

January 4, 2016

The Yerington Planning Commission met in the City Council Chambers at 4:00 pm with the following members present:

President Steve Douglas  
Vice President Robert Arigoni  
Commissioner Joan Blake  
Commissioner Eric Bodenstein  
Commissioner Travis Crowder  
Commissioner Richard Faber  
Commissioner George O'Keefe  
City Attorney Chuck Zumpft (via telephone)  
City Manager Dan Newell  
Public Works Director Jay Flakus  
Planning Commission Secretary Ashley Armstrong

Guests: Steve Tognoli, Ken Ward, Rick Christian of Denson Surveying, Judy Price of South Lyon Hospital District, Tony Yarbrough, Toni Inserra of South Lyon Medical Center, Ken Bitler, Chief Scott Draper of Mason Valley Fire Department.

Meeting was called to order at 4:00 pm by President Douglas, rollcall was taken and pledge of allegiance was led by Commissioner O'Keefe.

#### Agenda Approval

Commissioner Blake made a motion to approve the agenda for the January 4, 2016 meeting as presented, seconded by Commissioner Arigoni. President Douglas asked for public comments. There were no Public comments and the motion carried unanimously.

#### Minutes

Commissioner Bodenstein made a motion to approve the minutes of the October 19, 2015 meeting, seconded by Commissioner Faber and the motion carried unanimously.

#### Election of Planning Commission Officers

President Douglas asked if anyone would like to campaign.

Commissioner O'Keefe made a motion to keep President Douglas and Vice President Arigoni in their current positions, seconded by Commissioner Blake. President Douglas asked for public comments. There were no public comments and the motion carried unanimously.

### Appointment of a Planning Commission Secretary

President Douglas asked Ashley Armstrong if she is willing to do the job. Ashley Armstrong stated that she is.

Commissioner O'Keefe made a motion to appoint Ashley Armstrong as the new Planning Commission Secretary, seconded by Commissioner Bodenstein and the motion carried unanimously.

Parcel Map Application – Frade Ranches Inc. The applicant is requesting approval of a parcel map that divides APN# 001-671-01, a 155± acre parcel, into three parcels. The first new parcel will be 2.0 acres, the second will be 2.0 acres and the remaining parcel will be 150.20 acres. The current parcel is zoned AG and the three subsequent parcels shall be zoned AG

Mr. Rick Christian from Denson Surveying addressed the Board. Mr. Christian stated that he is here on behalf of Frade Ranch Inc. and would be able to answer any questions. Mr. Christian stated that the purpose of the agenda item and the following parcel map is to facilitate the sale of Frade Ranches and to maintain the existing homesteads under the existing family members.

City Manager Newell stated this has basically always been the plan from the time Frade requested to be annexed into the City.

President Douglas asked whose parcels are the residential homesteads. Mr. Christian stated that they are on parcel 1 and parcel 2.

Mr. Christian stated that with the creation of the parcels for the resident's homesteads, we are also declaring a 30 foot dedication for Bridge St. along the front of the property that did not exist before. City Manager Newell asked if it currently goes to the center of the street. Mr. Christian stated yes, the current parcel goes to the section line which is approximately center line of Bridge St.

President Douglas asked if there was any input by surrounding neighbors. President Douglas stated that he would caution against a large parcel split because you cannot come back in 3 weeks and request to split this parcel again. President Douglas stated that you cannot subsequently or you will trigger a parcel subdivision requirement. City Manager Newell said that the applicants knew that coming into this meeting.

President Douglas asked if there were any other questions or comments.

Commissioner O'Keefe asked if notices were sent to surrounding property owners. Public Works Director Flakus stated there is no noticing requirements for a parcel map. Mr. Christian stated just the publication requirement exists.

Vice President Arigoni asked if the parcels will stay AG. Mr. Christian stated that yes they will remain AG.

President Douglas asked if a 2 acre parcel stay. AG or is there a minimum. City Manager Newell stated there is a minimum of 1 acre.

