



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, AICP, Community Development Director  
Blaine Cartledge, Legal Counsel



**Washoe County Planning Commission**  
William Weber, Chair  
Stephen D. Rogers, Vice Chair  
Neal Cobb

Florence M. Frandsen  
Roy Hibdon  
Christy Magers  
Dian A. VanderWell

## AGENDA

### MEETING OF

### WASHOE COUNTY PLANNING COMMISSION

Washoe County Commission Chambers

1001 East Ninth Street, Reno, Nevada

Tuesday, July 18, 2006

#### THE FOLLOWING TIME LIMITS ARE TO BE OBSERVED:

15 minutes for staff presentation

15 minutes for applicant presentation

3 minutes for individual testimony

5 minutes for testimony from a representative of a group

At the discretion of the Chair, longer time may be provided to any of the parties if the request is made at least 24 hours in advance of the meeting start time.

\*\* Please be prepared to provide a copy of exhibits displayed. \*\*

6:30 p.m. **DETERMINATION OF QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

June 26, 2006

**CONSIDER AND ADOPT A RESOLUTION COMMENDING ROBERT M. DOXEY FOR HIS SERVICE TO WASHOE COUNTY**

Agendas and staff reports are posted to the Washoe County website at [www.washoecounty.us/comdev/](http://www.washoecounty.us/comdev/), on Friday, four days prior to the meeting. To access the agenda and staff reports, choose **Boards and Commissions**, click on the **Planning Commission**, then **Agendas, Staff Reports, Minutes and Roster**.

Notes: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Commission may take action on any of the items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Community Development, at 328-3600, 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda closes three (3) days prior to the meeting date. Only items of interest and not requiring Commission action may be added to the agenda within the three-day period. This agenda has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office-Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (630 Greenbrae Drive).

Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512

**Telephone: 775.328.3600 – Fax: 775.328.6133**

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***"Your Community Development Department"***

**PUBLIC COMMENT** (Limited to items not on this agenda; three-minute time limit, however the Commission reserves the right to reduce this three-minute time limit, as well as limit the total time for public comment, if more than 10 people request to speak. The same applies to public testimony on each agenda item.)

### **CONSENT ITEM**

### **PLANNING ITEMS**

- 6:30 p.m. 1. **COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-011 (KEVIN LANE)**  
– To consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, as authorized in Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code. The amendment request would change the land use designation from Public And Semi-Public Facilities (PSP) to Low Density Urban (LDU). **The property is located at 800 College Drive, directly north of the intersection College Drive and Lucille Drive on the north side of College Drive.** The ±1.65-acre parcel was previously part of the Sierra Nevada College Mountain Campus. The college has relocated its facilities to the Lake Campus and no longer owns the parcel. The property is situated in a portion of Section 10, T16, R18, MDM, Washoe County, Nevada. The property is located in the Incline Village Citizen/Crystal Bay Advisory Board boundary and Washoe County Commission District No. 1. The proposed amendment is consistent with the Tahoe Regional Planning Agency's (TRPA) Plan Area Statement 041 – Incline Village #3, which allows single-family residential uses. Therefore, TRPA approval is not required.

The Washoe County Planning Commission may take action on alternatives to the applicant's request. To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: a revised map series with updated parcel base and revisions to the Planned Land Use table. (APN: 129-280-21) Staff Representative: Eva M. Krause, AICP, Planner, 775.328.3796

2. **REVIEW OF DRAFT TRUCKEE MEADOWS LOW IMPACT DEVELOPMENT HANDBOOK, GUIDANCE ON LOW IMPACT DEVELOPMENT PRACTICES FOR NEW DEVELOPMENT AND REDEVELOPMENT** - Review and discussion of the draft Handbook. Staff Representative: Patti Bakker, Planner, 775.328.3668
3. **PROGRESS REPORT ON DRAFT LAND USE/TRANSPORTATION ELEMENT (no action).** Staff Representative: Don Morehouse, Planner, 775.328.3632

### **PROJECT REVIEW**

### **OTHER ITEMS**

**CHAIR AND COMMISSION ITEMS** (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

- a. State Rules of Ethics

**DIRECTOR'S ITEMS** (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

## **ADJOURNMENT**



# Community Development

*"Dedicated to Excellence in Public Service"*  
Adrian P. Freund, AICP, Community Development Director



**AGENDA ITEM: 1**

**RECOMMENDATION: Approve**

## WASHOE COUNTY PLANNING COMMISSION STAFF REPORT

**TO:** Washoe County Planning Commission  
**SUBJECT:** Comprehensive Plan Amendment CP06-011  
**DATE:** 10 July 2006      **PREPARED BY:** Eva M. Krause, AICP, Planner

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### APPLICATION SUMMARY

Applicant: Kevin Lane

Request: COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-011 (KEVIN LANE) – To consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, as authorized in Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code. The amendment request would change the land use designation from Public And Semi-Public Facilities (PSP) to Low Density Urban (LDU). The property is located at 800 College Drive, directly north of the intersection College Drive and Lucille Drive on the north side of College Drive. The ±1.65-acre parcel was previously part of the Sierra Nevada College Mountain Campus. The college has relocated its facilities to the Lake Campus and no longer owns the parcel. The property is situated in a portion of Section 10, T16, R18, MDM, Washoe County, Nevada. The property is located in the Incline Village Citizen/Crystal Bay Advisory Board boundary and Washoe County Commission District No. 1. The proposed amendment is consistent with the Tahoe Regional Planning Agency’s (TRPA) Plan Area Statement 041 – Incline Village #3, which allows single-family residential uses. Therefore, TRPA approval is not required.

The Washoe County Planning Commission may take action on alternatives to the applicant’s request. To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: a revised map series with updated parcel base and revisions to the Planned Land Use table. (APN: 129-280-21)

### BACKGROUND

#### Applicant Request

On behalf of Kevin Lane, Rick Anggelocci, consultant, has submitted a Comprehensive Plan Amendment application to change ±1.65 acres of the subject parcel from Public and Semi Public Land Use (PSP) to Low Density Urban Land Use (LDU). The proposed change would allow the applicant to develop the parcel with single- or multi-family residences.

The property is surrounded on three sides by Incline Creek Estates, a single-family detached common open space development and was formally part of the Sierra Nevada College, Mountain Campus. The College has relocated all of its facilities to a new campus on Country Club Drive. When the College developed its master plan for the new campus, it closed down a trailer park on the mountain campus and sold the property to finance the construction of the new campus.

The trailer park was zoned Low Density Urban, therefore could be redeveloped for single- or multi-family residential use. The Tahoe Regional Planning Agency (TRPA) acknowledged the 89 trailers that were on the property at the time of closing were existing dwellings and can be replaced with new housing units. Those dwelling units were banked as development rights for future use (i.e. each trailer represents one residential lot and house that can be created in the Incline area). As part of the settlement agreement for closing the trailer park, twenty of the units must be built as affordable units in Incline Village. Development plans for two four-plexes on Northwood Avenue and three four-plexes on Incline Way have been approved for construction. These units will fulfill the TRPA affordable housing requirement. The affordable unit designation is a TRPA requirement and will be managed by that agency.

The property owner used 58 development rights to create the Incline Creek Estates common open space development. The applicant is proposing to use the remaining development rights to expand the Incline Creek Estates on to the abutting parcel that was sold to the Hartman Trust. Currently the property is designated a PSP which does not allow residential uses.

Under Washoe County's Development Code the  $\pm 1.65$ -acre property could be subdivided into 16 single-family residential lots if it were rezoned to LDU. Because the property is located in the Tahoe Basin, the TRPA limits it to one development right per parcel, regardless of the size of the property. Since the applicant has banked development rights, he can use those rights to create up to 11 residential lots ( $89 - 20 = 69$ ;  $69 - 58 = 11$ ) on this property.

*Attachment 1* includes maps associated with the amendment request. Please refer to *Attachment 2* for the submitted Comprehensive Plan Amendment Application Form.

### **Administrative Request**

Administrative changes to the Tahoe Area Plan are necessary to reflect the changes requested within this application including a revised map series with updated parcel base and revisions to the Planned Land Use table.

### **PHYSICAL SITE CHARACTERISTICS**

The Development Suitability Map for the Tahoe Area Plan uses Integrated Terrain Unit (ITU) data to define areas constrained by slopes greater than 15%, floodway areas, 100-year flood hazard areas, and potential wetlands. The map shows the proposed lot as most suitable for development.

## **Analysis**

The amendment request is located in the Tahoe Planning Area, which was adopted as part of the Washoe County Comprehensive Plan in January 1997 by the Board of County Commissioners of Washoe County, Nevada. When the plan was adopted, the subject property was already developed as Sierra Nevada College, therefore the property was designated as Public and Semi Public (PSP). Now that the College has relocated their campus, the public and semi public designation is no longer a suitable use in the surrounding residential area. The applicant wishes to designate the subject parcel as Low Density Urban (LDU), consistent with the property that surrounds it on three sides. The property across the street is designated Medium Density Suburban (MDS) which is also a residential use.

## **POPULATION**

The proposed land use change will allow development of the subject property for residential use. Changing the land use designation under Washoe County's code does not exempt or change any of the TRPA regulations or restrictions, therefore having a LDU land use designation will not automatically allow the subdivision of the property. Each parcel created and each residential unit built must have a development right. The applicant has development rights that can be used within the Incline Village/Crystal Bay area which he proposes to use to increase the size of the Incline Creek Estates development.

## **LAND USE**

The ±1.65-acre property is currently designated as Public and Semi Public (PSP) on the adopted Tahoe Area Plan. The PSP Regulatory Zone is intended for Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

The proposed land use regulatory zone for the subject parcels is Low Density Urban (LDU) totaling ±1.65-acres. The LDU Regulatory Zone is intended for residential use.

The adjacent land use designations are LDU and Medium Density Suburban (MDS) which are both residential land uses.

## **COMMUNITY RESOURCE ANALYSIS**

### **Functional Characteristics**

Functional characteristics describe how an amendment request might influence the performance of various natural functions or effect the community's ability to maintain particular service levels or qualities. Amendment requests are evaluated based upon their need or impact to available resources and level-of-service criteria for infrastructure. This application was circulated to numerous agencies for review. Incline Building Department responded that they had no comments. No other agencies responded.

