



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney, Chair
Francine Donshick, Vice Chair
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Larry Peyton
Pat Phillips
Trevor Lloyd, Secretary

Tuesday, January 5, 2021
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, January 5, 2021, via Zoom.

No members of the public were allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting will be held by teleconference only.

The meeting was televised live and replayed on 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 Chesney called the meeting to order at 6:30 p.m. The following Commissioners and staff were present via Zoom:

Commissioners present: Larry Chesney, Chair
Francine Donshick, Vice Chair
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Larry Peyton
Pat Phillips

Staff present: Trevor Lloyd, Secretary, Planning and Building
Roger Pelham, Senior Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Eric Young, Senior Planner, Planning and Building
Jen Gustafson, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building

2. *Pledge of Allegiance

Commissioner Bruce led the pledge of allegiance.

3. *Ethics Law Announcement

Deputy District Attorney Jen Gustafson provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

Derek Schoepf stated he is asking the board to deny the Woodland Village project that they are proposing. They want to change the setbacks and they want to have multi families housing, 14 per acre of land. He said he is citing safety concerns including fire. The fire department doesn't have adequate equipment to take care of a fire if a larger building is built. The fire department would mostly likely come from Reno. They would have to be equipped and we would have to pay for that. Changing setbacks would induce risk for fire and risk our children going to school. There would be increased traffic flow, more congestion, pedestrian danger. If there is an incident, that would cost more to put infrastructure in place.

Randall Chuck stated he has some traffic concerns. In the study, they did not look at Village Pkwy and Polar Bear Dr intersection, and Polar Bear Drive and Desert Lake Dr intersection, and then Desert Drive to Crystal Canyon Blvd and Crystal Canyon Blvd to White Lake Parkway. There are school buses regularly on that path. There was an accident that occurred right there on Crystal Canyon and White Lake Parkway. There was a fatality and it involved a school bus. The report completely missed this path's route and they need to do more studies and possibly figure out if there's improvements needed for these intersections.

Blair Speth stated it's a ridiculous proposal that is being considered. He stated we are in Cold Springs and are different than people who live in Reno. We want open space and to be far from the density of Reno. It's superfluous. It states that this development is needed, and the adjacent property will benefit. He asked how 1000 daily trips will be beneficial; how will this preserve community character. It will diminish property values. We strongly opposed this special use permit. Some of us to have a house we love in a great community. It is our dream and it takes life planning to achieve and it's not right to take away from us.

Christina Pena (Taylor MCC) stated she recently bought in the Woodland Village due to the fact that it was away from the city. She said she came from a city and know that this is one of the five safest communities in this neighborhood. When you put multi housing in, it will bring more crime, more traffic. There's less parking, plus our children are not as safe. Where they're trying to do this project is basically in the backyard of our middle school. As parents, we do not want that much traffic nor housing. This is our forever home. We've spent thousands of dollars to make sure our neighbors aren't very close and when you put condos in, now you lowered our property values. We want to stay small and that doesn't mean not growing but where you're planning to put this this is our Community Center. It's where our dog park is. We already have a stream of traffic going to work. You're adding all of this along with the buses. We have more snow. We can't handle the traffic. We don't have the police out here; we have to use the Sheriff. We don't have the fire services. If one of these three story buildings catch on fire, the winds out here are horrible and now we have a whole half a subdivision that's burned down. She asked those who are thinking about this to not think about the money aspect; think about the people that are paying their taxes to live like this and we're wanting safety for our children. We come out here and then your decisions can put our children at a safety risk. When you guys are thinking about this think about the generation that we are raising children out here. We are opening up new schools. We do not want condos or multi housing; that is a lot of dense housing. Safety, traffic, fire, and everything will increase along with the cost. Thank you.

Diana Berlin-Smith said she is a residential appraiser. She said she is here to specifically address

information that was not in the traffic impact report. In a report submitted, there's going to be an additional 851 vehicles on Village Pkwy. She asked, "What does this mean, and who does this impact?" It specifically impacts the 150 homes identified. She stated we never received a notice about this but had to hear it on our community page. It impacts us because of road noise that will keep you up at night and prevent enjoying your backyard. Fannie Mae and FHA identify location as a factor that must be addressed in appraisals. They both state road noise has impact of marketability and value of a property. They must analyze when evaluating a home. She said she polled appraisers and 70% said, in a stable market, a single-family home that backs up to a busy road would be adverse. Less than 1% said it would remain neutral. She said she polled Realtors and Nevada Real Estate Commissioner who stated road noise impacts sale price and marketability. That means two homes that are similar, the home with road noise will take longer to sell for less. That was their opinion. Please take into consideration those in existing homes weren't included in traffic impact survey.