President Douglas asked if there were any other questions from the audience. There were no public comments.

President Douglas stated he saw no changes from what has been there for the last decade and this cleans up the map. City Manager Newell stated that it has been quite a few decades. He does not remember anything other than what it is now.

Commissioner Blake made a motion to accept the parcel map application for the Frade Ranch on APN # 001-671-01 as presented on the agenda item number 6, seconded by Commissioner O'Keefe and the motion carried unanimously.

Parcel Map Application – Frade Ranches Inc. The applicant is requesting approval of a parcel map that divides APN# 001-671-03, a 317± acre parcel, into four parcels. The first new parcel will be 183.66 acres, the second 3.78 acres, the third 126.42 acres and the fourth 2.29 acres. The current parcel is zoned AG and the three subsequent parcels shall be zoned AG

Mr. Rick Christian from Denson Surveying on behalf of Frade Ranch Inc. stated that he would answer any questions for the Board. The agenda item and the parcel maps are to facilitate the sale of Frade Ranch and to maintain the existing homesteads under the existing family members.

Mr. Christian stated that this area is within the parent parcel which is MacKenzie lane and Cemetery Road. Both are being declared as dedicated right of way 60 feet wide. President Douglas asked if we are dismissing the one corner that's not going to a parcel map right now as a dedicated easement. Mr. Christian stated for MacKenzie and Bridge that is correct.

President Douglas asked why you are dividing into 4 parcels rather than 3. Mr. Christian says that MacKenzie divides the property by virtue of the road being dedicated for the right of way. That is why there are 4 parcels being divided instead of 3.

Commissioner O'Keefe asked if there is access to parcel 1. Mr. Christian stated there is an easement through MacKenzie Lane that goes to parcel 1.

Commissioner Faber asked if the power line easement for the 20 foot width on the south end of the parcel; have to be defined other than the center line for the rest of it through parcel 2. Mr. Christian stated that the rest of it is covered by virtue of an existing document, just the center line only.

Vice President Arigoni stated the Fox Ditch must have an easement because it goes across Bridge Street to Paul Sceirine's property.

Mr. Christian said he can look into it so if there is any need to do a parrot then we can parrot by all means. Mr. Christian said we can make that a condition to identify that on the map. City Manager Newell agreed it can be a condition on approval and then if it never took place then the map would not change.

President Douglas asked if they have any kind of recorded easement for the ditch right of way somewhere on the map. Mr. Christian states they do not have a document of the ditch easement. According to the title report all the easements that are contained within the report are identified; however there is nothing for the Fox Ditch.

President Douglas stated that if you look in the title report it reference's the back ditch but it does not define it. President Douglas stated that it says "there is a right away through certain water ditch situated on upon lands known as the back ditch".

Mr. Christian asked where President Douglas was seeing that statement. President Douglas stated it is on the title report page 5, item number 19, reservation contained in the deed from B.H. Reymers to Herman F. Luhrs.

President Douglas asked about the wheedle ditch he was not sure what it would be called. Mr. Christian stated that item is not shown on this map because it is not identified exactly where it is and there is no description for the ditch itself and no width given in the document. President Douglas stated that would be something that we will need to have identified on the map to protect the ditch riders or ditch owners that are part of that ditch company. President Douglas stated that perhaps in the past it was never identified; but he thinks it needs to be, otherwise there is a ditch owner that could be upset in the future.

City Manager Newell stated that we should do a conditional approval based on adding the ditches onto the map easement. President Douglas asked City Attorney Zumpft if we can do an approval if we vote for an action with the conditions that the ditch easement be located on the final map. City Attorney Zumpft stated that the Planning Commission could do that.

President Douglas asked for any other comments or thoughts.

Commissioner O'Keefe made a motion to conditionally approve item number 7 with APN # 001-671-03 Frade Ranch Inc. providing that the easement for the back Fox Ditch is addressed and based on the final map, seconded by Commissioner Faber.

