



# STOREY COUNTY PLANNING COMMISSION MEETING AND PUBLIC WORKSHOP AGENDA

Thursday April 4, 2019 6:00 p.m.  
Virginia City Senior Center, 100 Mill Street,  
Virginia City, NV

## MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

Larry Prater, Kris Thompson, Laura Kekule, Summer Pellett, Jim Collins

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- 1. Call to Order:** The meeting was called to order by the Chairman at 6:08 P.M.
  - 2. Roll Call:** Jim Hindle, Larry Prater, Kris Thompson, John Herrington, Jim Collins.  
**Absent:** Summer Pellett. Laura Kekule.  
**Also Present:** Planning Director Osborne, Planner Kathy Canfield, and Deputy D.A. Keith Loomis.
  - 3. Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
  - 4. Discussion/Possible Action:** Approval of Agenda for April 4, 2019  
  
No Public Comment.  
  
**Motion:** Approve agenda for April 4, 2019, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).
  - 5. Discussion/Possible Action:** Road Abandonment 2019-005 by Gary and Monika Sullivan. The applicants request to abandon a portion of unimproved E Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 20-feet by 100-feet, a former portion of Lots 2 and 3 of Block 207 of Virginia City. The right-of-way abandonment is located adjacent to land owned by the applicant at 570 F Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-122-05.  
  
**Chairman Hindle** recused himself from this agenda item due to being friends and a neighbor to the Sullivans. Vice Chairman Herrington presided over this agenda item.

**Planner Canfield** summarized the request by the applicants: The right-of-way abandonment is approximately 20-feet by 100-feet. The area of land to be abandoned is 20-feet by 100-feet area that previously was a part of Lot 2 and Lot 3, Block 207 in Virginia City. If approved this would return the portion back to the original lots. This is located on the south end of town along E and F Streets. This area was part of a Lot Line Adjustment completed in March 1991. The property owner at that time gave the west 20-feet of Lots 2 and 3 and then obtained a 20-feet by 100-feet piece of land from the platted F Street right-of-way, providing for an equal area exchange of land. This is not the process that would be followed today, however, the Lot Line Adjustment was approved and signed by the County Commission and the map recorded. This area is currently undeveloped.

It doesn't appear that the land that was abandoned to E Street was desired for any type of right-of-way or public purpose, but was completed to provide an equal area land exchange between the land desired from the F Street right-of-way and the property. An assumption as to the reasoning for the lot line adjustment is the residence constructed on the eastern half of Lots 2 and 3 either encroached into the F Street right-of-way or the required property line setback. Staff could find no record to confirm this assumption, but based on the location of the existing residence, it appears consistent with the assumption.

As part of the 1991 Lot Line Adjustment, portions of Lots 2, 3, 4, 5, 6 and 7 of Block 207 were reconfigured into two parcels of land with a 30-foot road and utility easement located within the center of the two new parcels. This easement followed the alignment of the travelled way identified as E Street, but was not located within the platted right-of-way for E Street. This is again a situation in Virginia City where the roadways, because of topography, historic features and circulation patterns, do not always follow the platted right-of-way.

During the course of the review, NV Energy, AT&T, Comstock Cable and Storey County Public Works were contacted to determine if any public utilities were located within the area to be abandoned. All responded that they had no utilities within the area to be abandoned. There are poles and lines adjacent to the area, but those are located in existing right-of-way or easement areas. No agency requested that a public utility easement be retained across the area to be abandoned. If approved, the applicant will be required to record a Parcel Map documenting the abandoned portion of land has been consolidated into the adjacent parcel.

The abandonment of the proposed portion of E Street will not impact the proposed parcel or adjacent parcels and E Street will still maintain the required width outlined in the Storey County Code. The undeveloped mapped E Street is 62.5-feet in width and with the additional 20-feet associated with the Lot Line Adjustment, the right-of-way width in the area of the abandonment is 82.5-feet. The abandoned portion will be consolidated with the adjacent parcel which has access from both the mapped E Street and from the dedicated road easement area identified as E Street travel way. Staff is recommending approval.

**Planner Canfield:** Stated that she had two inquiries about the abandonment. Staff reports were sent out and no responses to the project were given. Received an email today from Scott Jolcover stating his support for the abandonment. Mrs. Sullivan also presented a note of support from a neighbor, Leslie Lima.

