



**WASHOE COUNTY PLANNING COMMISSION  
&  
CITY OF RENO PLANNING COMMISSION**



**Meeting Minutes**

**The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only), all other matters were heard by only the Washoe County Planning Commission**

**Tuesday, May 7, 2019 • 6:00 PM**

**Washoe County Administration Complex, Commission Chambers,  
1001 East Ninth Street, Reno, NV 89512**

<b>Washoe County Planning Commissioners</b>	
Sarah Chvilicek, Chair	
Larry Chesney, Vice Chair	Francine Donshick
James Barnes	Philip Horan
Thomas B. Bruce	Michael W. Lawson
<b>Reno City Planning Commissioners</b>	
Mark Johnson, Chair	
Britton Griffith, Vice Chair	Paul Olivas
Peter Gower	John Marshall
Ed Hawkins	Kevin Weiske

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The Washoe County Planning Commission and Reno City Planning Commission met in a scheduled session on **Tuesday, May 7, 2019**, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

**NOTE: The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only); all other matters were heard by only the Washoe County Planning Commission.**

**1. \*Determination of Quorum**

Chair Chvilicek called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Washoe County Commissioners present: Sarah Chvilicek, Chair  
 Larry Chesney, Vice Chair  
 James Barnes  
 Thomas B. Bruce  
 Francine Donshick

Philip Horan  
Michael W. Lawson

Reno City Commissioners present: Mark Johnson, Chair  
Britton Griffith, Vice Chair  
Ed Hawkins  
Paul Olivas  
John Marshall  
Kevin Weiske

Commissioners absent: Peter Gower (Reno City Planning Commissioner)

Staff present: Trevor Lloyd, Washoe County Secretary, Planning and Building  
Chris Bronczyk, Washoe County Planner, Planning and Building  
Kelly Mullin, AICP, Washoe County Senior Planner, Planning and Building  
Dave Solaro, Washoe County Assistant County Manager  
Julee Olander, Washoe County Planner, Planning and Building  
Nathan Edwards, Deputy District Attorney, Washoe County District Attorney's Office  
Katy Stark, Washoe County Recording Secretary, Planning and Building  
Donna Fagan, Washoe County Office Support Specialist, Planning and Building  
Claudia Hanson, Planning Manager, Reno Community Development  
Karl Hall, Reno City Attorney, Reno City Attorney's Office  
Greg Salter, Deputy City Attorney, Reno City Attorney's Office

## **2. \*Pledge of Allegiance**

Commissioner Horan led the pledge to the flag.

## **3. \*Ethics Law Announcement**

Nathan Edwards, Deputy District Attorney, provided the ethics procedure for disclosures.

## **4. \*Appeal Procedure**

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

## **5. \*General Public Comment and Discussion Thereof**

Lori Beach, Washoe County Resident/City of Reno Tax Payer, requested consideration for storage containers. She stated there are many residents who live in rural areas with acreage. She said she uses the storage container to store feed for her animals and provide storage for those who are being flooded. She read from the staff report regarding visual appeal.

Tammy Holt-Still, Swan Lake Recovery Committee, said there was a commissioner who was hosting an information table at a Northern Nevada Business breakfast. There were rumors that this commissioner made fun of the residents of Lemmon Valley and the effluent water at the school grounds. Lemmon Valley residents were the butt of their jokes. She said the Commissioners need to be professionals and represent business and residents.

Denise Ross spoke for Danny Cleous and herself. She shared that there is a lot of hurt in

Lemmon Valley. She asked the Commissioners to re-examine why they serve on the board. She addressed a commissioner about making fun of Lemmon Valley residents. She said Danny Cleous is losing everything. She asked for compassion and caring.

As there were no further requests to the call for public comment, Chair Chvilicek closed the public comment period.

