REVISED ADOPTED REGULATION OF THE

COMSTOCK HISTORIC DISTRICT COMMISSION

LCB File No. R016-24

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

AUTHORITY: §§ 1-3, NRS 384.050 and 384.090; §§ 4, 11 and 13, NRS 384.090; § 5, NRS 384.080, 384.090, 384.115 and 384.190; §§ 6 and 7, NRS 384.060 and 384.090; § 8, NRS 384.090 and 384.100; § 9, NRS 384.090 and 384.110; § 10, NRS 384.090 and 384.140; § 12, 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; requiring money due and payable to the Commission to be deposited in the Account for the Comstock Historic District; transferring certain duties of the Treasurer to the Chair of the Commission; revising the powers and duties of the Chair and Vice Chair of the Commission; revising the qualifications of members of an architectural committee; renaming the Office Manager employed by the Commission as the District Officer; establishing 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 requires 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 384.150) **Section 8** of this regulation revises the map in accordance with alterations or changes made to the boundaries of the Historic District. **Section 8** additionally provides: (1) a written description of the boundaries of the Historic District; and (2) that, if a conflict exists between the map and written description, the written description prevails.

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 law additionally creates the Account for the Comstock Historic District in the State General Fund and requires the money deposited in the Account to be expended only for the maintenance of the

Commission or to carry out the program of historic preservation and restoration within the District. (NRS 384.170) 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 those officers. (NAC 384.020-384.080) **Section 1** of this regulation eliminates the offices of Secretary and Treasurer of the Commission. **Sections 2 and 13** of this regulation make conforming changes related to the elimination of these offices. **Section 2** transfers certain duties of the Treasurer to the Chair and **section 3** of this regulation authorizes the Vice Chair to perform such duties on behalf of the Chair. **Section 2** further requires the Chair, or his or her designee, to deposit money due and payable to the Commission in the Account. 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 and 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 4** of this regulation removes the requirement for such experience, 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 5** of this regulation renames the Office Manager as the District Officer and sets forth the duties of the District Officer, including certain duties previously performed by the 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 6** of this regulation instead requires the Commission to hold at least one regular meeting each month unless: (1) inclement weather or other uncontrollable circumstances 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 7** of this regulation eliminates the option to deliver the notice by telegram and authorizes the electronic transmission of the 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 that each application for a certificate of appropriateness be accompanied by drawings or plans of the proposed alteration, additions or changes. (NAC 384.160) **Section 9** of this regulation instead requires that each application be accompanied by a written description of the proposed alteration, additions or changes. **Section 9** also removes a requirement that certain applications for a certificate of appropriateness be accompanied by certain photographs. Finally, **section 9** 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 10** 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 11** 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 12** of this regulation clarifies the powers granted to a county or city building inspector so designated. Finally, **section 13** 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.

5. The Chair, or his or her designee, has charge and custody of and is responsible for all funds and securities of the Commission. The Chair, or his or her designee, shall receive and give receipts for money due and payable to the Commission from any source whatsoever and shall deposit all such money in the name of the Commission in the Account for the Comstock Historic District created by NRS 384.170.

Sec. 3. NAC 384.050 is hereby amended to read as follows:

384.050 1. In the absence of the Chair, or in the event of his or her inability or refusal to act, as determined by a majority of the Commission, the Vice Chair shall perform the duties of the Chair.

2. When acting as Chair, the Vice Chair has all the powers of and is subject to all the restrictions upon the Chair.

3. The Vice Chair shall perform such other duties as from time to time may be assigned to him or her by the Chair or by the Commission.

4. The Vice Chair may perform any of the actions described in subsection 5 of NAC 384.040 on behalf of the Chair.

Sec. 4. 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. 5. 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 384.080; 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. 6. 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.]~~ ***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. 7. 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.