Cyndie stated she agreed with what has been mentioned already about impacts, and wanted to add her voice, and others may feel the same. She said she recommends denial of this plan.

There were no further requests for public comment, Chair Chesney 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 January 5, 2021 Planning Commission meeting. Commissioner Bruce seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of the November 4, 2020 Draft Minutes and November 16, 2020 Draft Minutes

Commissioner Donshick moved to approve the minutes. Commissioner Nelson seconded the motion to approve the minutes. The motion passed unanimously with a vote of seven for, none against.

8. Planning Items [Non-action item]

A. RTC Presentation – Amy Cummings and/or Dan Doenges from the Regional Transportation Commission (RTC) will provide the Planning Commission with an update regarding the 2050 Regional Transportation Plan.

Amy Cummings provided a 2050 Regional Transportation Plan PowerPoints slideshow.

Chair Chesney stated he sits on an RTC committee. The old story that development pays for itself is not true. The development impact fees in no way pay for infrastructure. The population is paying for developer's profit. That is a legitimate point when looking at impact fees. Affordable housing, missing middle are buzz words but don't help you guys at all. New development does not pay its way. If there is a way to possibly increase revenue for transportation system and infrastructure system; perhaps rapid development can be throttled back. He thanked them. He said he doesn't think there is room for tax revenue at the local level.

Sarah Chvilicek asked if RTC/Washoe website have the maps that were shared tonight. She would like to look at them better. Ms. Cummings stated she will share the link for the plan and survey and virtual presentation of what was just provided. The map link goes into an interactive map.

Commissioner Phillips stated she agreed with what he said. She said her worry is all the additional funding that is needed for all the roads and improvements.

Commissioner Bruce stated he agrees with what has been said.

9. Public Hearings [For possible action]

A. Tentative Subdivision Map Case Number WTM20-005 and Special Use Permit Case Number WSUP20-0021 (Woodland Village Town Center) [For possible action] – For possible action, hearing, and discussion to approve:

- (1) A tentative subdivision map to allow the subdivision of 8.6 acres into 111 attached residential lots; and
- (2) A special use permit to allow the use of single family, attached per Table 110.302.05.1; to allow up to 14 dwelling units per acre per Cold Springs Area Plan policy CS.2.2.2; to decrease the front setback to 8 feet and the rear and side setbacks to 0-feet; to decrease the minimum lot width to 16 feet; and to decrease the minimum lot size to 800 sq. ft.

- Applicant: Woodland Village North, LLC
- Property Owner: WWC Commercial LLC
- Location: 18400 Village Pkwy.
- Assessor's Parcel Numbers: 556-390-14 & 556-390-05
- Parcel Sizes: 5.57 & 4.23 acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Cold Springs
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 608, Tentative Subdivision Maps; Article 810, Special Use Permits; & Article 406, Building Placement Standards
- Commission District: 5 – Commissioner Herman
- Prepared by: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- E-Mail: jolander@washoecounty.us

Chair Chesney opened the public hearing. Trevor Lloyd read the item description.

Chair Chesney called for disclosures. There were no disclosures.

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

Commissioner Chvilicek asked how the school numbers were generated. She stated they seem low. Ms. Olander stated the school district provides the numbers and agreed they do seem a little low. Commissioner Chvilicek noted she is suspect of those numbers.

Commissioner Donshick stated she is always worried with traffic concerns. She noted RTC provided a letter, but their questions weren't answered in Exhibit B. Ms. Olander referred to the applicant and Paul Solaegui to address it.

Chair Chesney reminded the Commission that this is a tentative map process.

Eric Hasty, applicant representative from Wood Rodgers, provided a PowerPoint presentation.

Chair Chesney stated he was concerned; he stated he went through the fire department's conditions, but roadways into this project are two-lane for a 3-story project. He said he suggests you take a look at fire protection that far from the street and that from a fire station.

Pat Phillips inquired about the town center and placement. She said town center is where they can get services. This is turning commercial into residential and it's changing the nature of the neighborhood. She said it worries her that this is in the center and would like it on the side and have less impact to the already established neighborhood.

