



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Roger Edwards, Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Thomas Daly
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, August 4, 2015
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, August 4, 2015, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Edwards called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: Roger Edwards, Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Thomas Daly
Philip Horan
Greg Prough

Commissioners absent: None

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
Eva M. Krause, AICP, Planner, Planning and Development
Kelly Mullin, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Commissioner Daly led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

Mr. Webb introduced Tom Daly, Planning Commissioner for District 2 and also Kelly Mullin, Planning and Development Division's new Planner.

5. *Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

Chair Edwards asked for confirmation that the consent items are not open for public comment. DDA Edwards confirmed.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the August 4, 2015 meeting as written. Commissioner Horan seconded the motion, which carried unanimously.

7. Approval of July 7, 2015 Draft Minutes

Commissioner Prough moved to approve the minutes for the July 7, 2015, Planning Commission meeting as written. Commissioner Chesney seconded the motion which carried unanimously.

8. Consent Items

- A. **Possible action to adopt** a resolution re-initiating an amendment to Washoe County Code, Chapter 110, Development Code, to create a new Article 421, *Stormwater Discharge Program*, in order to come into compliance with the requirements set forth by the Nevada Division of Environmental Protection (NDEP) and the Federal branch of the Environmental Protection Agency (EPA) relating to a National Pollutant Discharge Elimination System (NPDES) permit issued effective May 26, 2010 for which Washoe County is a co-permittee along with the City of Reno and the City of Sparks. The Washoe County Planning Commission initiated this code amendment at its meeting of August 5, 2014, however the 125 day period to return for a public hearing before the Planning Commission has expired and the amendment must therefore be re-initiated pursuant to Washoe County Code Section 110.818.15(b).
- B. **Possible action to adopt** a resolution re-initiating an amendment to Washoe County Code, Chapter 110, Development Code, to amend Article 422, *Water and Sewer Resource Requirements*, to reflect the merger of Washoe County Water Utility functions into the Truckee Meadows Water Authority (TMWA). The Washoe County Planning Commission initiated this code amendment at its meeting of November 13, 2014, however the 125 day period to return for a public hearing before the Planning Commission has expired and the amendment must therefore be re-initiated pursuant to Washoe County Code Section 110.818.15(b).
- C. **Possible action to adopt** a resolution initiating an amendment to Washoe County Code Chapter 110, Development Code, at Article 306, *Accessory Uses and Structures*, and at Article 310, *Temporary Uses and Structures*, to make changes including the following:
 - 1. Clarify when a building permit is needed for a cargo container on a residential property (Article 306).
 - 2. Refine the definition of a commercial vehicle to reflect accurate vehicle descriptions (Article 306).
 - 3. Add a qualifier to exceptions for the storage of commercial vehicles for equipment used in conjunction with building activities under a building permit (Article 306).

4. Change the designation of temporary storage containers to temporary cargo containers to match regulations contained in Article 306 (Article 310).
5. Modify temporary container regulations to require a closer connection between allowed temporary containers and the associated temporary use under a building permit (Article 310).
6. Update certain sections to reflect the current organization of the Community Services Department and the Health District's name (both Articles).

D. **Possible action to adopt** a resolution initiating an amendment to the Master Plan Map of the Forest Area Plan, a part of the Washoe County Master Plan; and an amendment to the Forest Area Regulatory Zone map. Both amendments are required in order to correct several mapping errors which inadvertently placed the Open Space master plan category and regulatory zone on several privately owned properties in the Forest planning area. The amendment would change the current Master Plan category and zoning designation on the subject properties from Open Space (OS) to another appropriate Master Plan category and zoning designation to be determined during the amendment process.

- Applicant: Washoe County
- Property Owners: Numerous
- Location: Mt. Rose Highway near Sky Tavern Ski Area
- Assessor Parcel Numbers: 048-091-01, 048-091-02; 048-151-05, 06, 07, 08,09, 10, 11, 12, 13, 14 & 15
- Existing Master Plan Category: Open Space (OS)
- Existing Regulatory Zone: Open Space (OS)
- Area Plan: Forest
- Citizen Advisory Boards: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 820, Amendment of Master Plan and Article 821, Amendment of Regulatory Zone
- Commission Districts: 2 – Commissioner Lucey
- Section/Township/Range: Sec 17, T17N, R19E, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3620
- E-Mail: tlloyd@washoecounty.us

Chair Edwards asked the Commissioners if there were requests to pull any consent item out for discussion. There were no requests. Chair Edwards asked if there were any disclosures by any of the Commissioners. There were no disclosures.