### Water and Wastewater Service Requirements

The Comprehensive Plan Amendment application indicates the subject site will use Incline Village General Improvement District water and sewer services. The water rights from the trailer park were kept by the applicant and will be applied to the future subdivision of the subject parcel. The proposed land use change will not increase the need for more water rights or sewer services.

### Streets and Highway System Plan Changes

The transportation system for the Tahoe planning area is based on the Regional Streets and Highways System map contained in the Land Use and Transportation element of the Comprehensive Plan. Access to the site will be provided from College Drive. The removal of all college classrooms and offices will reduce the trip rate from the site. The proposed land use change would not permit additional residential units beyond the number of units that were on the trailer park site. The proposed amendment does not increase the traffic impact.

### Schools

The Washoe County Department of Community Development is monitoring student enrollment in the public schools as a means of ensuring adequate facilities for future growth needs. Elementary school enrollment is an indicator of residential development and changing demographics for localized areas.

Between 2001 and 2004 the school enrollment for Incline schools has dropped by 17%. Incline Elementary School currently has a capacity of 708 students and enrollment of 427. The middle school's capacity is 525, with an enrollment of 297. Incline High School's capacity is 500, and the current enrollment is 401. There are adequate school facilities for future growth in the Incline community.

## **COMMUNITY INVOLVEMENT AND ISSUES**

The proposed land use change was presented by staff to the Incline Village/Crystal Bay Citizen Advisory Board at their July 5, 2006 meeting. The minutes for that meeting are not available yet. The following is the short summary prepared by the recording secretary:

On the variances the CAB recommended approval on all including the plan amendments.

Public notice of the Planning Commission meeting was mailed on July 7, 2006. No public comments or letters have been received for this request.

## **RECOMMENDATION/FINDINGS**

Recommendation by Staff: APPROVAL

Based upon Comprehensive Plan Policies and Action Programs, together with the agency and public comments received, the Department of Community Development staff

recommends the Planning Commission approve the applicant's request as submitted for Comprehensive Plan Amendment Case No. CP06-011.

### **Motion for Approval**

If the Planning Commission recommends approval of the Tahoe Area Plan amendment requests included in Comprehensive Plan Case Number CP06-011, then the following motion and findings should be considered as part of that action:

The Washoe County Planning Commission approves Comprehensive Plan Case Number CP06-011 including a revised map series with updated parcel base and revisions to the Planned Land Use table, based upon the information presented in the staff report, written testimony and the testimony received during the public hearing. The Washoe County Planning Commission authorizes the Chairman to sign the appropriate resolution. This action is based upon the findings listed below.

### **Findings**

1. The proposed amendment to the Tahoe Area Plan is in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan*.
2. The proposed amendments to the Tahoe Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Tahoe Area Plan responds to changed conditions that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the Tahoe Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the *Washoe County Comprehensive Plan*.
5. The proposed amendment to the Tahoe Area Plan 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.
6. The proposed amendment to the Tahoe Area Plan is the first amendment to the Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Tahoe Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

An action for approval of any portion of the comprehensive plan amendment request requires a two-thirds (5 members) vote of the Planning Commission under the provisions of NRS 266.210(2). The Board of County Commissioners shall also review the amendment request per WCDC Section 110.820.30 and NRS 278.220.

### **Motion for Denial**

If the Planning Commission is compelled to take action to deny the Tahoe Area Plan amendment request(s) included in Comprehensive Plan Case Number CP001-004, then staff suggests the following motion and findings be considered as part of that action:

The Washoe County Planning Commission denies Comprehensive Plan Case Number CP06-011, based upon the information presented in the staff report, written testimony and the testimony received during the public hearing. This action is based upon the findings listed below.

### **Findings**

1. The proposed amendment to the Tahoe Area Plan is NOT in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan*.
2. The proposed amendment to the Tahoe Area Plan does not identify and respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represent a more desirable utilization of land.
3. The proposed amendment to the Tahoe Area Plan does not promote the desired pattern for the orderly physical growth of the County or adequately guide development of the County. The proposed amendment does not guide 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.
4. The proposed amendment to the Tahoe Area Plan is the first amendment to the Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
5. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Tahoe Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during

the public hearing.

An action for denial requires a simple majority vote in favor of the motion. A Planning Commission action for denial is a final action unless appealed to the Board of County Commissioners (WCDC Section 110.820.15(h)). Appeals must be filed consistent with the provisions of Washoe County Development Code Section 110.820.25 Appeal of Denial.

### **PLANNING COMMISSION ACTION ALTERNATIVES**

Staff recommends the Washoe County Planning Commission conduct a public hearing to determine:

- If the proposed amendments are appropriate to the adopted Tahoe Area Plan; and
- If the proposed amendment to the Tahoe Area Plan are consistent with the goals, policies and standards of the elements and area plans of the *Washoe County Comprehensive Plan*; and
- If there are any necessary modifications, revisions, additions, or deletions in response to the public comments and concerns, and Planning Commission direction on the issues.

The various alternatives available to the Planning Commission include:

- Close the public hearing and endorse the transmittal letter to the Washoe County Commission of the Comprehensive Plan Amendment as submitted with a recommendation for approval or denial; or
- Close the public hearing and identify any specific changes necessary to the proposed amendments to the Tahoe Area Plan, and endorse the transmittal letter to the Washoe County Commission with a recommendation for approval or denial with the identified modifications; or
- Close the public hearing on the proposed amendment to the Tahoe Area Plan, but delay any action pending further research by staff on issues raised during the public hearing, or discussion and direction by the Planning Commission; or
- Continue the public hearing to a subsequent meeting to gather additional comments on the proposed amendment to the Tahoe Area Plan.

### **APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.820

Staff will be available at the public meeting to address any questions regarding this matter.

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EMK (CP06-011)

**ATTACHMENTS**

1. Maps
2. Comprehensive Plan Amendment Application
3. Washoe County Comprehensive Plan Excerpts - Policy & Action Programs

xc:

Applicant: Kevin Lane, P.O. Box 456, Zephyr Cove, NV 89448

Owner: W.E. and Sally J. Hartman, P.O. Box 456, Zephyr Cove, NV 89448

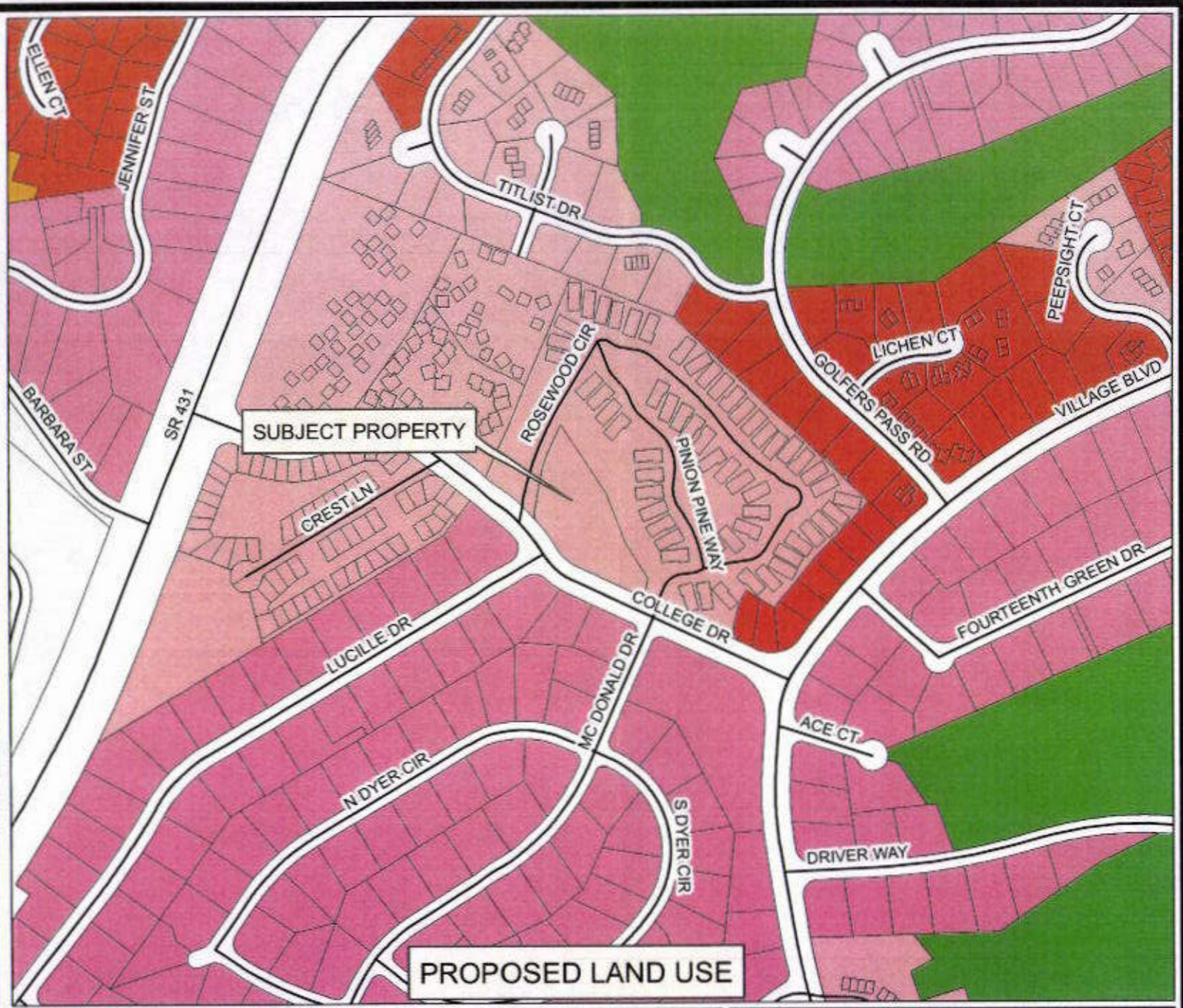
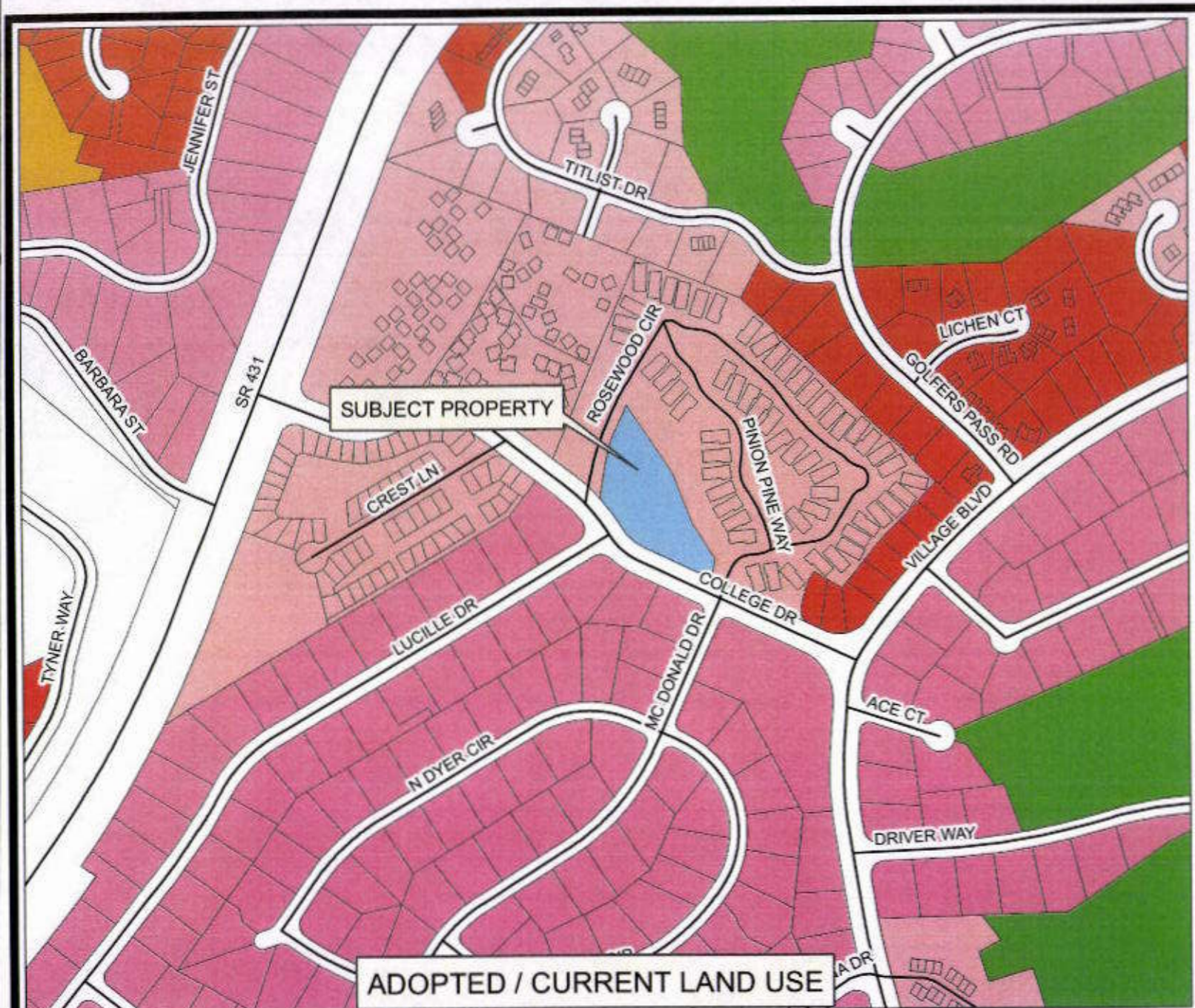
Representative: Rick Angelocci, P.O. Box 17749, South Lake Tahoe, CA 96151