Commissioner Nelson asked if the applicant could address the questions asked in the RTC letter. Mr. Hasty stated he wasn't aware of those questions and didn't believe Paul Solaegui was on Zoom to address those questions. Commissioner Nelson asked when that traffic study was performed. Mr. Hasty noted it was around the time it was submitted approximately November of last year. Commissioner Donshick stated the RTC letter was dated December 15, 2020. It's Exhibit B on page 2 of the staff report. Commissioner Nelson stated those are important questions. She noted traffic counts and volumes are low. It's important to get that answered.

Robert Gelu, Civil engineer stated he tracked down the traffic engineer and would like to table this question for 10 minutes until Paul Solaegui could join the meeting. Chair Chesney stated those questions need to be addressed.

Commissioner Chvilicek asked in compliance with Cold Springs Area Plan, when addressing affordable housing, how do you factor in accessibility to public transportation? Affordability and public transportation go hand-in-hand. Eric Hasty said this is not affordable housing; this will be market value. We aren't claiming it's affordable housing.

Ms. Olander stated she found emails from the school district which neither one of them got into the staff report. She stated the first email indicated they projected 22 students elementary, 12 middle, 11 for high school. That is double what was in the staff report. Commissioner Chvilicek said they are grossly under reported. With the number of units, and early entry homes, these numbers are going to be much higher. Chair Chesney said these are good points, but we are getting in the weeds. This is the subdivision map; it will go through a number of processes before shovel hits the dirt. Every one of these points is good, but we need to move it along.

Chair Chesney opened the public comment period.

Katy Stark stated emails were submitted. Several individuals who submitted emails are also online.

Blair Speth stated Ms. Phillips noted the town center is a place to gather. Are people supposed to gather in people's front yards when there is no setback? He asked if we are supposed to gather and set up BBQs in front yards. One thing you don't see in the drawings are the mountains. We like the mountain views but will see a two-story building. He stated he agrees with Commissioner Phillips. He stated he doesn't think it fits in the neighborhood. Nothing looks remotely like that. It's out of character for the area and cannot believe it's being considered.

Allison Speth public comment via email: Hi. My name is Allison, and I'm ten years old. Personally, I think that the idea to put apartments in Cold Springs is just plain dumb. I'm concerned about

traffic safety as well. First of all, there is a park right next to this build site, as well as a middle school teaching grades 5-8. There are lots of very young kids who play at this school and the park. And of course, nobody wants to look out their front window just to see a bunch of three-story buildings. And, according to my family's research, people would travel in and out about 850 times per day. There are also lots of kids playing outside daily, and kids might even have to walk through the apartment complex to get where they need to go. Now, I know what you're thinking. "There can't possibly be kids playing outside every day, especially in this weather." But I go outside with my friends at least once a day. And every time I ride in my car to go somewhere, I see at least one person walking or hanging out with their friends. I hope you don't end up building apartments in our small community, and honestly, I don't think this will benefit anybody in any way. -Allison Speth

Jacob Himphill public comment via email: My name is Jacob Himphill and I live at 18325 Beechwood Ct in Cold Springs right in front on the proposed new subdivision. I've lived here for 17 years and own my home. I love it out here for the peace and quiet and being able to enjoy the pace of life out here. Now with the proposed 111 townhouses right near me, that's not the type of community I want to live in or raise my kids! I bought my house in a master planned community that did not have townhouses planned in it. Therefore I'm 100% against it and if it gets approved more than likely I will leave Cold springs.

Diana Berlin-Smith submitted public comment via email, but she chose to speak via Zoom for her three minutes of public comment for this item. She said the traffic impact report was talking about the traffic and how many additional vehicles were going to be generated going up and down Village Parkway. She said they only sent notice to people within 300 feet of the proposed development. But they did not address this type of impact. What she was addressing in that email is that it specifically impacts (she counted them) 115 homes, 15 homes that are identified that back that road and there are another five homes that there is nothing in-between to mitigate the noise. They didn't address the road noise. Road noise is something you get from a busy road, and with 851 additional vehicles, that is additional. It's noise that takes away our enjoyment of our backyards and our outside spaces. We bought these homes to enjoy our outdoor spaces; that's why we have larger lots out here. The road noises are recognized by both Fannie Mae and FHA in their guidelines, and it says that appraisers must analyze report and location factors, and they say they must look at road noise for this location. She polled appraisers. 70 percent of those appraisers who she polled said they would mark this location as adverse, which could affect value. Only one percent said that locations with road noise would remain neutral, meaning no value difference. She also surveyed realtors in local market area and called the Nevada Real Estate Commissioner too, and everyone stated that properties subject to road noise are affected by marketability in sale price. If you have two properties, and someone has a choice, they will choose the property that does not have road noise. This was never addressed in the traffic impact report. So this does impact the minimum that I say is 115 people that back this roadway. This is the major egress from out of this development. No one addressed this; they don't care. It's going to impact marketability and value. It's going to make my home possibly go down in value in a stable market. That is not going to make a lot of people happy. Thank you for listening.