## **6. Approval of Agenda**

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the May 7, 2019 meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

## **7. Possible Action to Approve April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting**

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

## **8. Public Hearings**

***The following item only (Agenda Item 8.A.) will be heard jointly by the Reno City Planning Commission and the Washoe County Planning Commission.***

**A. Master Plan Amendment Case Number WMPA19-0001 and Regulatory Zone Amendment Case Number WRZA19-0001 (Buck Drive)** – For possible action, hearing, and discussion:

- (1) To approve a Master Plan Amendment from the “Medium Density Suburban/Suburban Residential” (MDSSR) to the “Commercial” (C) master plan designation on one parcel of land, totaling approximately 1.003 acres; because the subject property is within the Reno-Stead Corridor Joint Plan, which is a master plan under the joint jurisdiction of the City of Reno and Washoe County, amendments require approval by both entities. If approved, authorize the chairs of the Washoe County Planning Commission and Reno City Planning Commission to sign resolutions to this effect, and to forward their recommendations on to the Washoe County Commission and Reno City Council for possible approval; and
- (2) Subject to final approval of the associated Master Plan change and a finding of conformance with the 2012 Truckee Meadows Regional Plan, to approve a Regulatory Zone Amendment from the “Medium Density Suburban” (MDS) regulatory zone to the “General Commercial” (GC) regulatory zone on one parcel of land, totaling approximately 1.003 acres, and, if approved, authorize the chair to sign a resolution to this effect. The existing manufactured home is subject to a condition precedent that the residence be removed before the amendments take effect.

- Applicant: Lumos & Associates, Attn: Angela Fuss
- Property Owners: Alan and Debra Squalia
- Location: 330 Lemmon Drive
- Assessor’s Parcel Number: 552-190-03
- Parcel Size: 1.003 Acres

- Existing Master Plan Category: Medium Density Suburban/Suburban Residential (MDSSR) (Washoe County Designation)
- Proposed Master Plan Category: Commercial (C) (Washoe County Designation)
- Existing Regulatory Zone: Medium Density Suburban (MDS) (Washoe County Designation)
- Proposed Regulatory Zone: General Commercial (GC) (Washoe County Designation)
- Area Plan: North Valleys (Washoe County)
- Citizen Advisory Board: North Valleys CAB
- Development Code: Authorized in Article 820, *Amendment of Master Plan*; Article 821, *Amendment of Regulatory Zone 5 – Commissioner Herman*
- Commission District: 5 – Commissioner Herman
- Prepared by: Chris Bronczyk, Planner  
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Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. There were no member disclosures from Washoe County Commissioners. Reno City Commissioners stated they spoke with the representative.

Chris Bronczyk, Washoe County Senior Planner, provided a staff presentation.

DDA Nathan Edwards confirmed copies of the resolutions were available for the public.

Angela Fuss, Lumos & Associates representative, provided a presentation.

**Public Comment:**

Denise Ross asked for no master plan amendments. She requested a moratorium which has been mentioned by City Council. The community is under water. There needs to be joint agreement for their sewage and their water. She said the City of Reno approved in December 2018 for Prologic Phase 4 to use the sewer line on which they are working now. Prologic Phase 4 has been given that capacity.

There were no further requests for public comment.

**Commissioner Questions and Discussion:**

Reno City Commissioner Weiske asked Mr. Fuss if the application was for a project or a zone change. Ms. Fuss said it was for a zone change and master plan amendment, no project. Commissioner Weiske said we have no project so we have no addition to sewer use and no additional draw from the water or gas or power in the area; this is strictly what can be built on this property in the future. Ms. Fuss said there is no demand or use for services at this point because there isn't a project.

Reno City Commissioner Marshall mentioned that this site has the potential to go to the Buck Drive line to the Truckee Meadows Water Reclamation Facility (TMWRF). He asked Ms. Fuss if there was capacity in the Buck Drive sewer line available for that at this time. Ms. Fuss said that when you come forward and request a sewer will serve, depending on what your demand is, Washoe County will evaluate if there is capacity. At this point, there is capacity in the line,

but it is based on when the project comes forward. With this zone change, if the project does not come forward for five years, there may or may not be capacity in that line. If it came forward today, then there is capacity in that line today for a one-acre commercial development.