Chair, CAB: Incline Village/Crystal Bay Citizen Advisory Board

CP06-011

MAPS

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### Tahoe Planning Area CP06-011 (KEVIN LANE)

- |                         |                       |                                   |                      |
|-------------------------|-----------------------|-----------------------------------|----------------------|
| LOW DENSITY RURAL       | HIGH DENSITY SUBURBAN | NEIGHBORHOOD/OFFICE COMMERCIAL    | PARKS AND RECREATION |
| MEDIUM DENSITY RURAL    | LOW DENSITY URBAN     | TOURIST COMMERCIAL                | OPEN SPACE           |
| HIGH DENSITY RURAL      | MEDIUM DENSITY URBAN  | INDUSTRIAL                        | GENERAL RURAL        |
| LOW DENSITY SUBURBAN    | HIGH DENSITY URBAN    | SPECIFIC PLAN                     | RURAL RESIDENTIAL    |
| MEDIUM DENSITY SUBURBAN | GENERAL COMMERCIAL    | PUBLIC AND SEMI-PUBLIC FACILITIES | WATER BODY           |

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**Department of  
Community Development**

**WASHOE COUNTY  
NEVADA**

CP06-011

COMPREHENSIVE PLAN AMENDMENT APPLICATION

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Staff Assigned Case No.: CPOG-011

## Washoe County Development Application

<b>Project Information</b>			
Project Name (commercial/industrial projects only):			
Project Description: Comprehensive Plan Amendment to facilitate development of the parcel consistent with the surrounding land uses. The proposed development consists of 7 additional residential units (common open space design) on the subject parcel.			
Project Address: 800 College Drive, Incline Village, NV			
Project Area (acres or square feet):			
<b>Location Information</b>			
Project Location (with point of reference to major cross streets or area locator): College Blvd. and Village Blvd., Incline Village			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
129-280-21	1.65 acres		
Sections/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case Nos.			
<b>Applicant Information</b>			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: W.E. and Sally J. Hartman		Name: Rick Angelocci	
Address: P.O. Box 456		Address: P.O. Box 17749	
Zephyr Cove, NV	Zip: 89448	South Lake Tahoe, CA	Zip: 96151
Phone: 775-588-5617	Fax:	Phone: 530-318-4114	Fax:
Email:	Cell:	Email: Rangelocci@aol.com	Cell:
Contact Person:		Contact Person:	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: Kevin Lane		Name:	
Address: P.O. Box 456		Address:	
Zephyr Cove, NV	Zip: 89448		Zip:
Phone: 775-588-5617	Fax:	Phone:	Fax:
Email:	Cell:	Email:	Cell:
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received:		Planning Area:	
Initial:			
County Commission District:			
CAB(s):		Land Use Designation(s):	

## Owner Affidavit

<b>Project Name:</b>	
<b>Application Type</b>	
<input type="checkbox"/> Abandonment (AB)	<input type="checkbox"/> Final Map Certificate of Amendment (CA)
<input type="checkbox"/> Administrative Permit (AP)	<input type="checkbox"/> Final Map Major/Minor Amendment
<input type="checkbox"/> Amendment of Conditions of Approval	<input type="checkbox"/> Final Subdivision Map/Const Plan Review
<input type="checkbox"/> Boundary Line Adjustment (BL)	<input type="checkbox"/> Parcel Map Waiver (PM)
<input checked="" type="checkbox"/> Comprehensive Plan Amendment (CP)	<input type="checkbox"/> Reversion to Acreage (RA)
<input type="checkbox"/> Cooperative Plan Amendment	<input type="checkbox"/> Special Use Permit (SB/SW)
<input type="checkbox"/> Land Use Designation Change	<input type="checkbox"/> Specific Plan (SP)
<input type="checkbox"/> Text Change	<input type="checkbox"/> Tentative Map of Div into Large Parcels (DL)
<input type="checkbox"/> Design Review Committee Submittal (DRC)	<input type="checkbox"/> Tentative Parcel Map (PM)
<input type="checkbox"/> Development Agreement (DA)	<input type="checkbox"/> Tentative Subdivision Map (TM)
<input type="checkbox"/> Development Code Amendment (DC)	<input type="checkbox"/> Hillside Development
<input type="checkbox"/> Ext of Time Requests (Approved Applications)	<input type="checkbox"/> Common Open Space Development
<input type="checkbox"/> Ext of Time Requests (Tent Subdivision Maps)	<input type="checkbox"/> Variance (VA)

The receipt of an application at the time of submittal does not imply the application complies with all requirements of the Washoe County Development Code, the Washoe County Comprehensive Plan or the applicable area plan, or that it is deemed complete and will be processed.

STATE OF NEVADA     )  
   )  
 COUNTY OF WASHOE    )

I, Walter E. Hartman, Trustee of the Hartman Trust,  
 being duly sworn, depose and say that I am an owner\* of property involved in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Department of Community Development staff.

(A separate Affidavit must be provided by each property owner named in the title report.)

\*Owner refers to the following: (Please mark appropriate box.)

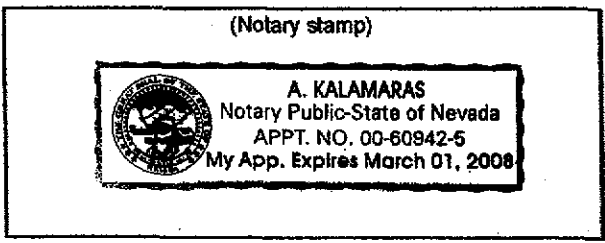
- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Signed Walter E. Hartman  
 Address \_\_\_\_\_

Subscribed and sworn to before me this  
9th day of May, 2006.

[Signature]  
 Notary Public in and for said county, and state

My commission expires: 3/1/08



## Comprehensive Plan Amendment Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to Comprehensive Plan amendments may be found in Article 820, Amendment of Comprehensive Plan.

The Washoe County Comprehensive Plan describes how the physical character of the County exists today and is planned for the future. The plan is adopted by the community and contains information, policies and a series of land use maps. The Comprehensive Plan provides the essential framework for creating a healthy community system and helps guide decisions about growth and development in the County. The following are general types of requests the County receives to amend the Comprehensive Plan. Please identify which type of amendment you are requesting:

<input type="checkbox"/> A request to change a land use designation(s) from the adopted land use shown on any of the adopted area plan maps
<input type="checkbox"/> A request to add, amend, modify or delete any of the adopted policies found in the elements of the Comprehensive Plan
<input type="checkbox"/> A request to add, amend, modify or delete any of the adopted policies in the area plans
<input type="checkbox"/> A request to add, amend, modify or delete specific language found in the area plans
<input type="checkbox"/> Other (please identify):

Please complete this questionnaire to ensure consistent review of your request to amend the Washoe County Comprehensive Plan. Staff will review the application to determine if the amendment request is in conformance with the policies and language within the elements and area plans of the Comprehensive Plan or if the information provided supports a change to the plan. Please provide a brief explanation to all questions answered in the affirmative.

