



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson
Larry Peyton
Pat Phillips

Tuesday, August 3, 2021
6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

Secretary

Trevor Lloyd, Secretary

and available via
Zoom Teleconference

The Washoe County Planning Commission met in a scheduled session on Tuesday, August 3, 2021, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Donshick called the meeting to order at 6:01 p.m. The following Commissioners and staff were present:

Commissioners present: Larry Chesney (via Zoom)
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson (via Zoom)
Pat Phillips

Commissioners absent: Larry Peyton

Staff present: Trevor Lloyd, Secretary, Planning and Building
Dan Cahalane, Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. Pledge of Allegiance

Commissioner Phillips led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Gustafson provided the ethics procedure for disclosures.

4. Appeal Procedure

Secretary Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. General Public Comment and Discussion Thereof

Chair Donshick opened the Public Comment period.

Public Comment:

Lisa Durgin stated that she and her husband live in the Bridle Path subdivision, and she serves as the Bridle Path Home Owners Association president. She said her comments relate to the Village Green item involving the connection of a public access path to a privately maintained equestrian path network that Bridle Path homeowners maintain. Following the last meeting, a few Bridle Path homeowners emailed Julee Olander to express that they are alarmed by the element in the plans that referred to the common grounds and equestrian paths in Bridle Path as public. Ms. Durgin said that she spoke with Commissioner Hartung and the County cannot locate recorded documents that show that these paths and common areas are private to Bridle Path homeowners. However, this is contrary to what homeowners were told when they purchased in Bridle Path and conflicts with documents and maps of Bridle Path. The HOA board and board attorney are currently researching records and documents to confirm the assertion that the bridle path common area is private. Ms. Durgin requested that the Commission take a no-vote on the issue of relocating the public easement trail at this time so the HOA can complete their research and find the necessary clarifying documentations. Approving a public trail with the intent of connecting it with the Bridle Path equestrian trail network is an action that would potentially need to be undone depending on the outcome of the research. For the last 30 years, Bridle Path homeowners have been under the impression by the developer, HOA documents, Sheriff's Office, and various officials over the years that the trails maintained by the Bridle Path homeowners are the private property of the bridle path homeowners. She said you could imagine that this element of the Village Green application has come as a great surprise to 360 homeowners. Ms. Durgin asked that the Commission defer any decision on the development plan at this time.

There were no further requests for public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the agenda for the August 3, 2021 meeting as written. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of six in favor, none against; Commissioner Peyton was absent.

7. Approval of the [July 6, 2021 Draft Minutes](#)

Commissioner Flick moved to approve the minutes for the July 6, 2021, Planning Commission meeting as written. Commissioner Chesney seconded the motion, which passed with a vote of six in favor, none against; Commissioner Peyton – absent.

8. Public Hearings

A. [Master Plan Amendment Case Number WMPA21-0002 \(Village Green\)](#) [For possible action] – For hearing discussion and possible action to amend the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D – Village Green Commerce Center Specific

Plan (Plan), and if approved, to authorize the chair to sign a resolution to this effect. Any approval would be subject to further approval by the Washoe County Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by the regional planning authorities. If approved, the amendment would add clarifying language and include the following:

1. Remove Goal Five, Infrastructure;
2. APN: 534-561-10 is exempted from the Spanish Springs Area Plan, Appendix A including the building site coverage requirements;
3. Clarify language concerning setbacks from residential dwellings for building height;
4. Added color and evergreen trees as options for 50 feet in length of building walls;
5. APN: 534-561-10 is exempted from the following Architecture provisions: General Guidelines, Energy Efficient Tenant Criteria, Building Massing and Form, Mechanical Equipment, and Building Materials; the following Landscaping provision: Site Grading; and the following Sustainability provisions: Low Impact Development (LID) Standards, and Environmental Sustainability Standards of the Village Green Commerce Center Specific Plan;
6. Clarify that illuminated signs will only be allowed when not adjacent to residential property;
7. Clarify that effluent water is required when available in the area;
8. Clarify that no loading docks are allowed to be adjacent to residential property;
9. Remove Figure D-5: Business Park Buffering;
10. APN: 534-561-10 is exempted from Low Impact Development (LID) Standards and Environmental Sustainability Standards
11. Clarify roadway improvements as required by Washoe County Engineering and Capital Projects; and
12. Rename "equestrian easement" to "public trail easement" and relocate this easement to the western boundary of APN: 534-561-10.