Christina Pena stated she wants to address the person who is proposing this. She said she is a homeowner. The person proposing this stated it will be paid by the HOA when in actuality, we are covering this cost. She said when she bought the house, there were two roads in, and they aren't building more roads. It will still be the two roads. She said she was told this will be a town center on the planning center. As a homeowner, she said she didn't think it was condos, but thought it would be the grille or tea shop. These are not affordable by a single parent which isn't helping the market. The driveway of the proposal is on fence line of the middle school. Safety cannot be ensured. She asked if there is a cap of renters. She stated the developer should have asked the

homeowners more questions. She said the property values will go down and raise costs. She spoke about fire safety. She asked how you are going to safely get everyone out during a fire. It will take longer to get services out here. She stated we don't want to live like a city. We want a town center, not residential.

Rebecca Marko (Beck) everyone who has spoken brought up great points. Cold Springs is a food desert. There aren't any grocery store with fresh foods. It will create more people to drive out of Cold Springs to go to services since we are lacking commercial area. She stated we expected a nice little downtown with services. We don't have anything. We have Family Dollar and 7-11. It's a concern. It's taking one area that could have had a market. It's a slap in the face to call this a town center. We are going to cram in 111 condos. Another concern is cars flying down village parkway that crash into yards. Looking at these drawing of condos, it's scary, a car can fly right into it. a few years ago, a drunk driver hit a light on village center. We don't have a safety area. They don't match. There will be a lot of noise. The kids walk to school. In the morning, the area is busy with kids going to school. Please consider safety. They are taking away our commercial area for houses.

Jennifer Sullivan, resident of Cold Springs on Datewood Court which is about a block away from condos. She said she has lived here for 7 years and bought out her because it's not an inner-city cluster area. She stated we enjoy the quiet living and open space but are concerned with safety. She stated her kids attend school. They have to walk through a dense development which is a concern. She spoke about the safety concerns of roadway with doorway on the street. Cars have slid into fences and homes. She stated we have had a kid hit. Adding 111 units with kids walking to school is concerning. She said we don't want to see another incident or see a 2-3 story building. It should be open space. The people trying to build in this area, they are building for profit, not for benefit of community.

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

Commissioner Bruce asked about a special use permit to allow attached single family in neighborhood commercial regulatory zone. He asked what the normal regulatory zone is for attached single-family. Ms. Olander stated that single family attached is allowed in LDS, MDS, HDS, LDU, MDU, and HDU. It requires special use permit in the NC zone. Its allowed in GRA. Permitted in PR with administrative permit. There are some places where it's allowed. In NC area, you have to have a special use permit.

Commissioner Bruce stated this was on the agenda 8 months ago and they asked it to be changed. He stated he doesn't remember comments about residential units. It was for a central unit. He said they talked about having a small grocery store and no mention of residential activity. Now they have come back to change. This sounds like a bait and switch. Ms. Olander stated it was mixed use with residential and commercial. It was a zone change and master plan amendment. They didn't need to specify. Commissioner Bruce stated he doesn't recollect residential being mentioned. He asked why we don't change the zoning so it fits. Ms. Olander noted the Cold Springs Area Plan requires a SUP if they do this type of housing and they want to change placement standings. Commissioner Bruce said setbacks are starting point for change. He thanked Ms. Olander and asked not to take his comments personally. Mr. Hasty spoke about NC zoning mixed use; it is a flex space which allows other commercial.