Commissioner Marshall addressed Ms. Fuss regarding the January 18, 2019, feasibility analysis letter. He asked for further explanation of the Truckee Meadows Water Authority (TMWA) water demand and the proposed zoning. It would essentially be a little more than tripling what he assumed was imported water that would serve this area. Ms. Fuss replied that for all water at this point, water rights are purchased through TMWA; where they get that water is TMWA's decision. You buy water from TMWA, and TMWA has one giant pot from which you purchase water. Commissioner Marshall said the demand can triple, but then when you go down to sanitary sewer, there is a reduction for commercial over the existing three lots of sanitary sewer. He was trying to reconcile the increased demand for water with the decreased demand for sewer. He assumed that it was due to fewer showers, dishwashers, toilets, etc., for commercial, but he wanted to know what the fairly significant percentage of increase in water demand is used for. Ms. Fuss answered that when you look at a home, TMWA has a calculation for water rights. A single family home has a calculation of generally 0.3 acre feet per home. They have the ability to develop three homes based on the current zoning. The lot could be split into three, and three homes could come forth. That would generate a water demand of almost one acre foot of water, slightly less than that. If you come in with a commercial project, each project will be viewed independently. You have to put in landscaping, so you are required to come up with perhaps 20 percent of your site; the amount of landscaping and water generated from that is calculated. Also, depending on your use, if you are a restaurant with bathrooms, sinks, and dishwashers, then your water demand is going to be higher. If you are a discount tire, the only water generated is going to be from your bathrooms. So the water calculation is going to be based on your use. When Ms. Fuss put the calculation together, she based it on an assumption. It is a one-acre lot, so about an 8,000 square foot building would make sense. Based on that, Ms. Fuss came up with needing approximately 3.2 acre feet of water, based on a generic use and landscaping. When you come up with sewer calculations, it is again based on the use. Because it is a residential use, you could do three of those homes, and there is a standard that they use. They came up with three homes generating 975 gallons per day. When coming up with sewer, the calculation is based on acreage and use. With one acre of commercial and using standard calculations that the cities and counties use, generally speaking it would generate 780 gallons of sewer per day. There is probably more sewer from residential because of multiple toilets versus commercial use with generally one or two toilets. Ms. Fuss said that it is really dependent on your use, but based on the standards that we have in front of us today without a specific use, these are the calculations that we came up with.

Commissioner Marshall said that through the zone change, they are potentially increasing the demand for water, which he thinks is probably imported water into the closed hydrographic basin, and decreasing the demand for sewer. He asked if it was reasonable to conclude that the net impact of this zone change is actually going to be an increase in the amount of water that is put into this hydrographic basin either through infiltration or runoff from whatever. He was not talking about stormwater; he was talking about imported water. He asked if he was comparing these two things correctly, that the net result will be to some degree an intensification of water into the closed hydrographic basin. Ms. Fuss suggested that they were talking about two different things. The water will come from a pipe, and TMWA provides the water from wherever TMWA chooses to get the water. At the end of the day, you drink the water, you flush your toilet, and it goes to a sewer treatment plant. The import-export would be dependent on TMWA giving them water, then that water is being flushed, and it goes to the TMWRF facility, which is not in this basin.

Commissioner Marshall said this did not answer his question and part of the problem is going from gallons per day in the sanitary sewer and trying to compare it to acre feet for the water importation. He was worried about increasing the amount of water going into this basin, which already has significant problems with flooding, as a result of this zone and master plan change. That was the key question he was trying to answer. Ms. Fuss asked if Commissioner Marshall was really asking about stormwater runoff. He said no, because that has to do with the existing condition and whether or not you have enough treatment capacity. He wanted to know about the water that was being imported to serve this commercial use. Is the result of the zone change and the master plan change going to be an increase in water coming into the basin as a result of this admittedly-small, one-acre commercial development than what is there currently? Ms. Fuss said that right now TMWA has water rights and they have pipes. They recently put in a pipe that is bringing in water from the Fish Springs. She could not say if the water that is serving this particular property is coming just from Fish Springs or if it is coming from somewhere else. Commissioner Marshall said, for the sake of this argument, to assume it is imported. Ms. Fuss said the water goes in the toilet or in the shower and goes in a pipe that then takes it to the TMWRF sewer treatment plant in Sparks. Commissioner Marshall said, "Potentially."

(Commissioner Weiske made a comment to Commissioner Marshall that was not recorded by the microphone.) Commissioner Marshall answered that he was trying to figure out if there was a connection between the fact that we are increasing water importation as a result of the zone change, but the net result is a decrease in the sanitary sewer contribution. Are those two things connected, or am I manufacturing something that those two things do not relate to each other? Commissioner Weiske said that he understood Commissioner Marshall's question and was not going to respond to it. Ms. Fuss said that if this property was being served by well and septic for the commercial use, then Commissioner Marshall's point might be better understood. If it was on well and septic, then the well would take water 100 percent from this basin because it takes ground water. When it leaves, it goes into a septic system, so it goes back into the ground under this parcel. But in this particular case, because you are required to tie into water lines and sewer lines, it is basically pipes. Nothing goes in the ground. If it was going to the Lemmon sewer treatment plant, then she would say yes, ultimately it ends up in the Lemmon treatment plant where it is processed and treated and then goes into Swan Lake. Because it is not going into the Lemmon treatment plant and is instead going to the TMWRF plant in the City of Sparks, Ms. Fuss believes this validates that they are not adding any additional water or sewer into the ground water of this basin.

