



WASHOE COUNTY PLANNING COMMISSION DRAFT Meeting Minutes

Planning Commission Members

Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson
Larry Peyton
Patricia Phillips
Secretary
Trevor Lloyd

Tuesday, February 1, 2022
6:00 p.m.

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

and available via
Zoom Webinar

The Washoe County Planning Commission met in a scheduled session on Tuesday, February 1, 2022, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

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

1. *Determination of Quorum

Chair Donshick called the meeting to order at 6:08 p.m. The following Commissioners and staff were present:

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

Commissioners absent: R. Michael Flick

Staff present: Trevor Lloyd, Secretary, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Eric Young, Senior Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building
Adriana Albarran, Office Support Specialist, Planning and Building
Donna Fagan, Account Clerk II, Finance and Customer Service

2. Pledge of Allegiance

Commissioner Chvilicek led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Gustafson provided the ethics procedure for disclosures.

4. Appeal Procedure

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

5. General Public Comment and Discussion Thereof

Chair Donshick opened the Public Comment period. There was no response to the request for public comment.

6. Approval of February 1, 2022 Agenda

Commissioner Chesney moved to approve the agenda for the February 1, 2022 meeting as written. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Flick – absent.

7. Approval of January 4, 2022 Draft Minutes

Commissioner Chesney moved to approve the minutes for the January 4, 2022, Planning Commission meeting as written. Commissioner Peyton seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Flick – absent.

8. Planning Items

- A. Master Plan Update** – The Master Plan Update consultant team from Logan-Simpson will brief the Planning Commission on the EnvisionWashoe2040 project. The discussion will focus on the results of the project's first community engagement survey.

Discussion by Commission:

Eric Young, Washoe County Planner, introduced the item and the consultants from Logan-Simpson. The consultant provided a PowerPoint slideshow.

Commissioner Chvilicek asked why there isn't a link for EnvisionWashoe2040 page on the main Washoe County site. Planner Eric Young stated that there should be, he wasn't aware that it wasn't there and that a link would be up tomorrow. Commissioner Chvilicek stated that she was the Chair of the Regional Planning Commission when they did the Regional Update and pointed out the importance of how questions are asked. The way questions are phrased is important, because it makes a difference in the public's ability to engage with the questions and in the responses the County receives. She stated she is grateful that there are scheduled, community meetings. Commissioner Chvilicek implored the consultants to start their morning at the North Californian border, drive south into Reno, and then leave tomorrow by driving North from Reno through North Valleys around 5:00 p.m. The same with Pyramid Highway, another main congestion area.

Commissioner Chesney stated that he supports Commissioner Chvilicek's suggestions, as he was and is also on the Regional Planning Commission. Once you realize what's going on in the congested areas and follow the different zones in the regional plan from mixed-use out to rural areas, you'll get a better understanding of what's really happening in the area right now; where development should be, and where there needs to be a line drawn, between the very urban, suburban and rural areas. There needs to be a clear vision of how development occurs.

Chair Donshick said that she clicked on a link the other day and it asked her to create a sign in. Planner Young stated that he would like to know more about what she experienced. He stated there shouldn't be a need to sign in and requested that Chair Donshick forward the email to himself and Lacey Kerfoot.

9. Consent Items

A. Extension of Time Request for Tentative Subdivision Map Case Number TM04-001 (Sun Mesa) – For hearing, discussion, and possible action to approve an extension of time for the approval of the subdivision, for two years, from April 28, 2022 until April 28, 2024. The subdivision was originally approved by the Planning Commission on April 20, 2004 for 257 single-family lots. The planning commission may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired, in accordance with NRS 278.360.

- Applicant: Keusder Homes, Inc
- Property Owner: Mesa View Reno, LLC
- Location: At the eastern terminus of Sun Mesa Drive, approximately 2000 feet east of its intersection with East 5th Avenue.
- APN: 504-460-03
- Parcel Size: ± 29.84 acres
- Master Plan: Suburban Residential (SR) and Open Space (OS)
- Regulatory Zone: Medium Density Suburban (MDS) and Open Space (OS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 608 Tentative Subdivision Maps
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Commissioner Chesney stated that the original tentative map was improved in 2004; he asked what the delay was. Planner Pelham indicated that there had been several final maps recorded. The next final map is in for review right now, but the applicant is asking for the extension as a precaution in case there are any hold-ups.

There was no response to the request for public comment.

The original motion made by Commissioner Chesney included the incorrect project name and dates. Commissioner Chesney withdrew the original motion and introduced the correct motion.