Commissioner Chvilicek asked for point of clarification, since this is a development within existing development, in the town center with zero setbacks and traffic patterns, the plan indicates traffic pattern is within the development, not surrounding area. Mr. Hasty stated when we designed this, we used the setbacks already outlined in the Neighborhood Commercial (NC) from the property line. He stated we aren't putting residences 8 feet setback on property line on Village; we will use

15 feet which is to code. He noted only time we will use that zero setback is to lot the townhomes. He added we are meeting NC fire codes between structures. Commissioner Chvilicek inquired about the traffic flow shown in the drawing is specific to town center. Mr. Hasty confirmed that is correct.

Commissioner Donshick and Nelson asked Mr. Solaegui about RTC's questions that were asked after the traffic study was complete and if they addressed the question. Paul Solaegui stated he doesn't have a copy of the report but read the questions. He stated the number of trips on Crystal Canyon include 70% that direction, and 30% flow to Border Town. He spoke about how they came to that split. He said we did a master overview study of Woodland Village. He stated they studied all 20+ phases of that subdivision and warrants to close out on that subdivision. He said they felt good with split. He stated RTC wondered about the logic, and it was based on 20 phases and how they split the interchanges. He said he has engineering evidence the distribution was accurate. He spoke about warrants at Village Parkway, Whitelake, and Crystal Canyon, and Whitelake Parkway intersection. Those intersections were reviewed and re-evaluated along with this projects traffic, and the levels of services were appropriate and warrants of traffic signals were not met. He said he is happy to address anything further but felt it was addressed adequately.

Chair Chesney asked about CAB's recommendation. Ms. Olander stated they were unanimously in favor. They recommended approval of SUP and tentative subdivision map. Chair Chesney asked if our acceptance of this include all engineering and staff reports by developer or will there be future review as this goes through permitting and building process. Mr. Lloyd if approved, you would be approving the tentative map and SUP. It would require final design and final approval of final map and associated conditions would have to be met with reports and studies.

Commissioner Chvilicek asked Mr. Lloyd and General Counsel, in response to public comment by the residents in Cold Spring, could there be a condition that these are owner occupied or not investor purchased and resold. Mr. Hasty stated all of their developments has a rule that you have to live in the house for a full year. Mr. Lissner, owner/developer, stated we did that for the entire Woodland Village. He invited anyone to call him to discuss the concerns with the project, 775-813-0046.

Chair Chesney stated the applicant have met all requirements of Master Plan, Cold Springs Area Plan, and the findings. He stated he cannot find a finding that can be voted against. He said his heart goes out to those who purchase the single-family residences. He cannot blame those who cannot follow the process of zone changes. It's been on the map for 6-8 years.

Commissioner Chvilicek stated she looks at how an application addresses the area plans, the CAB's response and community. She stated by serving on Regional and Planning Commission, going through updates and looking at other communities, she stated she observed communities thrive when they have mixed use or mixed housing availability. She thanked planning staff for identifying that it is in the area plan and CAB supports it.

Commissioner Phillips stated she is worried about the finding: 'the issuance is not detrimental.' There are too many aspects that are detrimental that need to be corrected.

Commissioner Chvilicek asked if we can separate these motions or can they be done together. DDA Gustafson stated she can make them together or separate. Chair Chesney stated he recommends making the motion together. Mr. Lloyd suggested reading both motions.

Commissioner Chvilicek said her reasoning for making the motion is that this project is in compliance with area plan where the community provided input and CAB recommended this unanimously.

During the motion, Derek, public member asked about Cold Spring CAB members. He stated Cold Spring doesn't have a CAB. Commissioner Chvilicek noted it's North Valleys CAB represents Cold Springs.

MOTION(S): 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 approve, with the conditions included as Exhibit A to this matter, Tentative Subdivision Map Case Number WTM20-005 for Woodland Village North, LLC, 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.

AND

Commissioner Chvilicek further 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 the conditions included as Exhibit A to this matter, Special Use Permit Case Number WSUP20-0021 for Woodland Village North, LLC, having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for residential development and for the intensity of such a development and in accordance with Division Seven;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Commissioner Donshick seconded the motions. The motions carried 5 in favor, 2 opposed. Chair Chesney called roll call. Commissioners Bruce and Phillips opposed.

B. Variance Case Number WPVAR20-0007 (Rusk Side (west) and Rear (south) Yard Setback Reduction) [For possible action] – For possible action, hearing, and discussion to approve a variance to reduce the required building setbacks for an Agricultural Building as a Main Use from 100 feet to 25 on the side (west) and from 100 feet to 16 feet on the rear (south).