Washoe County Commissioner Bruce said he appreciated Ms. Fuss' explanation. He said he hesitates to make amendments and development in North Valleys, but this will enhance the area.

Reno City Commissioner Marshall thanked Commissioner Bruce for his comment. He agreed that this will enhance the services and reduce trips per day. He said if we are taking actions of importing water without resolving issues up there, then he takes issue with that. He said he is on the fence about this.

**MOTION BY WASHOE COUNTY PLANNING COMMISSION: Master Plan Amendment Case Number WMPA19-0001:** Vice Chair Chesney 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 adopt the resolution contained at Exhibit A of the staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA19-0001 having made the following five findings in accordance with Washoe County Code Section 110.820.15(d). Vice Chair Chesney further moved to certify the resolution and the proposed Master Plan Amendments in WMPA19-0001 and having made the findings in

accordance with the North Valleys Area Plan as set forth in the staff report for submission to the Washoe County Board of County Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

#### **North Valleys Area Plan Findings – Policy 20.3 (a part of the Master Plan)**

In order for the Washoe County Planning Commission to recommend approval of any amendment involving a change of land use, the following findings must be made:

- a. A feasibility study has been conducted, commissioned and paid for by the applicant, relative to municipal water, sewer and storm water that clearly identifies the improvements likely to be required to support the intensification, and those improvements have been determined to be in substantial compliance with all applicable existing facilities and resource plans for North Valleys by the Department of Water Resources. The Department of Water Resources will establish and maintain the standards and methodologies for these feasibility studies.
- b. A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the North Valleys planning area and the improvements likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination.
- c. For amendments that propose new or intensified commercial land use, the scale of the intended use has been shown to be community serving in nature.
- d. For residential land use intensifications, the potential increase in residential units will not exceed Washoe County's applicable policy growth level for the North Valleys Area Plan, as established under Goal One.
- e. If the proposed intensification will result in a drop below the established policy level of service for transportation (as established by the Regional Transportation Commission

and Washoe County) within the North Valleys planning area, the necessary improvements required to maintain the established level of service are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification. For impacts to regional roads, the Washoe County Planning Commission, upon written request from the Regional Transportation Commission, may waive this finding.

- f. If roadways impacted by the proposed intensification are currently operating below adopted levels of service, the intensification will not require infrastructure improvements beyond those articulated in Washoe County and regional transportation plans AND the necessary improvements are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification.
- g. Washoe County will work to ensure that the long range plans of facilities providers for transportation, water resources, schools and parks reflect the policy growth level established in Policy 1.2.
- h. If the proposed intensification results in existing public school facilities exceeding design capacity and compromises the Washoe County School District's ability to implement the neighborhood school philosophy for elementary facilities, then there must be a current capital improvement plan or rezoning plan in place that would enable the District to absorb the additional enrollment. The Washoe County Planning Commission, upon request of the Washoe County School Board of Trustees, may waive this finding.
- i. Any existing development in the North Valleys planning area, the Forest planning area, or the Northeast Truckee Meadows planning area which is subject to the conditions of a special use permit will not experience undue hardship in the ability to continue to comply with the conditions of the special use permit or otherwise to continue operation of its permitted activities.

Commissioner Lawson seconded the motion to adopt the resolution in Exhibit A to amend the Master Plan. Commissioner Horan said he will support the project but hesitates since we don't have a project. He said he is concerned with impacts to the area, and wants to find solutions to the problems out there. Commissioner Bruce opposed. Motion carried six to one (6-1) in favor by the Washoe County Planning Commission.

**MOTION BY WASHOE COUNTY PLANNING COMMISSION: Motion for Regulatory Zone Amendment Case Number WRZA19-0001:** Vice Chair Chesney 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 adopt the resolution included as Exhibit B, recommending adoption of Regulatory Zone Amendment Case Number WRZA19-0001, having made all of the following findings in accordance with Washoe County Code Section 110.821.15. Vice Chair Chesney further moved to certify the resolution and the proposed Regulatory Zone Amendment in WRZA19-0001 as set forth in the staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Washoe County Planning Commission.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.