MOTION: Commissioner 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 approve the two-year Extension of Time Request until April 28, 2024, for Tentative Subdivision Map Case Number TM04-001 (Sun Mesa), subject to the attached conditions of approval, as previously amended, having made the findings that the conditions of approval ensure consideration of the items enumerated in NRS 278.360, that

the original findings remain valid, and that the circumstances have not appreciably changed since the original approval.

Commissioner Peyton seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Flick – absent.

10. Public Hearings

A. Abandonment Case Number WAB19-0002 (Romance Avenue) [For possible action] – For hearing, discussion, and possible action to approve the abandonment of Washoe County's interest in 20 feet of width ($\pm 2,950$ sq. ft) of the southern portion of a 50 foot wide unimproved right-of-way at the terminus of Romance Avenue between Lake Tahoe and Lakeshore Drive. If approved, the area will be abandoned to the abutting property to the south of the abandonment site, which is owned by Richard & Lillian Dixon at 1713 Lakeshore Drive (APN: 130-331-05). The request to abandon this right-of-way is made pursuant to NRS 278.480 and related provisions in the Washoe County Development Code.

- Applicant: Richard & Lillian Dixon
- Property Owner: Washoe County
- Location: Between parcels 130-331-04 & 05 off Lakeshore Drive,
- APN: to be abandoned to 130-331-05
- Parcel Size: $\pm 3,231$ square feet
- Master Plan: Tahoe East Shore
- Regulatory Zone: Tahoe East Shore (TA ES)
- Area Plan: Tahoe
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets and Easements
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Chair Donshick called for Member disclosures. Commissioner Nelson disclosed that she is the Engineering Manager for the Incline Village General Improvement District (IVGID), and in that position, she frequently reviews projects like this. While she feels that she could impartially consider this matter, she believes that it could be reasonably construed that she has prejudged this matter. Commissioner Nelson has decided to abstain from consideration of this matter.

Commissioner Nelson recused herself from the item and was removed from the Zoom webinar at 6:45 p.m.

Planner Julee Olander provided a presentation. Mr. Lloyd stated a state agency that is abutting this right-of-way; the State Division of Lands did not support this request.

Applicant Representative, consultant Karin Hoida provided a presentation via Zoom.

Public Comment:

Kathie Julian (via Zoom), a full-time resident of Incline Village, said she had a few questions that the consultant addressed. She said the presentation raised a few more questions. The consultants had access to the comments from the community and our queries about this project. Did community members have access to the consultant's presentation before this meeting? That is a question for the Planning Commission and Washoe County. That would be good governance to see the full story behind a request for abandonment. My concerns remain that this appears to be the county providing vacating property that belongs to the County and the public and not getting adequate compensation. According to the information on the website, it increases the parcel owner's area by 50%; that undoubtedly will impact the value of their property. We know from the 2019 application that the applicant did see this property they would be given has value, and that's why they offered to make several improvements such as erosion mitigation, pathways, and a number of things. When I attended the CAB, we heard this case in 2019. She said she thought it was applaudable. Sadly, it's not in this proposal you are looking at today. The applicant's offer was not taken. This process is concerning. The Washoe County code allows you to abandon properties. Still, the problem is that in the context of Lake Tahoe, we are looking at the abandonment of lakefront property and public access, even if it's not great. In the context of Lake Tahoe, she would encourage the County to reevaluate when they look at abandonment in the Tahoe Basin. Staff noted that presentations provided to the Planning Commission would be posted to the website within 24 hours following the meeting.

Grey Pryor (via Zoom), resident at 1712 Lakeshore. This statement is regarding the abandonment case of Romance Ave. Our family owns property at 1712 Lakeshore Drive and are the more recent owners of the Rocky Point Community compared with our neighbor's historical residence. Along with our neighbors, our lake access has always been through Romance Ave. We would support the approval of this abandonment request provided the County keeps the additional 30 of Romance Ave in unapproved right of way for the public's ongoing use. Our family and neighbor's Lakeshore would use the remaining right of way access as they always have. As you know, IVGID has a sewage pumping station within this 30 ft right-of-way. IVGID employees and contractors often use this right-of-way for facility inspection and maintenance. NV Energy and ATT have infrastructure running through Romance Ave. Easement. When Twain and Reno Ave. were abandoned, Washoe County required a public access easement from the low water line to 6,250 ft. this allowed continued public access to the shore zone. It will appear consistent and fair if all 50 liner feet remain in the easement for lake access for public use. Lake Tahoe's beauty, splendor, and public access are of utmost concern. Thank you for your time and consideration.