- Applicant: Blackstone Development Group
- Property Owner: STN 375 Calle Group LLC
- Location: 375 Calle De La Plata
- APN: 534-561-10
- Parcel Size: 39.12 acres
- Master Plan: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 820, Amendment of Master Plan
- Commission District: 4– Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3627
- E-mail: jolander@washoecounty.us

Chair Donshick opened the public hearing. She called for disclosures. There were no disclosures by the Commissioners.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Commissioner Flick made an inquiry regarding who owns the bridle trail. Ms. Olander stated that the path will be owned by the parcel that it will be located on; which is not part of Bridle Path. It will be adjacent to Bridle Path. Ms. Olander stated that the woman who spoke earlier is in the subdivision that is south of this, a separate development. Ms. Olander said the path the applicant is proposing to relocate is in the Village Green. Commissioner Flick asked if the County owned it [the path]. Ms. Olander clarified that it is owned by the property owner, it is an easement that is part of the parcel. Mr. Lloyd stated its part of the homeowner association. Ms. Olander stated that in the Bridle Path subdivision, there are equestrian paths through individual properties and common areas, but those are south of this development. The path that is being proposed in Village Green will be owned by the property owner of the parcel. Commissioner Flick stated part of the trail system is owned in fee by the property owner and the other part of this is the owner is issuing an easement across the property. Ms. Olander stated it's an access easement. Ms. Olander stated that there is confusion with the private versus public designation for Bridle Path, which is not the item before the Commission. Staff is not proposing to link this path to Bridle Path. It abuts the Bridle Path subdivision, but nothing will be posted that you can continue on Bridle Path until that gets resolved. Ms. Olander stated that in the specific plan there was a path there previously and it bordered a lot more of Bridle Path before than it does now. Commissioner Flick asked what uses could be used for the bridle path now or is it just equestrian. Ms. Olander stated she believes it's equestrian and walking. She is unsure how many horses are still in the Bridle Path area. Commissioner Flick asked what would be allowed with the change in name. Ms. Olander stated in the Village Green, the path being proposed would allow everything but motorized vehicles. Chair Donshick clarified that the classification is for Village Green only and has nothing to do Bridle Path. The change is what the owners and the County have agreed upon for the Village Green property only. Commissioner Flick stated the County is giving up a lot by making this change. The people who created the specific plan to cover all the environmental, architectural and public improvements; when you read the current proposal, parcel ten will be exempt from this. Commissioner Flick asked why are we doing this. Ms. Olander stated because the property owner has asked us to do this. The owner has applied for a Master Plan Amendment to change the Village Green specific plan. They have the right to do this because they represent the property owners who are requesting the changes. From staff perspective, some of the changes are already in the building code and a lot of the original architectural requirements don't meet industrial standards anymore. Commissioner Flick asked if the owner has submitted the elevations. Chair Donshick noted that we don't cover that at this point. It's a master plan amendment.