Vice President Arigoni asked if the Fox Ditch company needs to be notified about what is taking place on this item. Mr. Christian stated that there is no ordinance stating they need to be notified.

Vice President Arigoni stated he would like to add that someone from the back Fox Ditch Company is made aware of what has taken place with the easement and that it was not recorded on the map previously.

President Douglas asked if we still have approval of item number 7 as presented with the additional conditions that the back Fox Ditch and easements be recorded on the map and that the back Fox Ditch people are notified of such. The second, Commissioner Faber, agreed to the motion and the motion carried unanimously.

Street Abandonment Application – South Lyon County Hospital District. The applicant is requesting to abandon South Whitacre Street between Surprise Avenue and West Bridge Street. The applicant also intends to abandon 120.22’ of Cuprite Street from the intersection of South Whitacre Street and the West edge of the alley running perpendicular to South Whitacre and South West Streets. The application includes a request to abandon 288.00’ of alley that currently lies underneath the South Lyon Medical Center Complex between South Whitacre Street and South Mountain View Streets in block 82

Ms. Toni Inserra, CEO of South Lyon Medical Center (SLMC), addressed the Board and introduced Mr. Rick Christian of Denson Surveying.

Ms. Inserra stated that having one campus is the goal. Ms. Inserra stated that she does not think that the hospital or the district have any plans to purchase any more property. Ms. Inserra stated that Mr. Christian has found an alley that goes through the Barnett clinic.

Ms. Inserra stated that in 2003 a master plan was started. The master plan shows that growth for the hospital would have to move to the south end. SLMC is called a distinct skilled nursing facility and licensed as such to always be part of the hospital.

The map shows the new addition in the original part of the Master Plan is coming off of the South end of what we call our stores, and it would go into the parking lot, and the entrance would then be in on the South end with a physician’s clinic on the South end and the dialysis clinic on the North end

Ms. Inserra stated that they would love to have the clinic down on the dirt parking lot and again have a front entry to the facility. If they start doing the construction to the south and changing the emergency room all the entrances or access to the south, they are creating a lot of pedestrians use and traffic along Whitacre St. Ms. Inserra stated that they already have a lot of problems with traffic on Whitacre and have tried to have the speed reduced to 15. Ms. Inserra stated that she has spoken with Chief Wagner and that it would be difficult to inforce a 15 mph speed zone. Also they are looking at the portion at Cuprite with no interest in the ally and are not looking at changing the use or access through the alley, except the portion of Cuprite where it separates the two parcels. The ultimate goal is to revert it to acreage so that it becomes one hospital campus under the right zoning and maybe at some point featuring a hospital zoning.

President Douglas asked what would be the plan to pull the trigger. He asked how they could build a whole new facility or how they would keep the current facility intact while they build the new one. Ms. Inserra stated that the master plan was to change the use. The emergency room is the first priority; dialysis center, lab and x-ray would follow.

President Douglas asked if the property from Mountain View and back to Surprise St. is currently owned by SLMC. There are no private residents or other parcels that are affected in the square. Ms. Inserra stated at this time all of that is owned by SLMC.

President Douglas asked if there were any public comments.

Mr. Steve Tognoli from 231 S. West St. addressed the Board. Mr. Tognoli is also there on behalf of Mrs. Rita Evasovic regarding the public notices that went out. Mrs. Evasovic never received a letter regarding the abandonment proposal. Public Works Director Flakus stated that he thought the city had sent that letter to Mrs. Evasovic. Ms. Inserra stated that she has the mailing list of everyone that should have received the letter. Public Works Director Flakus stated to Mr. Tognoli that he would get back to him regarding this issue.