Commissioner Chvilicek moved to approve all four Consent Items as a block. Commissioner Horan seconded the motion which carried unanimously.

Commissioner Daly asked whether Item 8.D., which affects his district, will be brought back to the Commission in September or October. Mr. Webb answered that staff has to schedule a neighborhood meeting which will determine the timing of when the item will come back to the Planning Commission. Commissioner Daly requested that the item come back to the

Commission after October as he will be out of the Country. Chair Edwards said that would not be a problem.

Chair Edwards asked Commissioner Daly whether he felt comfortable as a new member to vote on the consent items as a block. Commissioner Daly said yes. DDA Edwards stated that the only reason he could give for abstaining from voting would be if he had a legal conflict of interest and that this would not arise to a legal conflict of interest.

9. Public Hearings

*A [Abandonment Case Number AB15-002 \(Spelling Court\)](#) – Hearing, discussion, and possible action to approve a request to abandon a public street identified as Spelling Court, and its associated 50-foot wide right-of-way, and to replace it with a 50-foot wide public access and public utility easement. The street is adjacent to Brown Elementary School. The street begins at Reading Street on the north and ends at Virginia Foothills Park.

- Applicant: Washoe County School District
- Property Owner: Washoe County School District
- Location: Adjacent to Brown Elementary School
- Assessor's Parcel Number: Located between 140-030-11 and 140-030-08
- Parcel Size: 25,182 square feet
- Master Plan Category: N/A
- Regulatory Zone: N/A
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets or Easements

- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 27, T18N, R20E, MDM, Washoe County, NV

- Staff: Eva M. Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division

- Phone: 775-328-3796
- E-mail: ekrause@washoecounty.us

Chair Edwards opened the public hearing. Eva Krause reviewed her staff report dated June 19, 2015. Ms. Krause introduced Mike Boster from the school district as present to answer questions.

Chair Edwards opened public comment, with no response, public comment was closed.

Chair Edwards asked about maintaining the road. Ms. Krause stated that the School District will be responsible for maintaining the road.

Commissioner Daly asked if the CAB has weighed in on this. Ms. Krause replied that with abandonments, normally only the affected property owners are notified. Abandonments go to the CABs when there is a greater public interest, such as abandonments for access to public areas.

Commissioner Horan 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 approve with conditions Abandonment Case Number AB15-002 for Washoe County School District, having made all three findings in accordance with Washoe County Code Section 110.806.20:

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southeast 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.

Commissioner Prough seconded the motion which carried unanimously.

Mr. Webb, after talking with DDA Edwards, advised the Commission that the resolution attached with Item 8.D. states that a public hearing on the proposed Master Plan Amendment will occur within 60 days of the resolution's adoption date. That would not work for an October or November hearing date. The 60 day time frame is not in the Development Code and DDA Edwards could find no reference to this time frame in the Nevada Revised Statutes. Mr. Webb's recommendation to the Commission is to recall the action on Item 8.D., strike Item 2 on the Resolution. There would be no State Law or County Code requirement for the public hearing to occur within 60 days.

Commissioner Prough asked whether the CAB will hear this item before the 60 days. Mr. Webb stated that the 60 days is a requirement to bring the item back to the Planning Commission. It is State law and a County Code requirement that the applicant, in this case Washoe County, hold a neighborhood meeting for any Master Plan amendment prior to the public hearing before the Planning Commission. That neighborhood meeting is held, if at all possible, with the CAB that represents that area. If the CAB is not scheduled to meet at that time, then the County would invite them to a neighborhood meeting.

Commissioner Chvilicek asked staff if they would look at the CAB schedule and go before the actual CAB meeting with this item. It is her experience that there is very little input at special meetings. She would "strongly encourage" going before the CAB. Mr. Webb said that is staff's intention. This item is to correct a mistake in the zoning of the properties and he would hope that those at the CAB meeting would understand that. Commissioner Daly stated that this CAB meets monthly, there should not be a problem getting before them before November.