Commissioner Chvilicek asked when staff put this report together, did staff reference that any part of the Bridle Path common area or equestrian trail was public. Ms. Olander stated that, yes, that was done by the Park Planner at that time, because of how they were written on the map. Ms. Olander stated that the location isn't called out as public or private. Ms. Olander shared that if you go through Bridle Path, there are 10-20 maps because they came in at different times - some say public and some say private. The public trail easement that is being proposed, the adjacent Bridle Path property doesn't state whether it's public or private. Typically, they are public. Most trails or easements of this type are typically public, so it was assumed they were public; however, the HOA doesn't believe that they are. Ms. Olander referenced that the first public comment made today explained they [the HOA] are still not sure, but it has been assumed by the HOA that they are private. Ms. Olanders states that Staff doesn't have enough documentation to show that. The Park Planner who wrote the comment about linking up with Bridle Path was trying to create connectivity with the different trails; she made the assumption that it was public. Commissioner Chvilicek asked if the Park Planner has

amended the letter to state that public or private access is still being reviewed. Ms. Olander stated that it doesn't come into play for this situation. Commissioner Chvilicek stated it does if we are trying to produce connectivity. Ms. Olander stated we are in limbo on that connectivity. The path is not going to connect until Bridle Path equestrian easement is resolved. Ms. Olander said the property owner is willing to put the path on his property and have it stop at Bridle Path and not make the connection at this point. The owner understands the concern and the issues and is simply asking for a line to be drawn solely on the existing property.

Commissioner Phillips asked a procedural question: is there a way to set aside the path portion of the project. Secretary Lloyd stated that it's a challenging question, but that the Planning Commission has the purview to approve the entire plan as proposed or to approve portions of the plan. DDA Gustafson stated that's correct; the Commission can approve part of the plan before, but cannot make changes to what's being proposed. DDA Gustafson cautioned that if changes were added in the future, it would require the Commission to approve another Master Plan amendment.

Commissioner Chvilicek clarified that with this MPA, this access trail is solely located on the property owner's property, and there is no connectivity to any other path, trail or system at this point. Ms. Olander said yes and stated at this point; it's dead-end. Ms. Olander stated that she has spoken to Bridle Path, who would like to put a fence up, but as it's still an unknown they aren't willing to commit to a barrier there. It's safe to put the path in if, and when they [Bridle Path] come to a conclusion, they can decide on installing a fence there.

Commissioner Nelson asked if Ms. Olander has spoken with the owner about this – that if there isn't connectivity to the south, does the owner want that path on their property. Ms. Olander stated they are leaving the path in the proposal, because it was initially in there along the eastern boundary of the specific plan and along the southern boundary. The property owner isn't opposed to the path being removed; however, it was originally there. Ms. Olander offered that there may be people who work in this facility who live adjacent to the property and would like the ability to walk, ride their bike or their horse. Ms. Olander stated that Staff wanted to maintain an easement, but relocated it, as the current location didn't make sense. The proposed location will connect to Sugarloaf and Blackstone and onto Sugarloaf Peak open space.

Kerry Rohrmeier (Representative), on behalf of Marc Siegel (Applicant/Developer, SJS Commercial Real Estate), provided a presentation.

Commissioner Chesney asked the applicant whether they were comfortable with the current proposal by Engineering regarding curb and gutter requirements. Mr. Siegel said that the applicant and staff are working in good faith to accomplish the development goals of the area, without the applicant being responsible for obtaining property right of ways from various owners in order to install curb and gutter. Commissioner Chesney asked Ms. Olander to provide assurance that the County isn't going to tell Bridle Path owners that the easements are public and open up access. Commissioner Chesney is very concerned about preserving the intent of the property rights for the owners that purchased in Bridle Path.

Ms. Olander acknowledged that there is an unknown regarding the easements in Bridle Path; she stated that this will most likely become a legal issue and go to the Courts. Ms. Olander stated that if the Commission would prefer to go back to the original path in Village Green, along the Southern border of the property, they can do that.

Commissioner Chvilicek asked if the issue of the trail is within the Commission's purview, considering the proposed trail is completely located on Village Green property and has no connectivity to other trails or adjoining properties. Secretary Lloyd stated that it is within the Commission's purview, as the document has come before the Commission and the applicant is requesting to make a change to the trail location. Secretary Lloyd stated the Commission has the purview to approve as is or make changes.

