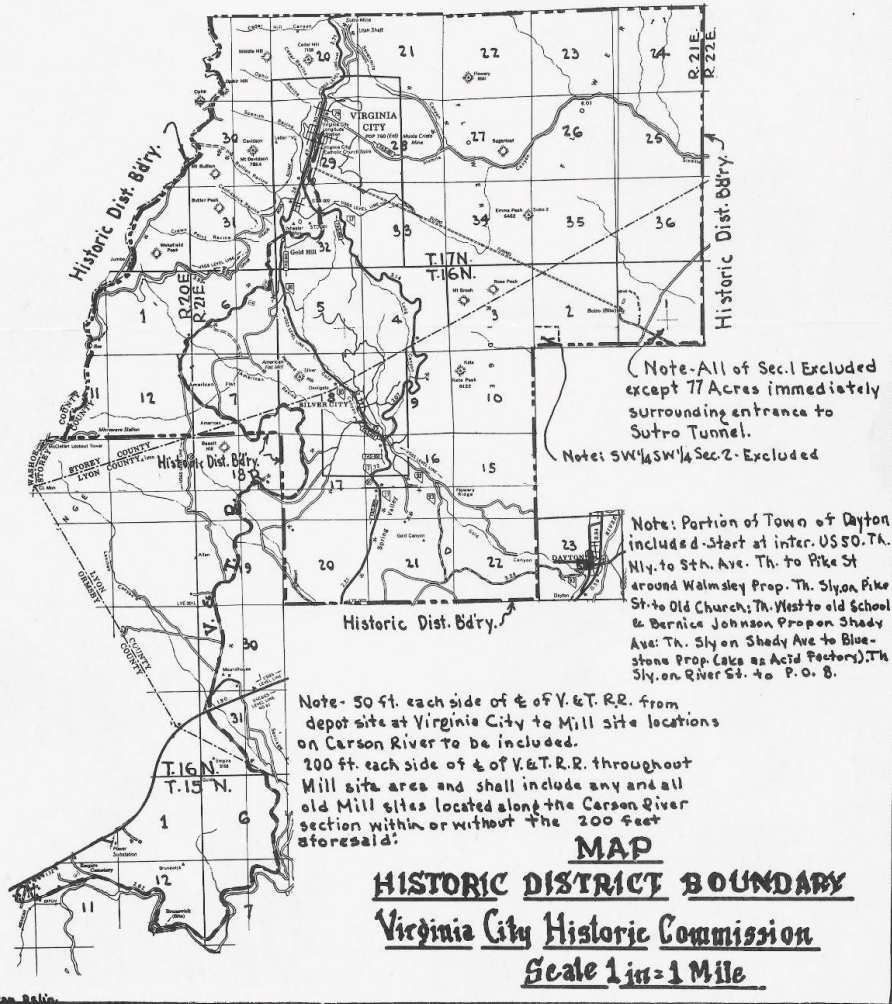
**APPROVED** at the Public Hearing for the establishment of said Historic District

*Leslie B. Gray*  
**Leslie B. Gray** Chairman  
*Betty Beyer*  
**Betty Beyer** Secretary

**Virginia City, Nev.  
May 24, 1972.**

Final Approval; June 2, 1972

Map Revised 2024



**Sec. 8.** NAC 384.160 is hereby amended to read as follows:

384.160 1. The Commission will prepare and make available applications for certificates of appropriateness to applicants desiring to erect, reconstruct, alter, restore, move or demolish any structure within the ~~{District,}~~ *historic district*, and may establish a reasonable fee to cover the cost of processing an application.

2. The Commission may issue guidelines or bulletins and instruction sheets from time to time setting forth the general policies of the Commission, design criteria, projects or work that may be undertaken without a certificate of appropriateness, and such other information and data which the Commission deems necessary to better inform and assist applicants in submitting their applications for such certificates. *The guidelines, bulletins or instruction sheets issued pursuant to this subsection may include, without limitation, specific information concerning requirements related to exterior signage within the historic district.*

3. All applications for certificates of appropriateness must be filed with the Office of the Commission and must remain a part of its records.

4. Every application must be accompanied by *a written description of the proposed alteration, additions or changes and may include, without limitation*, drawings or plans of the proposed alteration, additions or changes, ~~{and for new construction of buildings or property use,}~~ signed by the person, architect, or draftsman who prepared them. ~~{As used in this subsection, "drawing" means plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site lay-out, including all improvements affecting appearances, such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.}~~

5. In the case of an application to alter or add to a structure within the ~~[District,]~~ *historic district*, the application ~~[must]~~ *may* be accompanied by legible photographs of all sides of the structure. In the case of applications for demolition of structures, the applicant shall submit legible photographs of all sides of the ~~[building]~~ *structure* under consideration and photographs showing contiguous properties. In the case of an application to construct a new building in the ~~[District,]~~ *historic district*, the application ~~[must]~~ *may* be accompanied by legible photographs of the adjoining properties.

6. *The Commission may require an applicant to submit any additional information, documentation, drawings or photographs necessary to make a determination regarding the application.*

7. *As used in this section, “drawing” means plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures and colors, including samples of materials or color samples, and the plot plan or site layout, including all improvements affecting appearances, such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.*

**Sec. 9.** NAC 384.170 is hereby amended to read as follows:

384.170 ~~[1.—Preservation is the first responsibility of]~~ *In addition to considering the factors set forth in NRS 384.140, in passing upon the appropriateness of an application pursuant to NRS 384.115 or 384.130, the Commission ~~[, and preservation is preferred]~~ will give consideration to ~~[restoration.]~~ :*

1. *The Secretary of the Interior’s Standards for the Treatment of Historic Properties set forth in 36 C.F.R. Part 68;*

2. *The following principles:*

(a) Architectural integrity ~~[is]~~, *authenticity and retention of historic building materials are* preferable to ~~[synthetic style]~~.