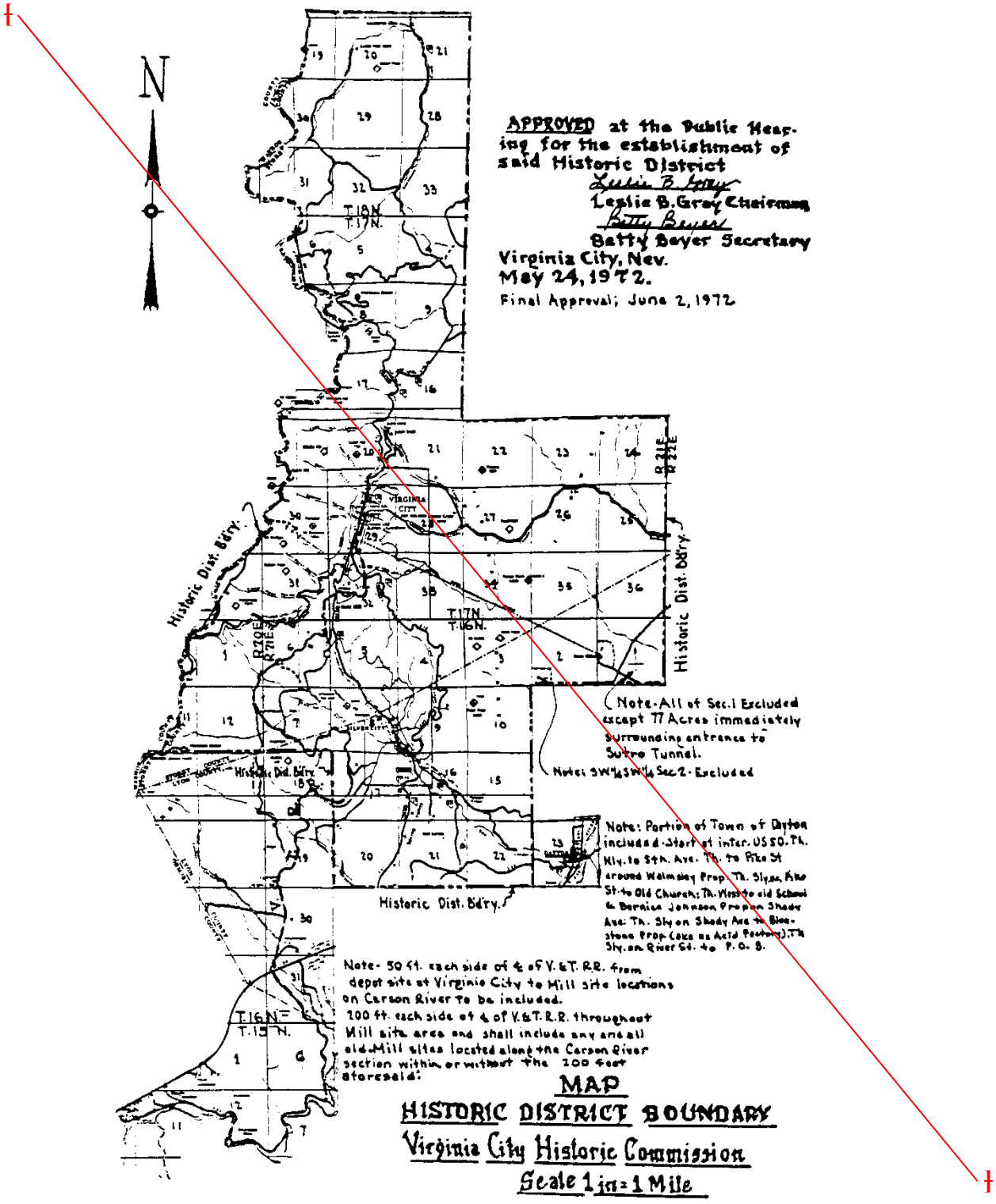
2. Any Commissioner may waive notice of any meeting.

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.

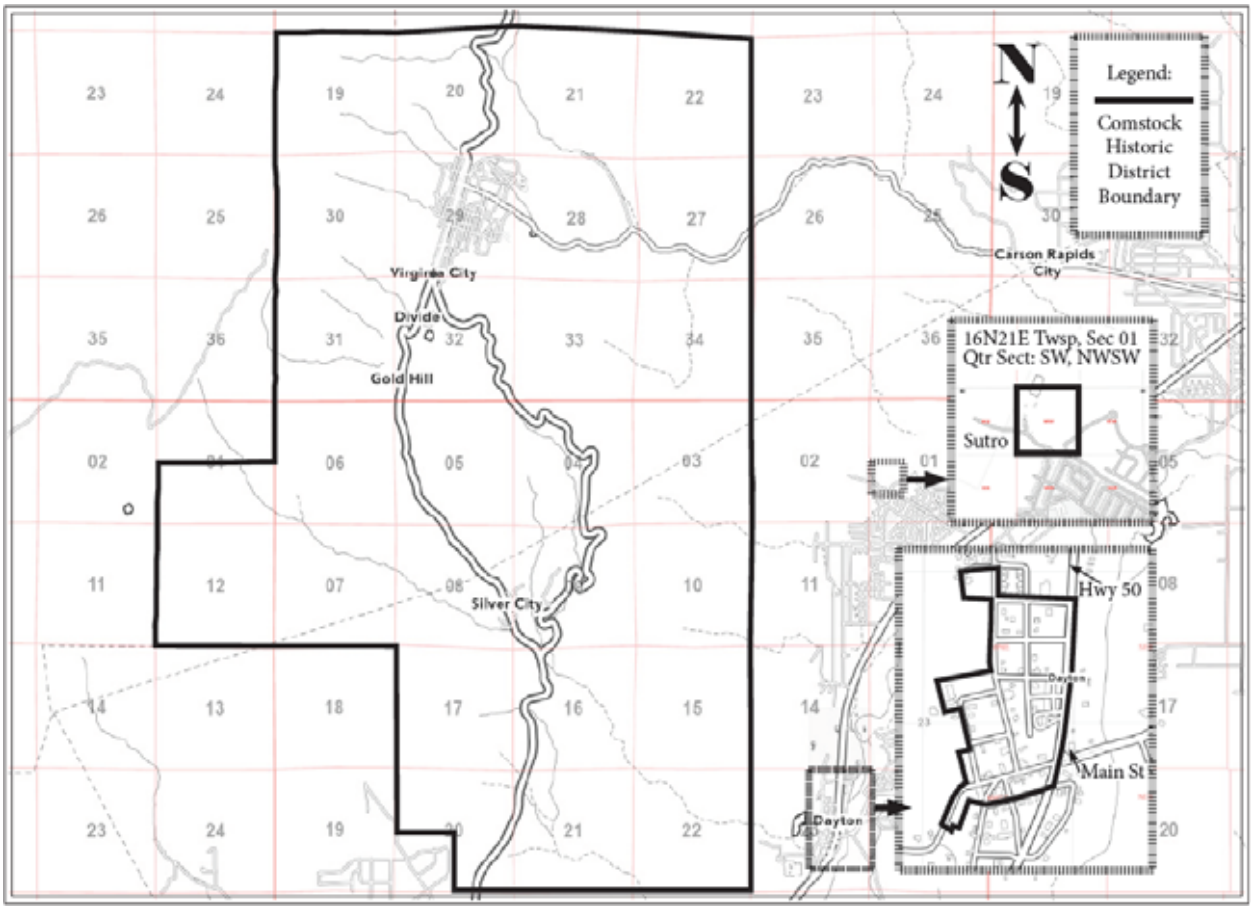
4. The general nature of the business to be transacted at the special meeting must be set forth in the notice.