Commissioner Chvilicek asked if there is any reason that the trail was left in the plan beyond that it there originally – what is the purpose of the trail. Ms. Olander responded that the purpose was to provide connectivity. It was originally believed the Bridle Path was public access, but at this point, the path can be removed. Bridle Path has made it clear that they do not want to be connected with any other paths. Ms. Olander stated that as a planner, she has concerns that if the easements are in-fact public, and in 10-20 years from now, people move in and want connectivity to Sugar Loaf or Blackstone, they would have to go out to Pyramid and around. She said this is thinking beyond today with the possibility they are public and the possibility that Bridle Path would want to connect to paths beyond their subdivision. If that is not the will of the Commission, staff can remove the path. Ms. Olander said the owner was not opposed to removing it in the past. Staff is looking 10-20 years in the future; maybe people in Bridle Path would like to ride their horses to Sugarloaf Peak open space. If the path is removed, they will not have that ability and they will have to go out to Pyramid. If that is what they want to do, that's fine, but staff needs to consider future residents. Parks' goals is to promote and create more connectivity to open spaces and residential and commercial. Staff wants the ability for people to ride or walk. Commissioner Chvilicek reiterated what has been said and noted that the path is solely on Village Green and dead-ends at the Bridle Path edge of the property boundary. Secretary Lloyd responded to Commissioner Chvilicek's question regarding why that path was there. Secretary Lloyd stated that the path was originally offered as an amenity by the original developers to accommodate additional pedestrian or equestrian traffic through their property. At the time, there were suggestions by the residents that they wanted a connection to Calle De La Plata. There may have been some people opposed of it, but there were people from Bridle Path that were in support of it. Ms. Olander stated that in the Village Green plan, part of the western theme required that there be hitching posts; this won't be required for parcel 10, but it will be for parcel 8. Ms. Olander continued that at the time, she cannot recall any issue with the Bridle Path subdivision. It was approved with the path along the southern border which is a lot longer than what is being proposed today.

Public Comment:

Daniel Engler (via Zoom) said he lives on parcel 11 which is the upper north parcel adjoining to the immediate east. He shares a 10 acre property line. Mr. Engler wants to go on record that he's been following this for over 2 years and goes to most of the meetings. He said residents were offered an easement onto the developers property in the event that they have a flood which they've had three now which have washed out the bridge and residents are working through that. He said that he has met and had multiple discussions with the previous developer and now Marc. Mr. Engler said that the plans the applicant put forth cover all the ares of concern. He said he is happy that it's a responsible project and Marc will do his best to keep that moving forward. Mr. Engler doesn't agree with the equestrian easement or trail easement or public easement through the project. He said he doesn't think that the builder should have to bear that when Bridle Path people are adamant that no one outside of the subdivision is allowed on the property. Mr. Engler said that if you work in the development and you want to go to Sugarloaf, you can walk across the paved parking lot out to Calle De La Plata and catch the other easements that are through the other properties and get there and likewise coming back in. You've got the whole industrial park that is going to be paved they they can get to and from. He said he doesn't think that that is a viable asking of the developer to spend that time and money to have a go-nowhere trail.

Lisa Durgin (via Zoom) said she wanted to add to her earlier comments in light of the discussion that has taken place. The connectivity concerns of the Bridle Path home owners are not regarding getting out of the neighborhood to the trails, but rather about the traffic going the other direction. The development has an on-going problem with motorized vehicles accessing and causing accidents with people that are on horses. Ms. Durgin understands that the public access trail is not designated for motorized traffic, but as we have seen time and time again, that doesn't stop people from doing it, and there's very little that can be done to enforce it. Washoe County Sheriff's Department just doesn't have the resources to enforce it.

