



STOREY COUNTY PLANNING COMMISSION MEETING

Thursday September 6, 2018 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South B Street, Virginia City, NV

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

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

1. **Call to Order:** The meeting was called to order by the Chairman at 6:03 P.M.

2. **Roll Call:** Jim Collins, Summer Pellett, John Herrington, and Kris Thompson.
Absent: Jim Hindle, Laura Kekule, and Larry Prater.

Also Present: Planner Kathy Canfield, Deputy D.A. Keith Loomis, and County Commissioner Marshall McBride.

3. **Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.

4. **Discussion/Possible Action:** Approval of Agenda for September 6, 2018.

Motion: Approve agenda for September 6, 2018, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Collins, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).

5. **Discussion/Possible Action:** Approval of Minutes for June 21, 2018.

These minutes were approved in error without a majority vote at the last meeting, therefore they are again on the agenda for approval. There were three votes for approval and three abstentions, not a majority.

Deputy D.A. Loomis did some research on approving minutes. He clarified that a commission member may vote on approval of the minutes regardless of attendance at that meeting.

Motion: Approve Minutes for June 21, 2018, **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Thompson, **Vote:** Motion carried by vote (**summary:** Yes=4).

6. **Discussion/Possible Action:** 2018-032 Road Abandonment by applicant Steve McBride. The applicant requests to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 16-foot wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

Planner Canfield summarized the request: This is an application for an abandonment of K Street ROW.

The proposed abandonment is located at the southeast corner of K Street and Union Street. The proposed abandonment is located adjacent to a vacant residential parcel. Both properties are R-1 zoning.

The applicant is requesting an abandonment of approximately 16 feet of width for a length of approximately 140 linear feet from the southernmost portion of the existing fence to the right-of-way of Union Street. The exact dimensions will be provided with the required Record of Survey if the abandonment is approved by Storey County.

Adjacent and surrounding property owners were noticed. Staff did hear from a neighbor who abuts the property, he didn't have any objections, but did have some questions about his own property. Staff also received an email from a community member shortly before this meeting. It will be read in Public Comment.

The applicant owns both APN 001-243-04 & 05. Parcel 001-243-04 contains a residence and Parcel 001-243-05 has been improved with landscaping and provides outdoor space for the existing residence. The improved yard space is a level area at the top of a hill, and the yard has encroached into the K Street right-of-way over the years with a fence and landscaping being added to the area. K Street has recently been paved up to the location of the fence and terminates at this location. None of the paved portion is requested to be abandoned. Beyond this location, the right-of-way has a significant slope downwards towards Union Street and it is very unlikely this portion of roadway would be constructed.

The right-of-way for K Street is 60-foot wide. At the terminus of K Street, the pavement is approximately 50-foot wide. The area of the proposed right-of-way abandonment does not contain any existing pavement or improved public access way. A recently replaced sewer line does exist west of the proposed right-of-way abandonment area and the roadway was repaved after the sewer project was completed. Electric service is provided to the applicant's property from L Street, and the parcels to the west are served by electrical lines from I Street. At this location, there are no known utility lines within the right-of-way abandonment area, however, a public utility easement will be retained for this area as a condition of approval.

If approved, the applicant will be required to record a Record of Survey documenting the abandoned portion of land which has been consolidated into the adjacent parcel. The abandoned strip of land cannot be a stand-alone parcel. The applicant will also consolidate APN 001-243-04 & 05 into one legal lot of record so all improvements are located on a singular parcel. As a condition of project approval, a public utility easement shall be reserved over the abandoned portion of the property.

Vice Chairman Herrington asked if the 140 linear feet covers the residence and the vacant lot.

Planner Canfield: Clarified that the 140' is from the vacant lot down to Union Street, and just 16' of the 60 ROW for K Street. Nothing that is paved will be abandoned. The applicant is here if there are any questions.

Commissioner Thompson: Asked Planner Canfield for clarification regarding her statement that paving of the ROW in the future was very unlikely, and if there had been any plans for paving the road.

Planner Canfield: Stated that she spoke with the Public Works Department, the Fire Department, the Sheriff's Department and the Building Department and asked them for their thoughts on this. Public Works said that it was very highly unlikely that a road would ever be constructed there due to the steepness of the terrain, and constructing it to the standards required including road width, would require a lot of grading and fill.

There were never any plans for this road to be paved and extended to Union Street that she came across.

Vice Chairman Herrington: Asked for clarification that there would be 44' of ROW left after the abandonment.

Planner Canfield: Yes, and during the application process it was discussed with the applicant and adjacent property owner Joe Curtis, the potential to ask for abandonment of the whole ROW which would mean that they would each get

half of the road. The applicant didn't feel he needed that much, and with the utility easement in place, he wouldn't be able to use it anyway. Joe Curtis wasn't concerned about getting any portion of the road abandoned to his property.