**Vice Chairman Herrington:** Asked the question, what benefit does the county get in abandoning small portions of land that the county owns? Has voiced concern with abandonments in the past and how the county benefits from this. How do the taxpayers benefit? Said that we (county) are setting a precedent in approving any request for abandonment.

**Planner Canfield:** Answered that the land will now be assessed and taxed. Also said that the utility companies have no use for it, and it may be better to give it to a property owner who will take care of it and pay taxes on it. Abandonment requests are considered on a case by case basis.

**Commissioner Prater:** Stated that we (county) have had abandonments that weren't approved, and that generally the land is really of no use to the county, so it would be better to have it back on the tax rolls.

**Vice Chairman Herrington:** Asked why the county doesn't sell land that it has no use for.

**Planner Canfield:** Answered that the county may do that if the land was an actual lot. This isn't a lot.

**Planning Director Osborne:** In 2010 we (county) did a major street abandonment in this area around the Chollar Mine. The finding at that time was that this was a good thing in this area. This cleaned up the map for this area. Also said that it's been stated that abandonments in this area should be considered in order to clean up the maps which show small portions of land which have no use.

Also said that a portion of the E Street paved travel way in front of the Sullivan's house is actually part of their property, but they can't use it.

**Commissioner Thompson:** Asked the applicants Gary and Monika Sullivan why they are asking for this abandonment?

**Gary Sullivan, applicant:** The topography is very hilly and the only way to access the north end of the property is to use the requested area to bring in rock or materials, etc.

**Deputy D.A. Loomis:** Said that in evaluating an abandonment request the question is does the abandonment cause material injury to the public, not only if it is a benefit to the public? If the property to be abandoned was acquired by dedication from the abutting landowners then you can't charge them for it. That includes the predecessors of the abutting land owners.

**Commissioner Collins:** Said that he doesn't see why the county would want to keep this land simply based on the topography.

**Public Comment:**

Clay Mitchell, Virginia City resident: Spoke in favor of this action and thinks this is good policy as a general rule that the county not hold onto property that they can't or don't want to use. Better to put it back into productive use.

**Motion:** In accordance with the recommendation by staff, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I Larry Prater, hereby recommend approval of an abandonment of a portion of unimproved E Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 20-feet by 100-feet, a former portion of Lots 2 and 3 of Block 207 of Virginia City. The right-of-way abandonment is located adjacent to land owned by the applicant at 570 F Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-122-05. **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Thompson,

**Planner Canfield read the finding of fact into the record:**

- (1) This approval is to abandon a portion of unimproved E Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 20-feet by 100-feet, a former portion of Lots 2 and 3 of Block 207 of Virginia City. The right-of-way abandonment is located adjacent to land owned by the applicant at 570 F Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-122-05.
- (2) The Abandonment complies with NRS 278.480 relating to Abandonment of a street or easement.
- (3) The Abandonment complies with all Federal, State, and County regulations pertaining to vacation or abandonment of streets or easements, including NRS 278.240.
- (4) The Abandonment will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.
- (5) The Abandonment will not cause the public to be materially injured by the proposed abandonment.
- (5) The conditions of approval for the requested Abandonment do not conflict with the minimum requirements in Storey County Code Chapters 17.12.090, General Provision – Access and Right-of-Ways, or any other Federal, State, or County regulations.

**Vote:** Motion carried by unanimous vote (**summary:** Yes=4).

Vice Chairman Herrington gave the Chair back to Jim Hindle for the rest of the meeting.

6. **Discussion Only/No Possible Action:** Text amendments to Storey County Code Title 17 Zoning regulating certain setback, height, bulk, area, dimension, and density and similar requirements; through lots; allowed uses and uses requiring a special use permit; parking, egress, travel, easement, right-of-way and similar requirements; accessory structures and accessory buildings including buildings, fences, facilities, shipping containers and certain accessory dwellings; and other properly related matters; and changing zone district titles including R1 Single-Family Residential to

SFR Single-Family Residential, R2 Multi-Family Residential to MFR Multi-Family Residential, I1 Light Industrial to IL Light Industrial, I2 Heavy Industrial to IH Heavy Industrial, and adding IN Neighborhood Industrial classification and other properly related matters. The amendments will include chapters 17.12 General Provisions, 17.15 P Public, 17.24 A Agriculture, 17.28 C Commercial, 17.30 CR Commercial Residential, 17.32 F Forestry, 17.34 I1 Light Industrial, 17.35 I2 Heavy Industrial, 17.40 E Estate, 17.44 SPR Special Planning Review zones, and other properly related matters. Additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org), or viewed online at <http://storeycounty.org/517/Updates>. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

**Planning Director Osborne:** Discussed a few changes to Forestry (F) zoning; proposing to remove the requirement for a special use permit for a single family residence and accessory buildings and dwellings and certain accessory uses.