She said her concern and the number one expense of Bridle Path homeowners is the maintenance of this trail network and the retention ponds and drainage system that run throughout it. They have sustained a lot of damage due to the illegal access with motorized vehicles and so forth. That's probably the biggest root of the concern. We have plenty of people that walk on the trails from all over, and nobody has had any issue with that. It's the unauthorized motorized vehicle traffic that manages to make its way through and damages the retention ponds and berms. Unfortunately, the people that were involved in the early meetings with the original developer are either no longer living in the neighborhood or no longer available to speak. The original developer in conversations with the HOA board members at the time, agreed that they would build a fence along the perimeter to protect access to the Bridle Path or block access to the Bridle Path Trail, so this is not a new issue. Unfortunately, there is no documentation of that meeting.

James Huston, resident within the Bridle Path community, said unfortunately he doesn't zoom so he wasn't able to attend the neighborhood meeting to express his concerns, so this is the next best option to voice concerns. He said he has worked with Julee to some extent and she's been very helpful providing information. He said he is one of the 36 homes that is within 750 feet of the Village Green. The amendment is asking for 12 separate things here this time around. It's my understanding that in October 2019, they had a whole other list of things that they got pushed through. He asked why do they have so many amendments this time and they're just referring to it as clean up. It's almost more like it's death by a thousand cuts. Last time it appeared that they were given a concession on building height to allow their new buildings to be 40 feet tall versus 35 feet tall. They want to be exempt from the Spanish Springs area plan including the site coverage requirements. This allows them to build a very large building. The 30% is much more fair to the residents that are 135 feet away. If you had an opportunity to look through the report to page 101, there's a conceptual plan that they want to build. It's a very, very large trucking facility. It should be out by the highway, not 12 miles through town. But to allow it to be greater than 30% is a big give away of the Spanish Springs area plan. It's not the Village Green plan. This is the Spanish Springs plan. He said as a resident who needs to travel on Pyramid Highway, and would like to do it without the benefit of the big trucks. If the project can be a viable project at 30% that's wonderful and its within their rights to do that, but to enlarge this thing and allow it to be larger is problematic. He said he wanted to take the opportunity to speak and that not everyone in the neighboring community is in favor.

Ken Theiss said he lives north of this project, approximately 1000 feet away. He said he is against this public access. He said there is a foot trail behind his house. He said there are motorized vehicles racing up and down that path to Sugarloaf daily and the Sheriff can never catch them to stop it. He said he will fight that tooth and nail if they put in this path from this development through Blackstone and Bridle Path to Sugarloaf. It will create a freeway for dirt bikes and ATVs. That is not what we are out there for. He asked where is water coming from for this development. He said it sounds like there is no city water, so where are they getting the water. Chair Donshick noted that staff isn't answering questions at this point, but they are connecting to TMWA. If there is effluent water, they will use it.

Mike Wallace (via Zoom), who lives on Moon Beam Ct, said he is one of the closest houses effected by this development. He said he has been here 25 years. It was determined years ago, that Bridle Path was determined as private. He said we have been through this with the County and Parks. The County has no jurisdiction on the private property. He said it's an easement on his parcel behind his house and maintained and ensured by Bridle Path. If this path on Village Green goes through, we will have parallel paths 10 feet apart – one private, one public. There is no security for Bridle Path homeowners. Anyone on the public path can step over to the private path and now have a liability issue for the HOA because this is not public land. This is going to be a problem. He said he recommends they eliminate the path on Village Green property, so we don't have to deal with dual pathways. We have issues with recreational vehicles and bicycles and the proposed path will only exacerbate the issue. If the

path goes through, the developer will have to do something to separate the two properties or we will have security issues at the back of our homes.

Secretary Kerfoot noted that staff received two emails, one from Lisa Durgin and one from Deanne Endemano, which were emailed to the Commissioners prior to the meeting, posted to the Washoe County website and provided at the dias for the Commissioner's review.