- Applicant/Property Owner: Rusk Family Trust
- Location: On the south side of Nikki Lane, at its eastern terminus, which is approximately 1/3 of a mile northeast of its intersection with William Brent Road
- Assessor's Parcel Number: 055-081-03
- Parcel Size: ± 2.48 acres
- Master Plan Category: Rural
- Regulatory Zone: General Rural
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Chesney opened the public hearing. He called for member disclosures. There were no member disclosures.

Roger Pelham, Senior Washoe County Planner, provided a staff presentation.

Applicant representative, Dave Snelgrove, introduced Bob Rusk, applicant, who read from a prepared statement. Dave Snelgrove provided a PowerPoint slideshow.

Commissioner Bruce asked for clarification; the structure being proposed is 12x72 ft. Mr. Snelgrove confirmed. Commissioner Bruce stated his understanding that you do not need permission to put up a 200 sq. ft. structure on your property. Mr. Pelham stated that is partially correct. A 200 sq. ft. accessory structure may be constructed on a parcel without building permit as long as it meets setbacks; that is as an accessory structure. You have to have a primary dwelling first.

Commissioner Chvilicek stated in report, this property is zoned GR which is 40-acres. It's an existing non-conforming lot. As a non-conforming lot, it still has to comply with the existing zoning. Mr. Pelham said zoning doesn't change. Any development on parcel has to meet applicable code. This is a built-in safety valve for this type of situation. Because it's existing non-conforming lot, smaller than GR, it has standards that reflect the size of parcel instead of strict application of zoning. Evaluation is based on HDR zoning. It's consistent with HDR zoning, but unfortunately, it's GR.

Mr. Snelgrove said this being 2.5 acre parcel in a typically 40-acre zoning area. It's a legally created parcel; got applied to this specific zoning because of high ground water. He said when you look at other aspects of code, they allow to use HDR setbacks. That isn't carried on in this aspect of code.

Commissioner Phillips stated she was looking at the irrigation aspect. She asked since the irrigation covers large acreage, would this help conserve usage of water by placing building in this area. Bob stated he addressed that at the end of his presentation; it would be a disruption of irrigation pasture to place it in the middle. West Washoe Valley is so green because the water comes down from snowpack through channels. He said it irrigates everything. It drains across irrigated pastures, goes under the freeway and Washoe lake.

There were no requests for public comment, Chair Chesney closed the public comment period.

Commissioner Donshick thanked Staff. She thanked Rusk family for their conservation.

MOTION: Commissioner Donshick 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 deny Variance Case Number WPVAR20-0007 for Rusk Family Trust, being unable to make all four required findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;

4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Commissioner Bruce seconded the motion to deny. The motion carried unanimously.

10.Planning Items [Non-action item]

A. Master Plan Update – Eric Young, Senior Planner provided the Planning Commission with a status report of the update to the Washoe County Master Plan.

Eric Young provided a PowerPoint presentation Master Plan status update.

Chair Chesney thanked Mr. Young and Commissioners. He stated his task is important. He complimented him on the Tahoe Plan. He invited Mr. Young to solicit the Commission's help. Commissioner Chvilicek stated there are two Commissioners on this board, and one other who has since left who were involved with Regional Plan update. She implored Washoe County staff to use small focus groups and engage Planning Commission often.

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

A. Future agenda items – Chair Chesney proposed to have Eric Young attend Commissioner meetings frequently and regularly. Commissioner Chvilicek stated she will engage in focus groups and offer to help facilitate the process to have the Washoe county document be relevant and comparative to what Reno and Sparks have done. She encouraged Mr. Young to engage each Commissioner to be part of the focus groups.

B. Requests for information from staff – Chair Chesney thanked Jen Gustafson for information. He stated he will rely on her to guide him.

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

A. Report on previous Planning Commission items – Trevor Lloyd reported on two items that went before the Board of County Commissioners (BCC) on appeal: Reno Christen Fellowship was regulatory zone amendment was denied by BCC. Geothermal Plant was approved by BCC.

B. Legal information and updates - None

13.Public Comment [Non-action item]

There were no requests for public comment. Chair Chesney closed the public comment period.

14.Adjournment [Non-action item]

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:44 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on February 2, 2021

Trevor Lloyd
Secretary to the Planning Commission

DRAFT