**1. Why is the Comprehensive Plan amendment being requested at this time?**

This amendment is being requested at this time to facilitate an amendment to the approved Final Subdivision Map for the adjacent parcel (129-280-20). The comprehensive plan amendment would allow for development of the parcel with residential uses consistent with the surrounding properties. Originally owned by Sierra Nevada College, the parcel was appropriately classified as Public and Semi-Public Facilities. Since the adoption of the Tahoe Area Comprehensive Plan, the College has developed a new campus offsite, relocated the College uses and sold the parcel to the Hartman Trust. The subject parcel will eventually be merged with the adjoining parcel for residential development (Common open space design) through a Tentative Subdivision Map application following the Comprehensive Plan Amendment.

2. What conditions have changed and/or new studies have occurred since the adoption of the Washoe County Comprehensive Plan that support the need for the amendment request?

As stated above, the previous owners of the parcel, Sierra Nevada College, have developed a new campus offsite and subsequently sold the parcel to the Hartman Trust. The parcel was known as the Mountain Campus for the College. All College related uses have since been transferred offsite. With development of the adjoining parcel with the 58 unit Incline Creek Estates project, the subject parcel is surrounded by residential uses. The classification of Public and Semi-Public Facilities is no longer appropriate for the subject parcel.

3. Please describe the amendment request:

As previously stated, this amendment is being requested at this time to facilitate an amendment to the approved Final Subdivision Map for the adjacent parcel (129-280-20). The comprehensive plan amendment would allow for development of the parcel with residential uses consistent with the surrounding properties. Originally owned by Sierra Nevada College, the parcel was appropriately classified as Public and Semi-Public Facilities. Since the adoption of the Tahoe Area Comprehensive Plan, the College has developed a new campus offsite, relocated the College uses and sold the parcel to the Hartman Trust. The subject parcel will eventually be merged with the adjoining parcel for residential development (Common open space design) through a Tentative Subdivision Map application following the Comprehensive Plan Amendment.

- a. What is the location (address or distance and direction from nearest intersection)? Please attach a legal description.

The subject parcel is located at 800 College Boulevard, Incline Village. The nearest cross street is Village Boulevard. See attached Title Report for the Legal Description.

b. Please list the following (attach additional sheet if necessary):

APN of Parcel	Land Use Designation	Existing Acres	Proposed Acres
129-280-21	Public and Semi-Public Facilities	1.65	1.65 acres

c. What are the adopted land use designations of adjacent parcels?

North	Residential (58 unit common open space development)
South	Medium Density Urban
East	High Density Suburban and median Density Urban
West	Residential ( common open space development)

4. Describe the existing conditions and uses located at the site or in the vicinity (i.e. vacant land, roadways, buildings, etc.):

The subject parcel is currently developed with structures and paved parking areas previously used by Sierra Nevada College as the "Mountaiun Campus". Existing land coverage is over 22,000 square feet. The College have moved the previous college related uses to the new campus.

5. Describe the natural resources associated with the site under consideration. Your description should include resource characteristics such as water bodies, vegetation, topography, minerals, soils and wildlife habitat.

Along the northern boundary of the parcel there is a Stream Environment Zone(SEZ). No development is proposed within the TRPA imposed 25 foot setback from the SEZ.

6. Describe whether any of the following natural resources or systems are related to the proposed amendment:

- a. Is property located in the 100-year floodplain? (If yes, please attach documentation of the extent of the floodplain and any proposed floodplain map revisions in compliance with Washoe County Development Code, Article 416, Flood Hazards, and consultation with the Washoe County Department of Public Works.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Explanation:

- b. Does property contain wetlands? (If yes, please attach a preliminary delineation map and describe the impact the proposal will have on the wetlands. Impacts to the wetlands may require a permit issued from the U.S. Army Corps of Engineers.)

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

Explanation:

See attached plans. No development is proposed within the identified Stream Environment Zone.

- c. Does property contain slopes or hillsides in excess of 15 percent and/or significant ridgelines? (If yes, please note the slope analysis requirements contained in Article 424, Hillside Development of the Washoe County Development Code.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Explanation:

- d. Does property contain geologic hazards such as active faults; hillside or mountainous areas; is subject to avalanches, landslides, or flash floods; is near a stream or riparian area such as the Truckee River, and/or an area of groundwater recharge?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Explanation:

- e. Does property contain prime farmland; is within a wildfire hazard area, geothermal or mining area, and/or wildlife mitigation route?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Explanation:

7. Please describe whether any archaeological, historic, cultural, or scenic resources are in the vicinity or associated with the proposed amendment:

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

Explanation:

8. Do you own sufficient water rights to accommodate the proposed amendment? (Amendment requests in some groundwater hydrographic basins [e.g. Cold Springs, Warm Springs, etc.] require proof of water rights be submitted with applications. Please provide copies of all water rights documents, including chain of title to the original water right holder.)

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------

If yes, please identify the following quantities and documentation numbers relative to the water rights:

a. Permit #		acre-feet per year	
b. Certificate #		acre-feet per year	
c. Surface Claim #		acre-feet per year	
d. Other #		acre-feet per year	

- e. Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources):

The proposed development will use existing water rights obtained with the purchase of the adjoining 84 unit mobile home park which has since been removed to develop the 58 unit Incline Creek Estates project.

- f. If the proposed amendment involves an intensification of land use, please identify how sufficient water rights will be available to serve the additional development.

N/A. The conversion of the property will result in a less intense use of the parcel.

9. Please describe the source and timing of the water facilities necessary to serve the amendment:

a. System Type:

<input type="checkbox"/> Individual wells		
<input type="checkbox"/> Private water	Provider:	
<input checked="" type="checkbox"/> Public water	Provider:	Incline Village General Improvement District

b. Available:

<input checked="" type="checkbox"/> Now	<input type="checkbox"/> 1-3 years	<input type="checkbox"/> 3-5 years	<input type="checkbox"/> 5+ years
---	------------------------------------	------------------------------------	-----------------------------------

c. Washoe County Capital Improvements Program project?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

d. If a public facility is proposed and is currently not listed in the Washoe County Capital Improvements Program and not available, please describe the funding mechanism for ensuring availability of water service:

N/A
-----

10. What is the nature and timing of sewer services necessary to accommodate the proposed amendment?

a. System Type:

<input type="checkbox"/> Individual septic		
<input checked="" type="checkbox"/> Public system	Provider:	Incline Village General Improvement District

b. Available:

<input checked="" type="checkbox"/> Now	<input type="checkbox"/> 1-3 years	<input type="checkbox"/> 3-5 years	<input type="checkbox"/> 5+ years
---	------------------------------------	------------------------------------	-----------------------------------

c. Washoe County Capital Improvements Program project?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

- d. If a public facility is proposed and is currently not listed in the Washoe County Capital Improvements Program and not available, please describe the funding mechanism for ensuring availability of sewer service. If a private system is proposed, please describe the system and the recommended location(s) for the proposed facility.

N/A

11. Please identify the street names and highways near the proposed amendment that will carry traffic to the regional freeway system. Please also identify the names of the signalized intersections that will control traffic flows from the proposed amendment to the regional freeway system.

The parcel is located on College Blvd. The nearest access to Highway 28 is via Village Blvd.

12. Will the proposed amendment impact existing or planned transportation systems? (If yes, a traffic report will be required. See attached Traffic Impact Report Guidelines.)

Yes  No

13. Community Services (provided and nearest facility):

a. Fire Station	North Lake Tahoe Fire Protection District 866 Oreole Way
b. Health Care Facility	Incline Village Health Center 880 Alder Dr.
c. Elementary School	Incline Elementary 771 Southwood
d. Middle School	Incline Middle School 931 Southwood
e. High School	Incline Highschool 499 Village Blvd.
f. Parks	Lake Tahoe Nevada State Park
g. Library	Incline Public Library 846 Tahoe Blvd.
h. Citifare Bus Stop	N/A

14. Describe how the proposed amendment fosters, promotes or complies with the policies of the adopted area plans and elements of the Washoe County Comprehensive Plan:

a. Population Element:

The proposed project on the parcel utilizes existing residential development rights previously located on the adjoining parcel (College Park 89 unit Mobile Home Park). No new residential development beyond that previously existing is proposed.

b. Conservation Element:

The project will not result in the loss of any known cultural or historic resource. The project will improve the scenic quality of the area by removal of older, outdated College structures. The project is not located along a scenic corridor. The design, materials, colors and finishes of the proposed residential structures are identical to the approved Incline Creek Estates project on the adjacent parcel. There are no identified impacts by the project to soils, wildlife, water resources or wetlands. The project must meet all of the TRPA's standards and regulations.

c. Housing Element:

The proposed project will retain existing housing stock in Incline Village as desired in the Comprehensive Plan. In addition, by use of 7 of the previous mobile home development rights, the project will result in a rehabilitation of the existing housing.

d. Land Use and Transportation Element:

The proposed project is consistent with the Land Use Policies contained in the Tahoe Area Plan. In addition, the project will result in a reduction of 254 daily vehicle trip ends from that of the previous college use.

e. Public Services and Facilities Element:

The proposed residential development will use existing water rights and sanitary sewer service from the Incline Village General Improvement District. The development is of such a scale ( 7 residential units) that there is no evidence that significant additional demand will be placed upon Fire Protection, Police Protection, Schools, Libraries, Parks or other public services and facilities.

f. Adopted area plan(s):

The subject parcel is located in the Tahoe Area Plan.

### Projects of Regional Significance Information

Nevada Revised Statutes 278.026 defines "Projects of Regional Significance". Comprehensive Plan amendment requests for properties within the jurisdiction of the Truckee Meadows Regional Planning Commission (TMRPC) must respond to the following questions. A "Yes" answer to any of the following questions may result in the application being referred first to the Truckee Meadows Regional Planning Agency for submission as a project of regional significance. Applicants should consult with County or Regional Planning staff if uncertain about the meaning or applicability of these questions.