**Discussion between planning staff, commissioners and the public also included:**

General agriculture use definitions in the Forestry zone. Still need a special use permit if a general agriculture use is not an accessory to a primary use.

Definitions regarding domestic and wild animals (exotics). Special use permit will most likely be required for any “wild animal”.

Animal Sanctuary in Pershing County was brought up by Commissioner Prater.

Setback discussion regarding reducing setbacks in the commercial residential zone; the pros and cons. Also talked about certain arterial or collector roads having a bit more of a setback due to cars entering and exiting onto the roadway from garages. Discussion also included potentially reducing setbacks in the R1 (Single Family Residential) zone.

**Public Comment:**

**Clay Mitchell, Virginia City resident:** Asked question about the difference between the Downtown District and the Commercial Residential zone setback reductions. Said that setbacks are already zero in the Downtown District.

**Planning Director Osborne:** Said that the Downtown District designation in the Commercial Residential zone might be eliminated if setbacks are reduced to zero. This is still being discussed.

Variations still allowed to be requested, but in order to be approved a hardship must exist. Considering changing a variance to simply requiring a special use permit instead. A hardship need not be present in order to approve the permit.

Simplifying setback requirements and allowing property owners to utilize more of their property.

Potential changes to Commercial Residential (CR) would apply throughout the CR zoning into Gold Hill.

**Public Comment:**

Clay Mitchell, Virginia City resident: Likes the idea of making things simple and doesn't mind zero setbacks on all sides. Building codes will take care of any issues.

Additional Discussion about the pros and cons of reducing fence regulations in all zones. Consensus was that deregulation regarding fences is appropriate.

- 7. Discussion Only/No Possible Action.** Map amendments to the Official Storey County Zoning Map, changing zone districts R1 Single-Family Residential to SFR Single-Family Residential, R2 Multi-Family Residential to MFR Multi-Family Residential, I1 Light Industrial to IL Light Industrial, I2 Heavy Industrial to IH Heavy Industrial, and adding IN Neighborhood Industrial to the list of classified zones, affecting all listed zones in Storey County except those located within the annexed portions of the Tahoe-Reno Industrial Center, and other properly related matters. Additional information including, but not limited to, draft text and maps may be obtained from the Planning Department at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org), or viewed online at <http://storeycounty.org/517/Updates>. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

**Planning Director Osborne:** Several zones on the maps are proposed to be re-labeled from R1 Single-Family Residential to SFR Single-Family Residential, R2 Multi-Family Residential to MFR Multi-Family Residential, I1 Light Industrial to IL Light Industrial, I2 Heavy Industrial to IH Heavy Industrial, and adding IN Neighborhood Industrial to the list of classified zones, affecting all listed zones in Storey County **except** those located within the annexed portions of the Tahoe-Reno Industrial Center. This is to make the maps consistent with the proposed text amendments.

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

**Motion:** Next planning commission meeting to be held on April 18, 2019 at 6:00 P.M. at the Lockwood Senior/Community Center, 800 Peri Ranch Road, Lockwood, Nevada, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

**No Public Comment**

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

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

**11. Public Comment (No Action) – None**

**12. Staff (No Action) – Planner Canfield:** Zone change requests are coming in a future meeting.

**Planning Director Osborne:** Dayton Valley Area Master Plan for flood control is moving forward. The Virginia City Highlands monopine cell tower is still having some testing being completed, but it appears to be intermittently live. The Virginia City cell tower is moving forward with the licensing agreement is being signed and completed. The county has budgeted for a comprehensive water study for the Comstock and outlying communities. Looking at what the full capacity for the Marlette water system is and what it could be. Looking at potential water sources for the Highlands.

**13. Board Comments (No Action) – None**

**14. Adjournment (No Action) -** The meeting was adjourned at 7:34 pm.

Respectfully Submitted, By Lyndi Renaud