Vice Chairman Herrington: Stated that Union Street is a very steep road, and paving K Street through would be nothing. Once this is abandoned, the county can never get it back. He stated that he is not a big fan of abandoning streets, and the yard improvements can easily be removed. He stated that initially he thought the whole road was to be abandoned, not just 16 feet. In considering this request, he said that he asked himself "how does this serve the public", and other than a couple of residents, it doesn't.

Commissioner Collins: Said that C Street in front of his business is 36' paved curb to curb and it handles all the traffic. If the county wanted to pave the road (K Street), it would still have 44' left.

Steve McBride, the applicant: Stated that he built the fence in '81 or '82, and as far as he knows, it has always been a dead end street. When he started building it, he talked to Public Works, and asked them if they thought that the road would ever go through. He said that he was told "not in my lifetime", and to go ahead and do it. He said he would like to have the road abandoned so that down the road, the fence, trees and landscaping will not have to be removed.

Vice Chairman Herrington asked Mr. McBride If the fence is on the house property or the vacant property.

Mr. McBride answered that the fence is on the vacant property.

Commissioner Thompson: Asked Planner Canfield how far south from the cul de sac in front of the applicant's property, is K Street paved?

Planner Canfield, a couple of members on the commission, and Mr. McBride concluded that K Street south is paved across Washington Street, but only for a block or a little bit more.

Commissioner Pellett: Asked the applicant for clarification that the fence is projecting 16 feet into the ROW, and this request is just for the land that he have developed and no more.

Mr. McBride: Stated that yes that is correct.

Planner Canfield: stated that the 16' is approximate because Staff didn't want to require the applicant to have go to the expense of having a survey completed before knowing if this request would be approved or denied. The measurements may be off by a few inches either way once a surveyor gets out there, and Staff is okay with that. Mr. McBride added that the surveyor should have this completed by the end of the month.

Commissioner Pellett: Asked if this abandonment is approved, is what's left (44 feet) enough for two way traffic if a road was ever to be constructed in this location.

No specific answer to Commissioner Pellett's question was given until later in the meeting.

Public Comment:

Joe Curtis: K Street is a one block street and ends at Washington in terms of pavement. After Washington Street is continues south and is all dirt, and the same sort of thing has occurred. People have moved into the Washington Street ROW (yards and so forth). From where Steve's fence ends, which would be the southwest corner to *where the parking area is* (some of this is inaudible), and down to Washington, the street varies in width. It starts out in one width and it narrows down in front of the next house down, then narrows in front of my house, then more so in front of Sean Griffin's house. It stays very narrow down south to Washington Street. The street has a 60' ROW, but it's never been that wide. The street, where it ends the goes north down Union Street, houses the sewer line and is only about 10 feet deep. There are two manhole covers at the end of the street (cul de sac) that access the sewer. That whole sewer would have to be taken out if they were ever to run the road down. The question regarding "is there still sufficient width for two cars", no there is not because the area that goes down with the sewer line is an immediate drop off to the west. It's probably a 60 degree angle and is hard to walk on. The whole ramp in which the sewer is under, had to be built by Ames Construction. It was not like that before. It was almost straight down until Ames constructed the ramp it in order to put the sewer line in. They couldn't run it straight down. They had to run it at an angle. After the 16 foot mark (abandonment), there's probably only 10 feet of walkable space that's flat, but downhill at about a 40 degree angle. The other space that would make up that 44', is probably at a 60 degree angle that drops down to the northwest corner property of Union and I Street.

Commissioner Herrington: Asked Joe if K Street past Washington is dirt, and if there are homes on it, why didn't they get pavement?

Joe Curtis: There are homes there, but only backyards of homes addressed on I and L Street have K Street running behind them. No homes face K Street, and there is no sewer line that runs down there, so it wouldn't have been paved anyway. He stated that he has been here since 1975 and K Street was not paved until many years later. It was not paved when Steve built his house in '81 or '82. Because it's a cul de sac, we (Steve and Joe) do all the plowing. The plow trucks can't turn around. Hopefully that clarifies some information about the street.

Planner Canfield: Verified that the required minimum width for a roadway is 24 feet. This is on page 7 of the Staff Report.

Nick Lazzarino: Thanked the commission for letting him speak, and stated his support for the abandonment. The motto for Virginia City is The Way It Was, and it's been this way for a long time, longer than I've been alive. The county has not had any interest in the property. You can see by looking at it, that it is not usable to the extent that a road could go in there very easily. Supports abandoning 16 feet to accommodate the landscaping that's taken time and effort by a homeowner that cares.

Vice Chairman Herrington read a letter of correspondence on this item into the record:

Correspondence from Sam Toll received 9-6-18 via email at 4:34 p.m.