1. Will the full development potential of the Comprehensive Plan amendment increase employment by not less than 938 employees?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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2. Will the full development potential of the Comprehensive Plan amendment increase housing by not less than 625 units?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

3. Will the full development potential of the Comprehensive Plan amendment increase hotel accommodations by not less than 625 rooms?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

4. Will the full development potential of the Comprehensive Plan amendment increase sewage by not less than 187,500 gallons per day?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

5. Will the full development potential of the Comprehensive Plan amendment increase water usage by not less than 625 acre-feet per year?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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6. Will the full development potential of the Comprehensive Plan amendment increase traffic by not less than 6,250 average daily trips?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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7. Will the full development potential of the Comprehensive Plan amendment cause a loss or significant degradation of an identified historic, archaeological, cultural or scenic resource?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

8. Will the Comprehensive Plan amendment create a social service facility such as a homeless shelter or residential alcohol or drug treatment center addressing the needs of 25 or more persons?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

9. Is the subject property of the Comprehensive Plan amendment within the Truckee Meadows service area as shown on the 2002 Regional Plan Map 1 titled "Truckee Meadows Service Area"?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

10. Is the subject property of the Comprehensive Plan amendment within the Truckee Meadows rural development area as shown on the 2002 Regional Plan Map 2 titled "Truckee Meadows Rural Development Area"?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

11. Is the subject property of the Comprehensive Plan amendment within the Truckee Meadows development constraints area as shown on the 2002 Regional Plan Map 3 titled "Truckee Meadows Development Constraints Area"?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

12. Will the Comprehensive Plan amendment create a new or expanded regional solid or hazardous waste management project?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

## **Applicant Comments**

This page can be used by the applicant to support the plan amendment request and should address, at a minimum, how one or more of the findings for an amendment are satisfied. This page will be included as an attachment to the staff reports to the Washoe County Planning Commission and Board of County Commissioners and is a means for the applicant to offer comments directly within the official report.

The proposed amendment would result in permissible uses consistent with those permitted on the surrounding parcels. With the relocation of the College offsite, the current zoning of Public and Semi-Public Facilities is inappropriate for the site and in conflict with the surrounding residential uses. The proposed amendment will now more appropriately reflect current land use conditions, is consistent with the Tahoe Area Plan, Tahoe Regional Planning Agency Plan Area Statement, and will not result in development not contemplated in either document.

# Traffic Report



TRANSPORTATION PLANNING  
& TRAFFIC ENGINEERING CONSULTANTS

Post Office Box 5875  
2690 Lake Forest Road, Suite C  
Tahoe City, California 96145  
(530) 583-4053 FAX: (530) 583-5966  
[info@lscatahoe.com](mailto:info@lscatahoe.com)

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## MEMORANDUM

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DATE: October 18, 2005

TO: Kevin Lane, Falcon Capital

FROM: Sara Hawley, PE, LSC Transportation Consultants, Inc.

SUBJECT: Incline Creek Development – Traffic Generation Analysis

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Per your request, LSC Transportation Consultants, Inc. has analyzed the potential transportation impacts associated with the revised land uses for the proposed Incline Creek project, to be located on the north side of College Drive on the existing Sierra Nevada College (SNC) Mountain Campus parcel and the area to the north in Incline Village, Nevada. The project proposes to remove the existing mobile home units and the existing SNC classrooms (APN 129-280-21) and construct 68 single-family dwelling units. According to the project description, 84 mobile homes were occupied in April of 2001. Per direction from TRPA staff, the credit for trips associated with the existing mobile homes is based on this figure. Access to the project site is proposed to be provided along College Drive via the existing SNC driveway and a new driveway at McDonald Drive. A covered, gated entry is proposed at the McDonald Drive access point. The expected queuing at this gate is assessed below.

As the proposed change in land use will result in a decrease in Daily Vehicle Trip Ends (DVTE), a full traffic/air quality analysis is not required by the TRPA *Code of Ordinance*. This evaluation is therefore limited to a trip generation analysis and an assessment of the queuing activity at the gated entry.

### **Trip Generation**

DVTE and Peak-Hour Vehicle-Trip Ends (PHVTE) need to be determined in order to analyze the potential impacts from the proposed project.

#### *Trip Generation of Existing Uses*

Daily vehicle trip rates are based upon the *TRPA Trip Table* (TRPA, January 14, 2004), and peak-hour trip rates are estimated using the Institute of Transportation Engineers (ITE) *Trip Generation, 7<sup>th</sup> Edition* (ITE, 2003), with the exception of the trip generation of the existing SNC classrooms. The daily and peak-hour trip generation of the existing SNC staff, students, and utility trips is based

upon Exhibit 6.7 (gg) of the approved *Sierra Nevada College EIS* (Kaufman Planning & Consulting, 2003).

Some of the potential auto trips associated with the land uses are made by travel modes other than the personal automobile. Reductions in traffic generation associated with pedestrian, bicycle and transit access to the site are evaluated. Based on the location of the site relative to recreational and commercial uses, and observed levels of pedestrian and bicycle activity in the Tahoe area, it is estimated that 5 percent of trips associated with the mobile homes are made by transit riders, pedestrians or bicyclists. This reduction, which is consistent with other analyses conducted in the Incline Village area, was applied to the daily and peak-hour trip calculations shown in Table 1. The SNC classrooms trip generation assumes 5 percent of staff trips and 10 percent of student trips are made via non-auto modes. As indicated, the existing uses to be removed generate a total of approximately 900 DVTE and 104 PHVTE (48 inbound and 56 outbound).

#### *Trip Generation of Proposed Uses*

Traffic expected to be generated by the proposed land use is also presented in Table 1. The number of trips made by transit riders, pedestrians or bicyclists associated with the single-family dwelling units is estimated to be 5 percent, based on the proximity of bus stops, commercial and recreational uses relative to the site, and observed use of non-auto modes in the area. Applying this reduction yields a total of 646 DVTE and 65 PHVTE (41 inbound and 24 outbound) associated with the proposed uses.

#### *Project Net Impact on Trip Generation*

By subtracting existing land use trip generation from proposed land use trip generation, the project can be concluded to result in a net decrease of about 254 DVTE, and 39 PHVTE (7 inbound and 32 outbound). As the project results in a decrease in daily trips, a full traffic study is not required under the *Code of Ordinances*.

#### **Queuing at Main Gate**

The site plan indicates a covered, gated entry at the proposed McDonald Drive access point. A key question is whether adequate space is provided for entering traffic to queue outside this gate without blocking adjacent through travel lanes. An analysis of potential traffic queues waiting to enter this gate is conducted using the methodology presented in the *Traffic and Transportation Engineering Handbook* published by the Institute of Transportation Engineers. Assuming an average delay of 15 seconds per entrance (which is typical for a card reader gate control), the attached Table 2 indicates that there is approximately a 97 percent probability that the queue during the PM peak hour will be one vehicle or less. The 95<sup>th</sup> percentile queue length will also be less than one vehicle. According to the site plan, the distance from the gate to College Drive is approximately 73 feet, which is effectively adequate to accommodate up to three vehicles. As also shown in Table 2, this queue length would be adequate 99.985 percent of the PM peak hour (exceeded only 0.085 percent of the PM peak hour). This space is therefore adequate to accommodate the queue at the gate without a significant chance of impacting College Drive.

**TABLE 1: Incline Creek Estates - Trip Generation Analysis**

Land Use	Qty.	Unit	Daily Trip Rate <sup>1</sup>		PM Peak Hour Trip Rate <sup>2</sup>			Reduction for Non-Auto Trips	Daily Vehicle Trips (DVTE)	PM Peak-Hour Vehicle Trips (PHVTE)		
			Total	In	Total	In	Total			In	Out	
<b>PROPOSED USES</b>												
Single-Family Detached	68	dwelling units	10.0		1.01	0.64	0.37	5%	646	65	41	24
<b>EXISTING USES TO BE REMOVED</b>												
Mobile Homes	84	occupied dwelling units	4.99		0.59	0.37	0.22	5%	398	47	30	17
SNC Staff	76	persons	- <sup>3</sup>			- <sup>3</sup>		5%	172	24	7	17
SNC Dormitory Students With Cars - Intracampus Trips	88	persons	- <sup>3</sup>			- <sup>3</sup>		10%	94	9	3	6
Off-Campus Undergraduate Students	124	persons	- <sup>3</sup>			- <sup>3</sup>		10%	221	22	7	15
SNC Utility Trips	-	-	- <sup>3</sup>			- <sup>3</sup>		0%	15	2	1	1
<b>Total Existing Uses to be Removed</b>									<b>900</b>	<b>104</b>	<b>48</b>	<b>56</b>
<b>PROJECT NET IMPACT</b>									<b>-254</b>	<b>-39</b>	<b>-7</b>	<b>-32</b>

<sup>1</sup> Based on TRPA Trip Table, TRPA, January 14, 2004, unless noted otherwise.

<sup>2</sup> Based on ITE Trip Generation, 7th Edition, ITE, 2008, unless noted otherwise.

<sup>3</sup> Based on Exhibit 6.7 (gg) of the approved Sierra Nevada College EIS (Kautman Planning & Consulting, 2003).

Source: LSC Transportation Consultants, Inc.

**TABLE 2: Incline Creek Gate Queuing Analysis For Single Queue Lane**

Source: Transportation and Traffic Engineering Handbook. For gates with independent queue lanes.