Sec. 8. NAC 384.150 is hereby amended to read as follows:

384.150


N
APPROVED at the Public Hearing for the establishment of said Historic District
Leslie B. Gray Chairman
Betty Beyer Secretary
Virginia City, Nev.
May 24, 1972.
Final Approval; June 2, 1972
Historic Dist. Bdry.
T.18N.
T.17N.
T.16N.
T.15N.
R.21E.
R.22E.
Note-All of Sec.1 Excluded except 77 Acres immediately surrounding entrance to Sutro Tunnel.
Note: SW¼SW¼ Sec.2 - Excluded
Note: Portion of Town of Dayton included - Start at inter. US 50. Th. Nly. to 5th. Ave. Th. to Pike St around Walmsley Prop. Th. Sly on Pike St. to Old Church; Th. W to old School & Bernice Johnson Prop on Shady Ave: Th. Sly on Shady Ave to Blackstone Prop (also as Acid Factory); Th Sly. on River St. to P.O. B.
Note- 50 ft. each side of ℄ of V. & T. R.R. from depot site at Virginia City to Mill site locations on Carson River to be included. 100 ft. each side of ℄ 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 100 feet aforesaid.
MAP
HISTORIC DISTRICT BOUNDARY
Virginia City Historic Commission
Scale 1 in = 1 Mile

1.



2. The boundaries of the Historic District include all portions indicated on the map included in subsection 1 that are located within Storey and Lyon counties east of the Washoe County line and situated within:

(a) Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34, T. 17 N., R. 21 E., M.D.B. & M.;

(b) Section 12 and S 1/2 of section 1, T. 16 N., R. 20 E., M.D.B. & M.;

(c) Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 21, 22 and N 1/2 and SE 1/4 of section 20, T. 16 N., R. 21 E., M.D.B. & M.;

(d) The NW 1/4 of the SW 1/4 of section 1, T. 16 N., R. 21 E., M.D.B. & M. that surrounds the entrance to Sutro Tunnel; and

(e) The portions of Old Town Dayton located within section 23, T. 16 N., R. 21 E., M.D.B. & M.

3. If a conflict occurs between the map included in subsection 1 and the description of the boundaries of the Historic District set forth in subsection 2, the boundaries of the Historic District set forth in the written description included in subsection 2 prevail.

Sec. 9. 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 ***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. ***The Commission may require an applicant to submit any additional information, documentation, drawings or photographs necessary to make a determination regarding the application.***

6. In the case of an application to alter or add to a structure within the ***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 ***Historic*** District, the application ~~[must]~~ ***may*** be accompanied by legible photographs of the adjoining properties. ***In accordance with subsection 5, the Commission may require an applicant to submit any photographs described in this subsection.***

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. 10. 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 to restoration.]~~ ***will consider:***

1. The Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in the version of 36 C.F.R. Part 68 that was in effect on December 17, 2025.

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. 11. 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. 12. 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 ***Historic*** District to investigate, inspect and examine any structure, place or area within the ***Historic*** District **.** ~~[in accordance with NRS 384.190.]~~

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. 13. NAC 384.060, 384.070 and 384.080 are hereby repealed.

TEXT OF REPEALED SECTIONS

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 indebtednesses 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.