2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
7. The proposed amendment will not affect the location, purpose and mission of the military installation.

Commissioner Donschick seconded the motion to approve Regulatory Zone Amendment Case Number WRZA19-0001. Commissioner Horan said his comments from the previous motion stand for this motion. Commissioner Bruce opposed. The motion carried six to one (6-1) in favor by the Washoe County Planning Commission.

**MOTION BY RENO CITY PLANNING COMMISSION: Motion for Master Plan Amendment Case Number WMPA19-0001:** Based upon compliance with the applicable considerations, Commissioner Weiske moved to adopt the amendment to the Master Plan by resolution and recommend that City Council approve the Master Plan amendment by resolution, subject to conformance review by the Regional Planning Agency.

Commissioner Hawkins seconded the motion to adopt the amendment to the Master Plan by resolution. Commissioner Marshall opposed. Motion carried five to one (5-1) in favor by the Reno City Planning Commission.

The Reno City Planning Commission adjourned at 6:51 p.m.

The Washoe County Planning Commissioners took a brief recess and reconvened at 7:01 p.m.

**B. Development Code Amendment Case Number WDCA18-0005 (Cargo Containers) –**

For possible action, hearing, and discussion to amend Washoe County Code Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to revise the allowable quantity, location, aesthetic, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35 (h), *Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers*, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to establish a

definition for “Cargo Container”; and other matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. Any material modifications that exceed the scope of the amendments being considered at this hearing, however, may require continuation of the hearing for possible action at a future meeting.

- Prepared by: Dave Solaro, Arch., P.E., Assistant County Manager  
Kelly Mullin, AICP, Senior Planner  
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Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. Commissioner Bruce said he attended a public meeting.

Kelly Mullin, Washoe County Senior Planner, and Dave Solaro, Assistant County Manager, provided a staff presentation.

Public Comment:

Lori Beach said she appreciated the presentation. She would like reconsideration of item xi, regarding livestock. Please allow for use of livestock. She appreciated the part about neutral painting of the cargo container required.

Denise Ross declined her public comment.

With no further public comment, Chair Chvilicek closed the public comment period.

Commissioner Bruce asked about the timeframe of six months expiration after paid permit. He suggested a 12 month time period. He inquired about cargo containers being placed side-by-side. He asked about placing them end-to-end. Ms. Mullin noted end-to-end placement of the cargo containers language was added. She said under subsection 9a, this does not allow for cargo containers to be placed end-to-end for the concern of creating a barrier or compound. Ms. Mullin addressed his question about the six month timeframe. Commissioner Bruce said he understands the limit, but he would be comfortable with 12 months instead of six months.

Vice Chair Chesney thanked Ms. Mullin and Mr. Solaro for their hard work. He said he is fine with the time limit of six or 12 months.

Chair Chvilicek referred to item xii within Exhibit A-1 and asked what would constitute an “agricultural building as a main use”. Ms. Mullin explained the term and clarified that the prohibition on cargo containers being used as an agricultural building as a main use is a carryover from the previous policy.

Commissioner Lawson commended the staff for their hard work. He said he is concerned with the language and asked if changes can be made or if the Commission can only consider the

language as a whole, either voting for or against it. Ms. Mullin said there is opportunity to change language within the limits noted in the agenda description. DDA Edwards stated changes depend on the specific modifications. Commissioner Lawson said he doesn't like the idea of a container on less than ½ acre, nor two containers on one acre. He said he would like to see at least one acre to have one container. Ms. Mullin noted the Board of County Commissioners (BCC) provided specific direction as to number of containers based on the sizes of parcels, but this Commission can also provide recommendations.

Commissioner Donshick said she was confused about the complaint process. Ms. Mullin said standards would need to be abided by. If there was a complaint, they would report to Code Enforcement, and Code Enforcement would go out and investigate to see if the standards weren't being met. Commissioner Donshick asked how someone who wants to place a cargo container on their property can ensure they are in compliance. Ms. Mullin recommended that someone who wishes to place a cargo container or shed on their property check with staff ahead of time to confirm placement and make sure they are in compliance with standards. Commissioner Donshick expressed concerns with parcel size and containers. She said she is concerned with allowing a 40-foot container on a ½ acre lot. Vice Chair Chesney said they need to meet the setback requirement, but doesn't think a 40-foot container on ½ acre lot would happen. Commissioner Donshick said we need to be clear. Ms. Mullin indicated on properties 1.25 acre or less, a cargo container cannot be placed between the main home and street.