Project:	Incline Creek
Year:	Buildout
Conditions:	PM Peak Hour

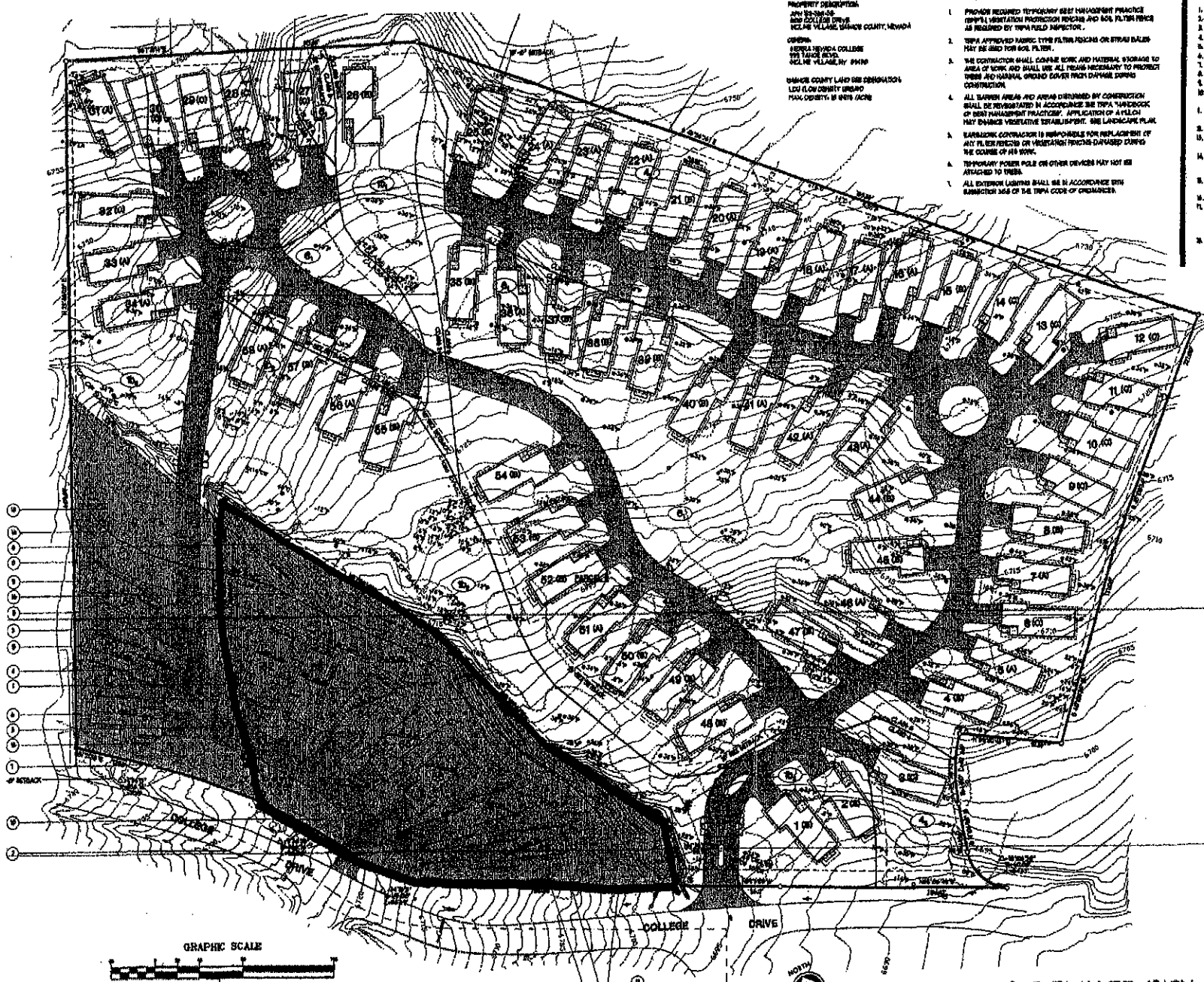
Vehicles per Hour		41 vph
Average Time Required to Service Each Vehicle	T	15 seconds
Number of Service Lanes	C	1
Average Vehicle Length		25 feet

Arrival Rate	A	0.68333 vehicles per minute per lane
Service Rate per Lane	S	4 vehicles per minute per lane
Total Service Rate		4 vehicles per minute
Utilization Factor = A/S	U	0.17083 See Note 1
Average number of vehicles in the queue (not being served)	Anq	0.0352 vehicles
Average number of vehicles in the system (queue + being served)	Ans	0.20803 vehicles
Variance in the number of vehicles in the system		0.24848
Average waiting time	Awt	0.05151 minutes or 3 seconds
Average time in system	Ast	0.30151 minutes or 18 seconds

Number of Vehicles	Queue Length	P(n)	Probability that Number of Vehicles Is Less Than N
0	0	0.82917	0.82917
1	25	0.14165	0.97082
2	50	0.02420	0.99501
3	75	0.00413	0.99915
4	100	0.00071	0.99985
5	125	0.00012	0.99998
6	150	0.00002	1.00000
7	175	0.00000	1.00000
8	200	0.00000	1.00000
9	225	0.00000	1.00000
10	250	0.00000	1.00000
11	276	0.00000	1.00000
12	300	0.00000	1.00000
13	325	0.00000	1.00000
14	350	0.00000	1.00000
15	375	0.00000	1.00000
16	400	0.00000	1.00000
17	425	0.00000	1.00000
18	450	0.00000	1.00000
19	475	0.00000	1.00000
20	500	0.00000	1.00000

Note 1: If U > 1, queue length expands indefinitely.





**SITE DATA**

PROPERTY DESCRIPTION  
 300 COLLEGE DRIVE  
 INCLINE VILLAGE, WASHOE COUNTY, NEVADA  
 OWNER  
 SERENA NEVADA COLLEGE  
 200 JACQUE DRIVE  
 INCLINE VILLAGE, NV 89306  
 WASHOE COUNTY LAND USE DESIGNATION  
 LDU (LOW DENSITY URBAN)  
 MAX. DENSITY: 10 UNITS/ACRE

**SITE NOTES**

1. PROVISION REQUIRED TEMPORARY EROSION MANAGEMENT PRACTICES (SILT TRAP, VEGETATION PROTECTION FENCING AND SOIL FILTER STRIPS) AS REQUIRED BY TFWA FIELD INSPECTOR.
2. TFWA APPROVED FABRIC TYPE FILTER FENCING OR STRAW BALES MAY BE USED FOR SOIL FILTER.
3. THE CONTRACTOR SHALL COOPERATE WITH AND MAINTAIN STORAGE TO AREA OF WORK AND SHALL USE ALL MEANS NECESSARY TO PROTECT TREES AND NATURAL GRASSLAND COVER FROM DAMAGE DURING CONSTRUCTION.
4. ALL BARREN AREAS AND AREAS DISTURBED BY CONSTRUCTION SHALL BE REVEGETATED IN ACCORDANCE WITH TFWA "HANDBOOK OF BEST MANAGEMENT PRACTICES", APPLICATION OF A PILE-ON MAY DAMAGE VEGETATIVE ESTABLISHMENT. SEE LANDSCAPE PLAN.
5. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR REPLACEMENT OF ANY PLANTS SPECIFIED OR VEGETATION PROTECT FENCING DAMAGED DURING THE COURSE OF HIS WORK.
6. TEMPORARY POWER POLES OR OTHER DEVICES MAY NOT BE ATTACHED TO TREES.
7. ALL EXTERIOR LIGHTING SHALL BE IN ACCORDANCE WITH SUBSECTION 308 OF THE TFWA CODE OF ORDINANCES.

**KEY NOTES**

1. PROPERTY LINE
2. EDGE OF PAVEMENT
3. SERENA NEVADA COLLEGE PARCEL
4. EXISTING CONTOUR LINE
5. RETRACK LINE
6. 1/8" = 1' OF DECK
7. 1/2" = 1' HIGH FENCE (WOOD OR METAL FENCE, SEE DETAIL, AND
8. SEE RETRACK LINE
9. 2" = 1' 6" RHYTHM PLYMOUTH WEEDSCAPE, TYPE OF 10
10. SEE LANDSCAPE PLANS FOR PROPOSED LANDSCAPING AND IRRIGATION
11. EXISTING TREES TO BE RETAINED, TYPICAL AS REQUIRED AT EXISTING AND OVERLAPPING
12. 1/8" = 1' OF FOUNDATION OF BUILDING
13. PLYMOUTH PLYMOUTH CONTROL BLANKING AT ALL PROPERTY LINES PER TFWA CODE, SEE DETAIL, 1/2"
14. 1/8" = 1' OF ROOF OF BUILDING PROVIDED COPIES AND PLANTING NOTES AS REQUIRED BY TFWA AT ALL CORNERS, SEE SITE IMPROVEMENT PLANS
15. PROVIDE GRAVEL UNDER DECKS IN ACCORDANCE WITH TFWA 65-40-005
16. LAND CAPABILITY DISTRICT BOUNDARY
17. PRIVATE DRIVEWAY WITH AS PAVES AND ASPHALT CURBS AND GUTTER TO CHANNELS ALLEYS AND ON-SITE STORM DRAIN INFILTRATION SYSTEMS SEE SITE IMPROVEMENT PLANS
18. TFWA PLAN REVISION AREA BROWN SHADING

**Revisions**

**Project**

**Incline  
 Creek  
 Estates**  
 (Plan Revision)

300 College Drive  
 Incline Village, Nevada

Drawn: JPS  
 Checked: JPS  
 Date: OCTOBER 16, 2008  
 Scale: 1/4" = 1'  
 Job No: INCLINE CREEK

**Sheet Contents**

WTE PLAN

**Sheet Number**

**T-2**

CP06-011

WASHOE COUNTY COMPREHENSIVE PLAN POLICY AND ACTION PROGRAMS

LAND USE AND TRANSPORTATION ELEMENT

**LUT.1.3 Encourage the intensification of land use in and around the existing developed areas to provide increased and diversified services and employment opportunities.**

PUBLIC SERVICES AND FACILITIES ELEMENT

**PSF.2.4 Ensure that a safe and effective wastewater treatment system is provided.**

PSF.2.4.1 All new projects may be required to connect to a subregional or regional wastewater treatment plant, to provide dry sewers in anticipation of being connected to such a facility, or to design the project so that the residences can be served by sewers installed in the public rights-of-way.

**PSF.2.5 Ensure future and proposed development is consistent with wastewater disposal facilities and the ability of the environment to assimilate effluent without violating applicable water quality standards.**

TAHOE AREA PLAN

**Residential**

The 2000 Census population of 9,952 in the Tahoe planning area is projected to increase to a base population of 11,300 by the year 2020.

The Tahoe planning area is unique as compared to the remainder of the County because the Incline Village portion of the planning area began as a planned community at its inception and because of the strict environmental controls that direct development. Given these and other factors, the direction of future residential growth is established. Areas currently in residential use are planned for infill, at medium to high density suburban, on lots that are developable.

**Public and Semi-Public Facilities**

Additional facilities such as utilities, schools, and fire and police protection should not be necessary to meet the needs of new population in the Tahoe planning area. To provide these services, it is likely that additional personnel will be needed. The consolidation of Washoe County offices in the planning area is desirable and should be accomplished.

Letter to:  
Subject:  
Date:  
Page: 12

**T.5.4 Minimize high traffic generating land uses in residential areas and locate them where the traffic circulation system can support the expected traffic.**

**Sanitary Sewer Service**

Sanitary sewer service in the Tahoe planning area presently is in the form of a community sewer system. The Incline Village General Improvement District performs primary and secondary treatment at the IVGID treatment plant, then the treated effluent is transported by pipeline out of the Tahoe Basin to a 900-acre wetlands enhancement project in the Carson Valley. The community sewer system was designed and built to be expandable to the extent of servicing the area at total build-out. Crystal Bay, as well as Sand Harbor, is also connected to the system.