MOTION: Commissioner Chesney moved to approve this item. Planner, Julee Olander, asked that the motion contain the language, "with the amended language for Transportation Improvements." Counsel Gustafson asked if Exhibit B, as posted to the Washoe County website, included the correct language. Ms. Olander stated the information in Exhibit B and in the Commissioners packet was not the most current language. Changes to the language were presented in Ms. Olander's staff presentation. **Commissioner Chesney withdrew his motion.** Secretary Lloyd explained that it is within the purview of the committee to make a decision based on changes presented to them during the meeting. Ms. Olander reviewed the transportation improvement language.

Commissioner Chvilicek motioned to approve the item with the amended language for Transportation Improvements, and the removal of the public access trail inclusive to the property. Counsel Gustafson asked for clarification that the entire section addressing the public access trail was to be removed from the resolution. Commissioner Chvilicek affirmed. Commissioner Nelson seconded the motion. The motion failed, three in favor – Donshick, Chvilicek, Nelson; three against – Chesney, Flick, Phillips; Commissioner Peyton was absent.

Commissioner Flick asked if the Commission was able to continue the motion. Secretary Lloyd stated that the item could be continued with the applicants approval. Applicant representative, Kerry Rohrmeier, deferred to developer, Marc Siegel. After clarification by Secretary Lloyd, Mr. Siegel agreed to continue the item. Commissioner Chvilicek asked Secretary Lloyd if it was possible to call a special meeting for this item. Secretary Lloyd asked Counsel Gustafson if it was possible to continue this item time certain without noticing. Counsel Gustafson stated noticing would be required. Recording Secretary Lacey Kerfoot clarified that administrative staff would need 15 days minimum to meet noticing requirements.

DDA Gustafson noted that in an instance of a tie vote, if the applicant doesn't wish to continue, then each person on the Commission would have to discuss the findings they could or could not make.

Commissioner Flick motioned to continue this item, time certain, to the September 7, 2021 Planning Commission Meeting. Commissioner Chvilicek seconded the motion. The motion carried unanimously, six in favor, none against; Commissioner Peyton was absent.

B. [Abandonment Case Number WAB21-0005 \(Andrews-Gonyeau\)](#) [For possible action]

– For hearing, discussion, and possible action to approve the abandonment of 33ft wide access and public utility easements along the north, south, and western property lines of parcels 142-241-38 and 142-241-43, the abandonment of a 33ft wide access and public utility easement along the eastern property line of parcel 142-241-43, and the abandonment of 13 ft of a 33 ft wide access and public utility easement along the eastern property line of parcel 142-241-38.

- Applicant/Property Owner: Laureen & Jonathan Andrews, Patricia Gonyeau
- Location: South of the intersection of Raider Run Rd & Torvinen Way.
- APN: 142-241-38, 142-241-43
- Parcel Size: 5 acres (2.5 acres each)

- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 806
- Commission District: 2- Commissioner Lucey
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3628
- E-mail: dcahalane@washoecounty.us

Chair Donshick opened the public hearing. She called for disclosures. There were no disclosures.

Dan Cahalane, Washoe County Planner, provided a Staff report presentation.

Commissioner Chvilicek asked what partial approval means. Mr. Cahalane noted that Washoe County Engineer is reviewing the 33 foot abandonment of the easement along the northern parcel. Engineering would like to maintain 30 feet, as opposed to giving up all 33 feet. It would be a 3 foot abandonment – partial conditions, as outlined.

Commissioner Flick asked how many units per acre are in high-density rural zoning. Mr. Cahalane stated it's one unit per 2.5 acres.

Derek Wilson, the Applicant Representative, provided a PowerPoint slideshow.