Mr. Tognoli asked as a homeowner about Cuprite's alley. Mr. Tognoli stated that there will only be 100 feet left of the alleyway that will turn into a dead end street. Mr. Tognoli would like SLMC to abandon the full length of Cuprite and split the remaining alley between himself and Mr. Wayne Peterson. Mr. Tognoli would also like to abandon the adjoined alley in the back on the west side which the hospital is using as a parking lot. Mr. Tognoli stated that there are above ground utilities, and he said that there was talk about putting the utilities underground when the alley is being abandoned. Mr. Tognoli asked what happens to Cuprite and the alleys in the back.

Mr. Tognoli stated that it's a 20 foot easement. His property is designed to use the back alleyway to get on his property. Mr. Tognoli asked if SLMC will be blocking or placing a fence right at the alleyway. Mr. Tognoli stated as a homeowner he does not have any more questions but as a City Council Member he has some questions about emergency access.

President Douglas asked Mr. Tognoli if the alley went through to Surprise St. Mr. Tognoli stated that it follows the easement for the powerline. Ms. Inserra stated that SLMC does not have plans to block off or fence off Cuprite St. Ms. Inserra stated that SLMC would not be opposed if there was a request to abandon the full alley of Cuprite.

Mr. Christian stated to the Board that SLMC does not have any control over that section at all, that would be the responsibility of the adjoining land owners. If Cuprite was abandoned, the properties to the east would get 10 feet and the other 10 feet will go to the hospital. Mr. Christian stated that some of the homes have access off that alleyway to their homes.

Mr. Christian stated that at this point in time the hospital has no interest in that alleyway. Mr. Christian stated that the easements that are identified in the packet submitted to the city are to cover the existing utilities for the abandonment of the portion of Cuprite that is being abandoned and the portion of Whitacre St. Mr. Christian stated that those easements have been sent to the utility companies and to the City for approval.

Commissioner Faber asked Mr. Christian if the gas line easement goes all the way through Cuprite. Mr. Christian stated that he can look to see if that easement goes all the way through.

President Douglas asked if there are any more public comments.

Mr. Ken Ward addressed the Board on behalf of Mr. Wayne Pederson. Mr. Ward stated that if there is a problem with the noticing that the board cannot take action on this matter. City Manager Newell agreed that the Commission could not. Mr. Ward suggested abandoning all of Cuprite and getting it back on the agenda with a new agreement from the hospital and everyone else concerned.

President Douglas asked if the Commission can take action there is a problem with the notification than we cannot take action. Public Works Director Flakus stated that he has found Mrs. Evasovic's letter, and that the letter was printed and mailed. Public Works Director Flakus stated he does not see a problem with the letter being mailed out.

President Douglas asked if the City mailed the letters certified to the home owners. Public Works Director Flakus stated that we do not get certified letters because that is pretty expensive.

President Douglas asked City Attorney Zumpft for his opinion, if there is a homeowner within the 300 feet radius that says that they were not notified, where does the Board stand. City Attorney Zumpft stated that they will need information about what staff is prepared to certify was served. It depends if staff is prepared to certify that notice was processed and compliant with statute, then there are presumptions in law that it was mailed, and received. City Attorney Zumpft stated that if a homeowner contested that they received a notice he believes that the assumption should be to take their representation on face value, unless there is some harm to be caused to the developer or the applicant.

President Douglas stated that the notice was not a huge issue; just that someone within the 300 foot radius felt that they did not receive the letter. City Manager Newell stated that if there is a notice issue it does not matter if it is perceived if someone thinks there is an issue there is an issue, City Manager Newell stated that his recommendation would be to place back on an agenda and start over.

President Douglas asked for public comments.

Mr. Tony Yarbrough addressed the Board. Mr. Yarbrough lives at 102 S. Whitacre St. on the corner of Grove and Whitacre. Mr. Yarbrough had a question regarding what will happen to the abandoned Whitacre St. Mr. Yarbrough stated that he has looked at the map and it is not clear to him. Mr. Yarbrough would like to know if there is still a thoroughfare or not.