Chair Edwards reopened Item 8.D. Commissioner Chvilicek moved that on the Resolution, 60 days be changed to 120 days. Commissioner Horan seconded the motion. Chair Edwards stated that the Resolution, Item 2, will be changed to read "that a public hearing with this Planning Commission on the amendments to be held within 120 days of this Resolution's adoption date.

There was no further discussion. The revision passed unanimously.

10. Chair and Commission Items

***A. Future agenda items**

Chair Edwards would like to revisit the Special Use Permit issued for the Golden Valley Sha Neva Gravel Pit. Several neighbors have complained that the automatic renewal of the permit did not give them time to talk about what is going on. He would like County staff to do a site visit. Chair Edwards asked about the process to make this happen. Mr. Webb said he needed to talk with Director Whitney to determine the schedule and will ask him to talk with the Chair to see when it would be best to add it to the agenda. Chair Edwards stated he would like a time certain and is concerned about having time for the site visit before the item is put on the agenda. Mr. Webb suggested it be put on the October agenda. If staff can make the site visit and add it to the September agenda, they will do that. Chair Edwards agreed.

Commissioner Chvilicek asked if Washoe County's involvement in regional planning could be added to the agenda and discussed. Mr. Webb said yes and also stated that the Regional Governing Board discussed the matter last week and the Board of County Commissioners is set to discuss the item again on August 11. This item on the September agenda would be appropriate.

***B. Requests for information from staff**

None

C. Discussion and possible action to elect officers, chair, and vice chair

Chair Edwards nominated James Barnes to take his place as chair of the Planning Commission. Commissioner Horan and Commissioner Prough concurred with that nomination. Commissioner Prough moved to close nominations. James Barnes was unanimously voted in as Chair to the Planning Commission.

DDA Edwards advised Commissioner Edwards that the gavel passes on election; Commissioner Edwards passed the gavel to Chair Barnes. Chair Barnes opened nominations for vice chair. Commissioner Prough nominated Sarah Chvilicek. Commissioner Daly seconded the nomination. Commissioner Horan moved to close the nomination. Sarah Chvilicek was unanimously voted as Vice Chair to the Planning Commission.

Commissioner Horan thanked Commissioner Edwards for his guidance and has appreciated his leadership and that he has done an outstanding job.

Commissioner Chesney thanked Commissioner Edwards and also said he has done an outstanding job. He has learned a lot from Commissioner Edwards and appreciates his leadership.

Chair Barnes stated that he agrees and that Commissioner Edwards has done a great job.

Commissioner Prough stated that he enjoys that Commissioner Edwards is "no nonsense" and to the point.

Commissioner Edwards said they are doing a community service serving on the Commission. It is an example of what community involvement is all about and he is proud to be a part of it.

Commissioner Chvilicek thanked Commissioner Edwards and stated they go back a ways together working on the CAB. Commissioner Chvilicek appreciates Commissioner Edward's passion for citizen involvement from the CAB level up to the Planning Commission.

Commissioner Daly stated he has served for two years on a CAB and that CAB's are interested in matters other than routine. Often the schedule does not allow enough time for comment to get to the Planning Commission. He thought the Commission could consider those items without urgency be given a longer lead time to allow for CAB input.

DDA Edwards advised the Chair that this is a valid topic for consideration on a future agenda but the topic they are on now is election of chair and vice chair.

Chair Barnes said that item can be put on the agenda for future discussion. Specifically coordination of the CAB reports to the Planning Commission and the process for seeking input from citizens and from the CAB's.

11. Director's and Legal Counsel's Items

***A. Report on previous Planning Commission items**

Mr. Webb stated the Sign Code will have a first reading with the County Commission on August 25 and a second reading and potential adoption on September 22.

Mr. Webb reminded the Commissioners about the State APA Conference will be held at the University of Nevada Reno, from September 13 through September 15. Commissioners interested in attending should talk to Bill Whitney or himself.

***B Legal information and updates**

None

12. *General Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on September 1, 2015.

Carl R. Webb, Jr., AICP
Secretary to the Planning Commission