~~—3.—~~ ~~Change] substitute building materials and conjectural changes.~~

(b) *Alterations* should be ~~[considered]~~ in ~~[relation to]~~ *keeping with* the ~~[remainder]~~ *character* of the ~~[building]~~ *structure* and ~~[its neighboring structures]~~.

~~—4.—~~ ~~Change] the historic district.~~

(c) *Rehabilitating or restoring a structure* to ~~[authentic]~~ *its historic appearance* is desirable.

~~[5.]~~ (d) In ~~[all]~~ *planning* new ~~[building plans,]~~ *construction within the historic district*, extreme care should be observed. ~~[Each new building should be worthy of the area and a pride to the neighborhood. Since all]~~ *All* new construction ~~[aims to capitalize on the merits of the historic background of the District, it]~~ should ~~[also]~~ contribute ~~[its share of]~~ *to the* quality, character and desirability ~~[ ]~~ *of the historic district. All new construction should be compatible with the historic character of the historic district and should not detract from the integrity of the historic district.*

~~[6.]~~ (e) Economic consideration should have little effect on the Commission's judgment insofar as permitting cheaper means of construction, decoration, and ~~[fabrication]~~.

~~—7.—~~ ~~Imitations] building material selection.~~

(f) *Direct imitation* of ~~[old]~~ *historic* styles ~~[and fake architecture are]~~ *is* not desirable. It is more important that new construction be in scale with older structures and ~~[not detrimental]~~ *be differentiated from them in order* to ~~[buildings with historic and architectural worth.]~~ *not lend a false sense of history.*

**Sec. 10.** NAC 384.180 is hereby amended to read as follows:

384.180 ~~{1.}~~ Prior to a preparation of working drawings or calling for proposals or bids from contractors, prospective property developers, owners or agents may prepare preliminary ~~{scale}~~ drawings , ~~{and outlines.}~~ specifications, including color samples for outside work ~~{}~~ and photographs for review and informal discussion with the Commission. The purpose of this review is to acquaint the developer, owner or agent with the standards of appropriateness of design that are required of his or her proposed development.

~~{2.— Preapplication review does not require formal application but does require notice to be given to the Commission at least 10 days before the date of the meeting in which the preliminary drawings are to be discussed.}~~

**Sec. 11.** NAC 384.190 is hereby amended to read as follows:

384.190 1. The Commission may designate any county or city building inspector within the ~~{District}~~ *historic district* to investigate, inspect and examine any structure, place or area within the ~~{District. in accordance with NRS 384.190.}~~ *historic district*.

2. ~~{When a certificate of appropriateness is granted,}~~ *Upon request, a county or city building inspector ~~{may be authorized by the Commission to make}~~ designated pursuant to subsection 1 may:*

*(a) Make* periodic inspections ~~{and make}~~ *of a structure, place or area within the historic district;*

*(b) Provide* progress reports to the Commission ~~{~~

~~—3.— The inspector may also be requested to report any} ; and~~

*(c) Report* violations of chapter 384 of NRS to the Commission and other appropriate authorities.

*3. Except as otherwise provided in this section, a county or city building inspector designated by the Commission pursuant to subsection 1 does not have the authority granted to a building inspector or similar authority by NRS 384.190.*

**Sec. 12.** NAC 384.060, 384.070 and 384.080 are hereby repealed

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**TEXT OF REPEALED SECTIONS**

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**384.060 Duties of Treasurer.**

1. If required by the Commission, the Treasurer shall give a bond for the faithful discharge of his or her duties in such sum and with such surety or sureties as the Commission determines.

2. The Treasurer has charge and custody of and is responsible for all funds and securities of the Commission. The Treasurer shall receive and give receipts for money due and payable to the Commission from any source whatsoever and, in accordance with subsection 3 of NAC 384.080, shall deposit all such money in the name of the Commission in such banks, trust companies, or other depositories as are selected by the Commission.

3. The Treasurer shall perform all the duties incident to his or her office and such other duties as from time to time may be assigned to him or her by the Chair.

**384.070 Duties of Secretary.** The Secretary shall:

1. Keep the minutes of the meetings of the Commission, in one or more books provided for that purpose;



2. See that all notices are given in accordance with the provisions of this chapter or as required by law;

3. Be custodian of the Commission's records, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the Commission's library;

4. Keep and maintain a card index system, as required by statute, and keep a register of the mailing address of each member of the Commission which must be furnished to the Secretary by the Commission; and

5. Perform all duties incident to his or her office and such other duties as from time to time may be assigned to him or her by the Chair or by the Commission.

**384.080 Contracts, checks, deposits.**

1. The Chair and Secretary may enter into any contract or execute and deliver any instrument in the name of and on behalf of the Commission.

2. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Commission must be signed by the Treasurer and countersigned by the Chair or Vice Chair of the Commission.

3. All money of the Commission must be deposited from time to time to the credit of the Commission, in such banks, trust companies, or other depositories as the Commission may select. The Commission may also purchase time certificates of deposit.