**Schools**

The planning area is served by the Washoe County School District, which currently operates three schools: Incline Elementary, Incline Middle and Incline High School. The service standard for schools in the area requires that a school be located with a 15-minute one-way travel time for students of elementary schools, 25 minutes one-way for middle schools, and 35 minutes one-way for high schools. Based on these standards, the planning area is adequately served.

Enrollment for the 2002-03 school year at Incline Elementary School was 497 pupils with a total capacity of 708. Incline Elementary operates at available capacity. A new elementary school is under construction and is scheduled to open in 2004.



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, AICP, Community Development Director



ITEM:   2  

RECOMMENDATION: COMMENT/DISCUSSION

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF SUMMARY**

**To:** Washoe County Planning Commission

**Re:** Review of Draft Truckee Meadows Low Impact Development Handbook, Guidance on LID Practices for New Development and Redevelopment – Review and discussion of the draft handbook.

**Date:** July 11, 2006

**Prepared By:** Patti Bakker, Planner  
Ph. 328-3668

**GENERAL INFORMATION SUMMARY**

**Applicant:** Washoe County

**Requested Action:** Receive presentation on the draft Handbook and LID concepts and principles, and conduct discussion of the topic as it pertains to the responsibilities of this board, and questions or clarifications needed for Planning Commissioners.

**BACKGROUND**

Low impact development (LID) is a set of concepts and practices, incorporated into project design and implemented during construction, intended to more closely mimic the natural hydrologic function of areas being developed, thereby reducing the amount of runoff and thus pollution.

Conventional storm drain systems and construction practices that have been prevalent for the last 50 years have resulted in increased runoff into the storm drain systems (requiring larger systems) and more pollution of water sources. One of the reasons that traditional storm drain systems have these effects is the amount of connectivity of impervious surfaces (i.e. rooftops to driveways to sidewalks to streets).

This dynamic does not allow for the absorption of water and sends most of the storm water generated on a site straight into the storm drain system. This runoff carries with it pollutants such as fertilizer from lawns and petroleum products from driveways and

Memo to: Washoe County Planning Commission  
Subject: Draft Truckee Meadows Low Impact Development Handbook  
Date: 7/11/06  
Page: 2

streets. The U.S. EPA considers storm water runoff to be the most common cause of water pollution in the U.S.

Traditionally, storm water mitigation has focused on water volume, not water quality. Smaller, more frequent storms generally transport the greatest load of pollutants to local water bodies because the majority of pollutants are typically carried in the “first flush” portion of a storm event. The problem of storm water pollution is therefore exacerbated because there is not time or mechanism for the pollutants in that first flush to be filtered.

Key features of LID:

- Disconnection of impervious surfaces
- Retention and filtration of urban runoff by vegetation, amended soils and organic matter
- Evaporation and evapotranspiration by vegetation
- Biodegradation of pollutants by soil bacteria (leading to cleaner water entering the system)
- Infiltration and groundwater recharge

National Pollution Discharge Elimination System (NPDES) Permits are issued to Reno, Sparks and Washoe County jointly by Nevada Department of Environmental Protection.(NDEP). The need for these Permits is driven by federal requirements such as the Clean Water Act. The Permits require the entities to control pollutants in storm water discharges to the Maximum Extent Practicable (MEP) and to reduce pollutants to a level compatible with the beneficial uses designated for receiving waters such as the Truckee River. The Storm Water Permit Coordinating Committee was formed with representatives from each of the permittees to work on the fulfillment of the Permit requirements.

The Permits require implementation of a Regional Storm Water Quality Management Program (RSWQMP). The Program for the Truckee Meadows was developed by Kennedy-Jenks in 2000, and adopted by the three jurisdictions in 2001. The Land Use Planning element of this program calls for the development of planning policies and procedures that will effectively require the implementation and long-term maintenance of structural controls and LID practices for storm water quality improvement in new development and redevelopment projects. Each entity is responsible for their own ordinances, plan review, inspection and maintenance of structural controls and LID practices within their jurisdiction.

<b>REVIEW/ANALYSIS</b>
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The development of the draft Truckee Meadows LID Handbook by the Storm Water Permit Coordinating Committee fulfills another of the Permit requirements. It was developed to assist with the selection and design of features and practices that fulfill that function of mimicking natural hydrologic function. The entire Handbook is not included in this packet due to the large size of the document. It can be accessed from the storm water committee’s website at [www.tmstormwater.com](http://www.tmstormwater.com). This is the home page for the

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Truckee Meadows Regional Storm Water Quality Program; follow the link for the Land Use Development page to access the Handbook. The document includes the following information:

- Local policies and procedures for implementing structural controls and LID practices, involving all parts of the development process from plan review and permitting to maintenance and enforcement.
- Fact sheets for LID practices, such as vegetated swales, bioretention, and permeable pavements. The fact sheets provide general description of the practices, design and maintenance considerations, limitations, and examples in the Truckee Meadows and other communities.
- Maps of National Resource Conservation Service (NRCS) Soil Classifications in the Truckee Meadows to assist in preliminary assessment of soil infiltration properties, which affect the type of system needed for a given site.
- Maps of stream buffer zones and natural groundwater recharge areas to assist planners and developers in assessing areas to be protected from development.
- List of existing policies, codes and ordinances for each entity that support LID principles, and also those that conflict with them.
- A copy of Article 418 of the Washoe County Development Code, Significant Hydrologic Resources.
- Chapter 1, Regional Water Planning Policies and Criteria, of the 2004-2005 Washoe County Comprehensive Regional Water Management Plan.

This LID Handbook is the third in a series of guidance documents that are needed as part of the RSWQMP:

- Construction Site Best Management Practices Handbook (2003)
- Structural Controls Design Manual (2004)
- LID Handbook (2006)
- Industrial Best Management Practices Handbook – being developed
- Watershed Protection Manual – being developed

The LID Handbook is intended to complement the second of these documents, the Structural Controls Design Manual. The Structural Controls Design Manual includes specific information on structural controls and LID practices, such as the siting, design and operation of the different options. The LID Handbook offers guidance for development (new and redevelopment) to incorporate these practices that reduce runoff, increase groundwater recharge, and improve water quality.

The next step in fulfilling the requirements of the storm water permit is for the entities to set policy to achieve the storm water quality goals within their jurisdictions. Washoe County will incorporate policies into the Conservation Element to address storm water issues not already covered in other plans, such as the Regional Water Management Plan and the Public Services and Utilities Element of the Comprehensive Plan. Staff is in the

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process of analyzing what those deficiencies are and what policies are needed. A subcommittee of the Storm Water Permit Coordinating Committee will also be creating a regional storm water ordinance later this year.

<b>RECOMMENDATION/FINDINGS</b>
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No action is anticipated for this item, so no motion is necessary or suggested.

Cc: Adrian P. Freund, AICP, Community Development Director; Sharon Kvas, AICP, Planning Manager, Current Planning Program; Bob Webb, AICP, Planning Manager, Community Resources Program; Mike Harper, FAICP, Planning Manager, Advanced Planning Program; Citizen Advisory Board (CAB) chairs.



# Community Development

*"Dedicated to Excellence in Public Service"*  
 Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 3

Staff Recommendation: **NO ACTION**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
 STAFF REPORT**

**To:** Washoe County Planning Commission

**Re:** Comprehensive Plan Amendment CP04-015  
 (Comprehensive Plan, Land Use and Transportation Element)

**Date:** July 11, 2006

**Prepared By:** Don Morehouse, Planner

**APPLICATION SUMMARY**

**Purpose of the Agenda Item:** To summarize the feedback to date and discuss the next steps in the update of the Washoe County Comprehensive Plan that constitutes replacing the existing Land Use and Transportation Element (LUTE) with a new LUTE that facilitates suburban and rural development utilizing a character-based planning approach within the unincorporated portion of the county.

**Background**

The Land Use Transportation Element (LUTE) of the Washoe County Comprehensive Plan is intended to guide the location and use of the area's land resources. The LUTE attempts to ensure that growth occurs in a responsible/sustainable fashion and in conjunction with transportation infrastructure requirements. The revised LUTE will meet the needs of current and future growth by focusing on issues specific to each of the unincorporated Washoe County planning areas.

The updated LUTE describes a character-based planning concept that provides a customized development plan for each of the unincorporated County planning areas. Goals, policies, and action items are directed at corresponding suburban and rural long-range planning issues and development impacts to provide for the most sustainable future land use and transportation development patterns. The plan will respond to unincorporated residents desire to manage future development in a fashion that preserves certain unique traits of existing character while providing opportunities to strengthen sense of community, improve transportation, and enhance the enjoyment of natural, recreational, and historical resources.

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Re: CP04-015: Amendment to Comprehensive Plan  
Land Use and Transportation Element (LUTE)  
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Some noteworthy format and policy components of the LUTE include:

- Extensive bike/pedestrian infrastructure plans as well as the appropriate transportation support services (transit) for each of the character-based planning areas.
- Relevant images in conjunction with text to create a more easily understandable document that can be utilized by the development community and general public.
- In more than a few areas, the LUTE has borrowed from the excellent policy initiatives presented through the area plan update process and has applied those initiatives on a more County-wide basis.

Over the past several weeks, County staff has received constructive comments from interested citizens, committees, and boards. The LUTE revision was discussed at length at two Development Services Advisory Committee (DSAC) meetings to receive guidance and feedback from the development community. Two Citizen Advisory Board (CAB) workshops were held to gather as many comments as possible to ensure a LUTE that is responsive to the needs of Washoe County residents. County staff has been working diligently to make changes to reflect feedback while still moving in the direction of a Land Use and Transportation Element that ensures growth in the most responsible/sustainable fashion. These changes are reviewed within the attached presentation.

The following Community Development Department staff have contributed significantly to the amended LUTE: Don Morehouse, Planner; Jan See, AICP, Planner (formerly with the department); Nick Exline, Public Service Intern; and Jon Pheanis, Public Service Intern (formerly with the department).

<b>RECOMMENDATION</b>
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**RECOMMENDATION BY STAFF: NO ACTION**

This agenda item is intended for informational purposes only. No action is required at this time. However, comments from the Commission are encouraged and appreciated.

**APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.820

**ATTACHMENTS**

Encl.: Amended Land Use Transportation Element Revised Presentation

xc: Members of the Citizen Advisory Boards; Members of the Development Services Advisory Committee; Derek Morse, Deputy Executive Director, Regional Transportation Commission of Washoe County

Applicant: Washoe County

# Comprehensive Plan Amendment CP04-015 (Comprehensive Plan, Land Use and Transportation Element)

- ⇒ Requested Action: To summarize the feedback to date and discuss the next steps in the update of the Washoe County Comprehensive Plan that constitutes replacing the existing Land Use and Transportation Element (LUTE) with a new LUTE that facilitates suburban and rural development utilizing a character-based planning approach within the unincorporated portion of the County.

# Overview

- ⇒ The proposed amendment will support Washoe County's planning efforts by directing and promoting a desired pattern for orderly, physical growth within the County
- ⇒ The amended LUTE will guide the development of our future land use and transportation infrastructure
- ⇒ Funding requests to State and Federal agencies will be supported

# Introduction

- ⇒ The LUTE will attempt to ensure that growth occurs in a responsible fashion and in conjunction with sustainable land use and transportation infrastructure requirements specific to each of the suburban and rural character-based areas
- ⇒ The LUTE is intended to function as an overarching policy document for the entire unincorporated portion of Washoe County as well as a commitment of compliance with the adopted Regional Plan

# Land Use

- ➔ Development patterns in the unincorporated County provide an alternative to the higher intensity land use pattern found in the city
- ➔ Washoe County should require that all future development should adhere to smart, sustainable growth practices
- ➔ An incentive program should be developed to assist the development community with new marketing strategies
- ➔ Natural resources in Washoe County are highly valued and there should be an effort to create interconnected open space and trail access for the entire community to use and enjoy
- ➔ Communities and neighborhoods should be designed with green development techniques

# Sustainable Mixed Use Development Example



# Sustainable Mixed Use Development Example



# Transportation

- ⇒ The transportation section of the LUTE encourages connectivity within the road network where it does not exist while requiring connectivity with all new roads
- ⇒ A bike system should be established along certain roadways to allow individuals an opportunity to exit their automobile and utilize the bicycle network for their various daily trips
- ⇒ The County should begin to acquire right-of-way easements that can be dedicated for future public transit lanes, carpool lanes, and road expansion to accommodate the above two opportunities
- ⇒ Within the more suburban areas, streets should be narrowed and traffic calming devices should be implemented to slow traffic in order to create a more pedestrian friendly streetscape
- ⇒ The County should use discretion when allowing drive-through facilities and automobile sale lots and limit the amount of other auto-related business such as (but not limited to) retail, service and/or repair of automobiles to foster more walkable environments

# Class I and II Bike Routes



# Curti Ranch II Development



# Feedback

- ⇒ We would like to receive constructive comments and criticism in order to make changes for further Planning Commission discussion and possible approval on August 15, 2006



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, AICP, Community Development Director



February 9, 2006

**TO:** Members of the Washoe County Planning Commission

**FROM:** Michael A. Harper, FAICP, Planning Manager

*Ph: 775-328-3604*

*Fax: 775-328-6133*

*E-mail: [mharper@washoecounty.us](mailto:mharper@washoecounty.us)*

**SUBJECT:** State Ethics Code Workshop

In consultation with your counsel, Blaine Cartledge, Esq., staff has scheduled a workshop on sections of Nevada Revised Statutes that your counsel believes are germane to the Planning Commission. Specifically, NRS Chapter 281, sections 481 and 501 are included as attachments. Chapter 281 is part of NRS Title 23, Public Officers and Employees. Section 481 is "General requirements; exceptions" under the Code of Ethical Standards. Section 501 is "Additional standards: Voting by public officers; disclosures required of public officers and employees; effect of abstention from voting on quorum; Legislators authorized to file written disclosure"; also under the Code of Ethical Standards.

Staff recognizes that if the hour is late on February 21, 2006 when this agenda item is ready for discussion by the Planning Commission, the Planning Commission may want to continue the matter to a future meeting. Nevertheless, staff wanted to provide you with these portions of the NRS in order that you may, at a minimum, want to ask questions at the 21<sup>st</sup> meeting.

MAH (state ethics code workshop pc 2.21.06)

Enclosures

cc: Michelle Poché, Assistant County Manager

To: Planning Commission Meeting  
Re: State Ethics Code Workshop  
Date: March 21, 2006

**NRS 281.481 General requirements; exceptions.** A code of ethical standards is hereby established to govern the conduct of public officers and employees:

1. A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

2. A public officer or employee shall not use his position in government to secure or grant unwarranted privileges, preferences, exemptions or advantages for himself, any business entity in which he has a significant pecuniary interest, or any person to whom he has a commitment in a private capacity to the interests of that person. As used in this subsection:

(a) "Commitment in a private capacity to the interests of that person" has the meaning ascribed to "commitment in a private capacity to the interests of others" in subsection 8 of NRS 281.501.

(b) "Unwarranted" means without justification or adequate reason.

3. A public officer or employee shall not participate as an agent of government in the negotiation or execution of a contract between the government and any private business in which he has a significant pecuniary interest.

4. A public officer or employee shall not accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his duties as a public officer or employee.

5. If a public officer or employee acquires, through his public duties or relationships, any information which by law or practice is not at the time available to people generally, he shall not use the information to further the pecuniary interests of himself or any other person or business entity.

6. A public officer or employee shall not suppress any governmental report or other document because it might tend to affect unfavorably his pecuniary interests.

7. A public officer or employee, other than a member of the Legislature, shall not use governmental time, property, equipment or other facility to benefit his personal or financial interest. This subsection does not prohibit:

(a) A limited use of governmental property, equipment or other facility for personal purposes if:

(1) The public officer who is responsible for and has authority to authorize the use of such property, equipment or other facility has established a policy allowing the use or the use is necessary as a result of emergency circumstances;

(2) The use does not interfere with the performance of his public duties;

(3) The cost or value related to the use is nominal; and

(4) The use does not create the appearance of impropriety;

(b) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(c) The use of telephones or other means of communication if there is not a special charge for that use.

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If a governmental agency incurs a cost as a result of a use that is authorized pursuant to this subsection or would ordinarily charge a member of the general public for the use, the public officer or employee shall promptly reimburse the cost or pay the charge to the governmental agency.

8. A member of the Legislature shall not:

(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person. This paragraph does not prohibit:

(1) A limited use of state property and resources for personal purposes if:

(I) The use does not interfere with the performance of his public duties;

(II) The cost or value related to the use is nominal; and

(III) The use does not create the appearance of impropriety;

(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or

(3) The use of telephones or other means of communication if there is not a special charge for that use.

(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:

(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the Legislator or legislative employee to perform his official duties; or

(2) Where such service has otherwise been established as legislative policy.

9. A public officer or employee shall not attempt to benefit his personal or financial interest through the influence of a subordinate.

10. A public officer or employee shall not seek other employment or contracts through the use of his official position.

(Added to NRS by 1977, 1105; A 1987, 2094; 1991, 1595; 1993, 2243; 1997, 3324; [1999, 2736](#); [2003, 3388](#))

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**NRS 281.501 Additional standards: Voting by public officers; disclosures required of public officers and employees; effect of abstention from voting on quorum; Legislators authorized to file written disclosure.**

1. Except as otherwise provided in subsection 2, 3 or 4, a public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

2. Except as otherwise provided in subsection 3, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

- (a) His acceptance of a gift or loan;
- (b) His pecuniary interest; or
- (c) His commitment in a private capacity to the interests of others.

It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest or his commitment in a private capacity to the interests of others where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed in a private capacity is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the pecuniary interest or commitment in a private capacity to the interests of others.

3. In a county whose population is 400,000 or more, a member of a county or city planning commission shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by:

- (a) His acceptance of a gift or loan;
- (b) His direct pecuniary interest; or
- (c) His commitment to a member of his household or a person who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity.

It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his direct pecuniary interest or his commitment described in paragraph (c) where the resulting benefit or detriment accruing to him or to the other persons whose interests to which the member is committed is not greater than that accruing to any other member of the general business, profession, occupation or group. The presumption set forth in this subsection does not affect the applicability of the requirements set forth in subsection 4 relating to the disclosure of the direct pecuniary interest or commitment.

4. A public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon any matter:

- (a) Regarding which he has accepted a gift or loan;
- (b) Which would reasonably be affected by his commitment in a private capacity to the interest of others; or

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(c) In which he has a pecuniary interest,

without disclosing sufficient information concerning the gift, loan, commitment or interest to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the person to whom he has a commitment, or upon his interest. Except as otherwise provided in subsection 6, such a disclosure must be made at the time the matter is considered. If the officer or employee is a member of a body which makes decisions, he shall make the disclosure in public to the Chairman and other members of the body. If the officer or employee is not a member of such a body and holds an appointive office, he shall make the disclosure to the supervisory head of his organization or, if he holds an elective office, to the general public in the area from which he is elected. This subsection does not require a public officer to disclose any campaign contributions that the public officer reported pursuant to [NRS 294A.120](#) or [294A.125](#) in a timely manner.

5. Except as otherwise provided in [NRS 241.0355](#), if a public officer declares to the body or committee in which the vote is to be taken that he will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. After a member of the Legislature makes a disclosure pursuant to subsection 4, he may file with the Director of the Legislative Counsel Bureau a written statement of his disclosure. The written statement must designate the matter to which the disclosure applies. After a Legislator files a written statement pursuant to this subsection, he is not required to disclose orally his interest when the matter is further considered by the Legislature or any committee thereof. A written statement of disclosure is a public record and must be made available for inspection by the public during the regular office hours of the Legislative Counsel Bureau.

7. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of the legislative branch from requesting or introducing a legislative measure; or

(b) Require a member of the legislative branch to take any particular action before or while requesting or introducing a legislative measure.

8. As used in this section, "commitment in a private capacity to the interests of others" means a commitment to a person:

(a) Who is a member of his household;

(b) Who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity;

(c) Who employs him or a member of his household;

(d) With whom he has a substantial and continuing business relationship; or

(e) Any other commitment or relationship that is substantially similar to a commitment or relationship described in this subsection.

(Added to NRS by 1977, 1106; A 1987, 2095; 1991, 1597; 1995, 1083; 1997, 3326; [1999, 2738](#); [2003, 818](#), [1735](#), [3389](#))