President Douglas stated that if it is abandoned there would not be a thoroughfare thought because the hospital owns both sides.

Mr. Yarbrough stated that the Master Plan shows a thoroughfare. President Douglas stated that is correct. City Manager Newell stated that it is not an actual road; they have to leave that there for the water and sewer lines so the easements will still be there. Mr. Yarbrough asked if there would be any vehicular traffic. Ms. Inserra stated that it would be restricted.

Ms. Judy Price of the South Lyon Medial Center District Board addressed the Commission. Ms. Price stated that Mr. Tim Miller is the architect of the Master Plan and is well known for working on hospital type projects and planning. Ms. Price stated that what was critical here is that they maintain the hospital services while new construction occurred.

Chief Scott Draper of the Mason Valley Fire District addressed the Board and stated that he does support SLMC one hundred percent. Chief Draper's concern is that today is the first time he has seen the Master Plan and has not had an opportunity to review it. Chief Draper stated that he has numerous fire and life safety issues regarding access points and those questions need to be answered before going further. President Douglas stated that some brainstorming needed to happen in order to satisfy Chief Draper's concerns.

President Douglas asked if the Commission could move forward on this item with the noticing issue. City Attorney Zumpft stated that he had an opportunity to review the information sent to him by Public Works Director Flakus and it looks fine, however he has not had an opportunity to compare it to the statutory requirements. President Douglas stated that he did not want to take action if noticing was done improperly. City Attorney Zumpft stated that he would error on the side of caution. City Attorney Zumpft stated that the Board has had an obligation to prove it provided notice, not that they received. Public Works Director Flakus stated that a notice was also in the Mason Valley News.

Mr. Tognoli asked if they close Whitacre St. on Bridge Street that is a state highway, will an encroachment permit be issued if they close and abandon that. City Manager Newell stated the Highway (NDOT) would issue the permit. President Douglas stated that this was a good point and would need to be researched.

President Douglas stated he would like to hear from the board or City staff as to whether the Commission should continue with this item or table it.

Commissioner O'Keefe stated that he would like to table this matter at this time because of the issues involved that needed to be cleared up

Mr. Ward stated that based on what the City Attorney has said, there is no choice, it is up to staff whether to move forward. City Attorney Zumpft stated that he had reviewed the information that Public Works Director Flakus had sent and that the notices were mailed first class and that constitutes service. Once deposited in the mail, that constitutes as service. City Attorney Zumpft stated that he was not sure if that list constitutes a complete list of those that should be noticed and he would defer to Public Works Director Flakus.

Public Works Director Flakus stated that he receives a GIS shake file from Holly Villines' of Lyon County. Public Works Director Flakus stated per Holly Villines' list he then selects the parcels and then a 300 foot base line is selected which kicks out a list of names. Those named will be the ones receiving the letter.

City Manager Newell stated that if the board would approve this today the conditions would be that we need the map to show emergency egress, the utility easement and closure of Bridge Street, then we need to say emergency egress only, emergency access only.

Mr. Christian stated that the City could condition this item upon receiving documentation that there has been an agreement reached between Fire, Health and safety. President Douglas stated that it needs to be part of the motion that Fire, Health and safety must be addressed and ensure that the egress remains open to the public.

Vice President Arigoni made a motion to go forward with all possible actions for agenda item number 8 to include conditions that there is a written agreement between the hospital and the Mason Valley Fire District along with City of Yerington and the Yerington Police Department, seconded by Commissioner Faber. President Douglas stated he has a motion and a second for item 8 as presented on the agenda with the three easements being abandoned and with a condition that an agreement be worked out between Emergency Services that must serve the property and the hospital district with the recommendation that the hospital district speaks with NDOT for their own interest. Commissioner Blake opposed and Commissioner O'Keefe abstained. The motion carried.

There being no further business the meeting was adjourned.

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Steve Douglas  
Planning Commission President

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Ashley Armstrong  
Planning Commission Secretary