Commissioner Chvilicek asked if the County is asking for 60 ft easement on private roads. Mr. Cahalane noted that these are government-patent easements. The County owns 33 feet wide easement around these parcels. This is a request to abandon and quitclaim these easements. Washoe County agrees to quit their claim for the access portion of the easements as opposed to the drainage portion of the easement which is part of the conditions of approval for the easement. On the northern parcel, we would like to keep 30 feet of the easement on the northern part of the parcel. Commissioner Chvilicek asked for clarification about the diagram indicating 30 feet of easement but also showing 60 ft of future right-of-way. Mr. Cahalane explained that it's 33 feet on one side of the easement and 33 feet on the other side of the easement. Mr. Cahalane stated from end to end they are 66 feet. Dwayne Smith, County Engineer, explained that government lots include patent easements on the perimeters. Those easements were provided for the benefit of the public if there needed to be roadways, drainage or utilities constructed. There are entitlements and obligations included in these parcels. People buy these properties with this understanding. This is insight and envisioning for the future. We don't know the development patterns in the future. We are sensitive to the fact that these areas are not likely to be developed into some high-density intensive uses. We have been asked to review many types of abandonment easements. He showed the diagrams. He stated that staff agrees with the east, west, and south boundary portions. We are concerned that the property owners will want to upgrade the storm drains, pave roads, and add additional utilities and other amenities at some point in the future. We want to preserve the right if this occurs in the future that there would be some amount of area on both sides of the property lines for an easement. He stated he understands the rural character. He stated 20 ft. is the general rural of thumb. He said he would support the Commission's decision to maintain a 20 or 30 ft. easement. He said we are not trying to restrict the ability of the property owner. We are trying to have vision and foresight; if the property owners chooses to do something, a path would be clear for that. It's not the intent to restrict. He would support 20 ft easement to remain in place, which balances with the property owner to the north and is consistent with other abandonments done in the area. Commissioner Chvilicek thanked Mr. Smith for his explanation.

With no requests for public comment, Chair Donshick closed the public comment period.

Commissioner Nelson stated she cannot support 30 ft. but could support 20 ft. easement. Commissioner Chesney agreed.

MOTION: Commissioner Chvilicek moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission partially approve Abandonment Case Number WAB21-0005 for Laureen and Jonathan Andrews and Patricia Gonyeau, as conditioned in Exhibit A with an amendment to the conditions of approval under Washoe County Engineering and Capital Projects 2 (D) to strike 30 ft wide access easement and replace it with a 20 ft wide access easement, having made all three findings in accordance with Washoe County Code Section 110.806.20, and a fourth finding in accordance with Nevada Revised Statutes 278.480(4):

1. **Master Plan.** The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan; and
2. **No Detriment.** The abandonment or vacation does not result in a material injury to the public; and
3. **Existing Easements.** Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.
4. **No longer required for a public purpose (NRS 278.480(4)).** The government patent easement is no longer required for a public purpose.

Commissioner Phillips seconded the motion, which passed with five in favor; one against – Commissioner Flick opposed; Commissioner Peyton was absent.

9. Chair and Commission Items [Non-action item]

A. Future agenda items

Commissioner Chvilicek requested an update on the Washoe County Master Plan update. Commissioner Chesney requested an update on the Area Plans. Mr. Lloyd stated he could bring those back in one update.

B. Requests for information from staff

Commissioner Chesney commented that over the last year, he has noticed last-minute changes on motions for proposals that have not gone to the public or been presented to the Planning Commission until the day of the meeting. He stated he supports staff; however, he is disappointed in several instances in the past year. Commissioner Chesney expressed his displeasure with what he sees as a lack of review of the presentations.

10. Director's and Legal Counsel's Items [Non-action item]

A. Report on previous Planning Commission items

Secretary Lloyd reported that the County Commission adopted the Parcel Map Review Committee and item of Continuum of Care, which are now in effect.

B. Legal information and updates

There were no legal updates.

11. Public Comment [Non-action item]

There was no response to the request for public comment.

12. Adjournment [Non-action item]

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:03 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on September 7, 2021

Trevor Lloyd

Trevor Lloyd

Secretary to the Planning Commission