Chair Chvilicek thanked staff for their hard work.

DDA Edwards advised if the Commission wants to allow cargo containers without a permit on smaller parcels, it could most likely affect older neighborhoods without CC&Rs, rather than newer subdivisions with CC&Rs. The Commission should consider whether that would result in possible unfair impacts on older, less affluent neighborhoods. He stated the current requirement for a placement permit acts as a deterrent to some degree, and eliminating the need for a permit may open that up as an issue.

Dave Solaro, Assistant County Manager, said he appreciated the discussion held by this Commission, by the Board of County Commissioners, and community input. He said that based on the discussion, smaller lots could be limited to a 20-foot length container. He said, currently, a container less than 200 square feet doesn't require a permit anyway, and that would not change with the amendment.

Vice Chair Chesney spoke about crafting a motion to reflect the Commission's discussion about adjusting the timeframe of the permit and parcel size.

Commissioner Bruce said after a motion is made, the following amendments can be made: Section 110.310.35 (h) 6 months is changed to 12 months.

Commissioner Lawson said Commissioner Bruce is on the right track with amendments. He agreed with changing the timeframe from six to 12 months in regards to building permits. He agreed with the suggestion by Dave Solaro regarding one cargo container not to exceed 200 square feet for smaller parcels and indicated this should also address the concerns voiced by DDA Edwards. He wanted clarification from Ms. Mullin about 40x10x9 from old code, and can it be included as definition of a cargo container. She said it was proposed to take it out. He asked if it can remain in order to define the cargo container. Commissioner Bruce said a standard container is 9.5 feet tall. There are two types of container: 8 feet and 9.5 feet tall. Ms. Mullin said there are several sizes of cargo containers. She stated she was uncomfortable with establishing a new maximum size without researching sizes.

Commissioner Horan supports amending the language with the limitations discussed by the Commission so far.

Mr. Lloyd said limitations need to be specific, such as under ½ acre of land cannot exceed a 200 square foot container size.

Chair Chvilicek referenced page 4 of 9 item (ii) that addresses sizes of lot. She said 'Only one cargo container of maximum size of 200 square feet.'

**MOTION: Development Code Amendment Case Number WDCA18-0005:** Vice Chair Chesney 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 recommend approval of WDCA18-0005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902 as identified in Exhibit A. Vice Chair Chesney further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Commissioner Bruce moved to approve the motion with the following amendments – Section 110.306.10 (g) item ii, shall be amended to read **one cargo container of not more than 200 square feet of floor space shall be allowed on a parcel of land of less than ½ acre in size. Two cargo containers shall be allowed on a parcel of land ½ and 5 acres in size; parcels larger than 5 acres are limited one container per acre or portion thereof. And Section 110.310.35 (h) is amended to read if building permit has not been issued in 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of building permit at later date will allow the cargo container to be placed on the property again. Any cargo container remaining onsite after issuance of final building inspection or certificate of occupancy shall conform to the standards within Section 110.306.10.** Commissioner Lawson seconded the motion as amended. Vice Chair Chesney adopted the amendments by Commissioner Bruce. Commissioner Lawson also adopted the amendments stated by Commissioner Bruce that were adopted by Vice Chair Chesney. Ms. Mullin wanted clarification that there were no

size limitations on containers for parcels of land ½ acres to 5 acres. Chair Chvilicek said the only size limitation is on containers for parcels of less than ½ acre. The motion carried unanimously.

**C. Amendment of Conditions Case Number WAC19-0002 (Blackstone Estates) for Tentative Subdivision Map Case TM15-001** – For possible action, hearing, and discussion to approve the amendment of one condition of approval for Tentative Subdivision Map TM15-001. The request specifically seeks to amend condition 1(y), which required a neighborhood park to be constructed prior to recordation of the 80<sup>th</sup> lot in the subdivision. The amendment would change the timing for construction of the park to occur prior to recordation of the 107<sup>th</sup> lot, or issuance of the Certificate of Occupancy for the 80<sup>th</sup> home, whichever comes first.

- Applicant/Owner: JC Blackstone, LLC
- Location: 350 Calle de la Plata
- Assessor's Parcel Number: 534-571-01
- Parcel Size: ±58.49-acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 608
- Commission District: 4 – Commissioner Hartung
- Prepared by: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3608
- E-Mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. There were no member disclosures.