To the Storey County Planning Commission.

Item 6 considers abandoning a Storey County road at the request of the property owner adjacent to the road way. Granting this request will effectively render useless a county asset which today can and should be accessible by all residents of Storey County. The applicant has built a fence structure that appears to be on K Street and obstructs through traffic on K street. A sign posted on K Street indicates there is no through traffic even though the section on K Street is as traversable as many other unpaved roads in Virginia City.

By granting this abandonment, the county effectively extends the property owners property footprint without compensation and with no clear benefit to the County and the other 4100 residents. This action exclusively benefits Mr. McBride at the expense of every other Storey County Resident. Even if compensation were to be provided for this road abandonment/property extension, the public is not being served by this action. By restricting and abandoning this roadway, all Storey County residents are being prevented fair and easy access to a roadway in favor the selfish desires of a single resident.

If the county agreed to every abandonment requested by a landowner wanting to extend their property and improve their privacy, many many road abandonments will occur in the future.

All residents of the county benefited from the extension of E street in front of Collins Construction and The Silverland Inn. With much less effort and expense that was invested to benefit the majority of county residents on E Street, we all could and should similarly enjoy K Street as well.

By abandoning this road for the personal use of Mr. McBride, only Mr. McBride will enjoy the benefit of the abandonment and all other Storey County Residents are injured without compensation.

It is time for the county to enter into the 21st century and stop catering to the wants and desires of the few at the expense of the many.

I strongly and energetically encourage Storey County Planning Commissioners to vote for the majority of the residents of Storey County and deny this transfer of public property into private hands.

Thank you.

Sam Toll
Gold Hill

Additional Public Comment:

Joe Curtis: That section of K Street has never, to my knowledge, been a through street. The lot area to the west of what would have been K Street was originally a dairy farm, and ran from Union Street basically to Taylor Street. It was the Alexander Brothers Dairy Farm. K Street has never gone through; has never had the ability to go through. Before the ramp was put in, it dropped off at 45 degrees or so. You could not walk up that embankment. His research and records and maps show that this has never been a through street since at least the 1870s.

Planner Canfield: Staff recognizes that the county wants to keep its ROWs, and we are looking at these abandonments on a case by case basis. In looking at this case, Staff really doesn't believe this has the potential of being used for a future roadway. She asked the commission if they were comfortable with the required width of a future roadway being 24 feet.

Commissioner Pellett: Doesn't have concerns with the 24' width since there will be 44' of ROW remaining. Satisfied with keeping the public utility easement in place. This is still serving the public good. She said she doesn't think this is a loss for the county.

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 Kris Thompson, hereby recommend approval of an abandonment of a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

Action: Approve, **Moved by** Commissioner Thompson,

Planner Canfield read the findings into the record:

- 1) This approval is to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.
- (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.
- (6) 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.

Seconded by Commissioner Collins, **Vote:** Motion carried by vote (**summary:** Yes=3, Nay=1, John Herrington).

Secretary Renaud asked if this was a quorum vote of approval since there were only 3 votes for the recommendation of approval and 1 Nay vote.

Discussion between the commission and the Deputy D.A. commenced regarding whether or not a majority of members at the meeting can vote to approve or if it requires a majority (4) of the entire planning commission members (7) regardless of attendance at the meeting. Initially Deputy D.A. Loomis stated that this item should be continued to the next meeting, He said that he would research whether the vote was actually approved or not, and if the vote for approval is not legal, this will have to be continued to the next meeting. He stated he would get back to Planner Canfield with the answer the following day.

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

Motion: Next planning commission meeting to be held on October 4, 2018, at 6:00 P.M. at the Storey County Courthouse, District Courtroom, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Thompson, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=4).

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

9. **Correspondence (No Action)** – Letter already read into the record from Sam Toll.

10. **Public Comment (No Action)** –

Joe Curtis: The whole block of Union, I, L, and Washington are tailings from the Savage Mine operation in the 1870s. He said he bought his property from the Savage Mine family. It was a typical mine tailing pile.

Nick Lazzarino: Expressed his disappointment with the board. This meeting was planned, action was taken and for the board not to have enough people to take action on a matter is pretty bad; should be done in a timely manner.

Jay Carmona: If the board can't take action on item 6, how can they take action on anything tonight? Stated that as president of the HOA board, they have five members on the board that may attend the meetings; if only three attend, a majority vote of two approves the motion.

Deputy D.A. Loomis: The vote on item 6 was three to one, and three is not a majority of the board. He said he will look into the matter and will have an answer tomorrow.

11. **Staff (No Action):** Planner Canfield said that the October 4th meeting has quite a few items on the agenda.

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

13. **Adjournment (No Action)** - The meeting was adjourned 6:47 P.M.

Respectfully Submitted, By Lyndi Renaud