Matt Callahan (via Zoom) said our family has owned property at 1710 Lakeshore since 1959, and our access to the lake has always been through Romance Ave. We support the approval of this abandonment provided that the County keeps the additional 30 feet of Romance Ave. and the unapproved right-of-way for the public's continued use. Not only would our family be using the remaining right-of-way, but the residents at 1708 and 1712 Lakeshore. IVGID maintains a sewer pump station in the 30 ft right-of-way. Inspectors use this right-of-way. NV Energy and ATT have lines that run through this easement. Twain Ave was abandoned in 2009; the County required an easement from the low water line to allow public access. When Reno Ave and other unapproved easements north of Romance Avenue were abandoned, the same restriction required an easement, allowing public access along the shoreline. Consistency requires that the shore zone area of all 50 linear feet of Romance Ave remain in an easement for the public's use and access to the lake. Access to the lake is such an important issue; there are no other examples of the County giving away the public's access to the shore zone of the lake.

Recording Secretary Kerfoot indicated that Staff received eight emails from the public on this matter: Doug Flaherty, Karin Hoida, Brent Bisnar, Kathie Julian, Pamela Tsidenos, Erin Connell, Roxanna Dunn, and Diane Becker as well as the minutes from the Incline Village/Crystal Bay Citizen Advisory Board meeting from November 2019. Those were provided to Commissioners and posted on the website prior to the meeting.

There was no further response to the request for public comment.

Discussion by Commission:

Commissioner Peyton said from what he understands after talking with IVGID, a lot of people cross the street and the terrain is not that great; these owners just want to be in compliance with their deck. He asked if there was thought given to providing the owners with an area around their deck in order to conform with the County without taking the entire 20 feet off Lakeshore. Ms. Hoida said to her knowledge that was not a consideration. They initially applied consistent with the previous four abandonment in this subdivision. They applied for the 25 feet, which is ½ of the right of way closest to their property and the county staff directed them to reduce that request to 20 feet, which they did.

Commissioner Chesney referenced page eight, under staff comments on the required findings, under item B, no detriment. He read for the public and Commission: *“Romance Avenue is a public ROW. However, it was never built and is not needed to provide access to any residence. The proposed abandonment will not result in a loss of access to the Lake via this public ROW since 30 feet of the public ROW will remain. The abandonment will allow the applicant’s deck and stairs to be located on their property and will allow the side yard setbacks to be met for the parcel. Romance Avenue is public ROW and there are no signs posted that prevent the public from accessing the Lake via this public ROW.”* That answers a lot of public comments.

MOTION: Commissioner 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 approve Abandonment Case Number WAB19-0002 for Richard & Lillian Dixon, having made all three findings in accordance with Washoe County Code Section 110.806.20.

- (a) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Tahoe Area Plan; and**
- (b) No Detriment. The abandonment or vacation does not result in a material injury to the public; and**
- (c) 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 Peyton seconded the motion, which passed unanimously with a vote of five for, none against; Commissioner Nelson – recused; Commissioner Flick – absent.

Commissioner Nelson rejoined the meeting the meeting at 7:23 p.m.

11. Chair and Commission Items

- A. Future agenda items – None
- B. Requests for information from staff – None

12. Director's and Legal Counsel's Items

- A. Report on previous Planning Commission items – None
- B. Legal information and updates – None

13. General Public Comment and Discussion Thereof

Public Comment:

Kathie Julian (via Zoom) said this is a query. She said she went to the website and could see at 4 p.m. today; the comments were uploaded to the website. She said her query is about the comments from the paid consultants for Romance Ave. that were submitted at 8:30 a.m. this morning. She asked if they were given advanced copies from the email letters from the community sent out to the government? She asked how this process works. She recognizes you cannot respond during public comment. She said she would like Julee Olander to respond to her and explain how this process works. She said she could see inequity and lack of transparency if the consultants are provided the materials they need to respond to. In contrast, the public doesn't get the applicant's full presentation until 24 hours after the presentation. We need a level playing field. In the context of Lake Tahoe, abandonments should have greater involvement in a broader cross-section of the community. It's not simply the neighbors; it's the entire Incline Village that should be aware of abandonment.

There was no further response to the request for public comment.

14. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:27 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on March 1, 2022.

Trevor Lloyd
Secretary to the Planning Commission