Kelly Mullin, Washoe County Senior Planner, provided a staff presentation.

**Public Comment:**

Dan Herman said this park borders his backyard. He said he is concerned with recording of 80<sup>th</sup> or 108<sup>th</sup> lot of this project. This is a big give to the developer. It's a public park funded by our tax dollars. The developer is requesting change. The developer states the delay to park construction is six to seven months which Mr. Herman said he didn't have issues with. He said his problem is with the fact that the park is not being built. If the economy goes south, the developer can delay the park project if his units don't get built. The developer needs to comply with the original agreement that was approved. Add a condition that the developer has seven months to complete after signed agreement.

With no further public comment, Chair Chvilicek closed the public comment period.

Commissioner Horan asked who is funding the park. Ms. Mullin said it needs to be funded by the developer and maintained by the HOA. The park construction tax is allocated on each lot.

The applicant said the Residential Construction Tax pays for a portion of the construction of the park. He said the citizens don't pay for it. There is no change with funding the park.

Commissioner Lawson spoke about the potential delay of construction. He asked about modifying language in the conditions. Ms. Mullin referred to the agenda description with the amendment in timing of recordation. She cautioned making changes outside of the scope of the description per Open Meeting Law limitations. DDA Edwards said usually you can act within what is allowed in the agenda but not go beyond what is described on the agenda. He said any changes that would be within the amount of extension of time would be allowed.

Commissioner Horan asked why we want the delay. The applicant said the delay isn't by us; it cannot happen until the residential tax agreement is in place. The budget and timing has to be set. The Parks Department is working on the agreement. The delay is on the Parks Department.

Vice Chair Chesney said this has come before the CAB and they didn't have an issue. He suggested supporting the local CAB's decision.

Commissioner Bruce asked what this extension will do for the project. The applicant said he has a grading permit and is still trying to record the maps. He said they are still going through the review process, and due to staffing, it's slow. He said changing the recordation will move things forward. He said construction will stop if they cannot complete the second phase with recordation by meeting these conditions.

**MOTION: Amendment of Conditions Case Number WAC19-0002:** 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 Amendment of Conditions Case Number WAC19-0002 for Tentative Subdivision Map TM15-001 for Blackstone Estates, with the amended conditions as included in Exhibit A, having made all ten findings in accordance with Washoe County Code Section 110.608.25:

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;
- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- 3) Type of Development. That the site is physically suited for the type of development proposed;
- 4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;

- 8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- 10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Commissioner Lawson seconded the motion to approve **Amendment of Conditions Case Number WAC19-0002**. Commission Bruce opposed. The motion carried six to one (6-1) in favor.

**D. Development Code Amendment Case Number WDCA19-0001 (Building Placement Standards on Nonconforming Lots)** – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Applicant: Washoe County
- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3627
- E-Mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. There were no member disclosures.

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

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

**Motion for Development Code Amendment Case Number WDCA19-0001:**

### **Initiation**

Commissioner Lawson moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA19-0001.

Vice Chair Chesney seconded the motion. The motion carried unanimously (7-0).

### **Amendment**

Commissioner Lawson moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0001, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. He further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Chair Chvilicek re-opened Item 8D to include the amendment.

Commissioner Donshick seconded the motion to approve the amendment. The motion carried unanimously (7-0).

### **9. Chair and Commission Items**

- \*A. Future agenda items – Commissioner Lawson requested to report back to the Commission regarding the information he learned regarding the process for reviewing technical tentative map approvals. Mr. Lloyd said an information item regarding the process can be agendized.



DDA Edwards said the clerks requested action for item 8D initiation and amendment. He said there is a motion on initiation, but the language needs to be read for the amendment. Chair Chvilicek re-opened item 8D.

\*B. Requests for information from staff – No requests.

#### **10. Director's and Legal Counsel's Items**

\*A. Report on previous Planning Commission items – Nothing to report.

\*B. Legal information and updates – DDA Edwards said Prado Ranch judicial review was dismissed based on lack of standing. He was unsure of the appeal.

#### **11. \*General Public Comment and Discussion Thereof**

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

Chair Chvilicek said they are diligently working on the Regional Plan Update and recommended that the Commissioners follow the updates.

#### **12. Adjournment – The meeting adjourned at 8:29 p.m.**

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on June 4, 2019.

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Trevor Lloyd, Secretary to the Planning Commission