



Community Development

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Adrian P. Freund, FAICP, Community Development Director
Nathan Edwards, Legal Counsel



Washoe County Planning Commission

Dian A. VanderWell, Chair
Neal Cobb, Vice Chair
Roger M. Edwards

Vaughn Hartung
Roy H. Hibdon
William Weber
D.J. Whittemore

WASHOE COUNTY PLANNING COMMISSION MINUTES

December 1, 2009

The Washoe County Planning Commission met in regular session on Tuesday, December 1, 2009, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

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

Commissioners present: Dian A. VanderWell, Chair
Neal Cobb
Roger M. Edwards
Vaughn Hartung
Roy Hibdon (via phone)
William Weber
D.J. Whittemore

Commissioners absent: None

Staff present: Kimberly H. Robinson, Planning Manager, Community Development
Trevor Lloyd, Senior Planner, Community Development
Grace Sannazzaro, Planner, Community Development
Nathan Edwards, Esq., Deputy District Attorney
Sara DeLozier, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Commissioner Cobb led the pledge to the flag.

Commissioner Hibdon acknowledged that he was aware he was being recorded as part of the Planning Commission meeting for Tuesday, December 1, 2009.

APPROVAL OF AGENDA

It was suggested the Agenda Item Two be continued to the January Planning Commission agenda. In accordance with the Open Meeting Law, Commissioner Edwards moved to approve the amended agenda for the December 1, 2009 meeting. Commissioner Hartung seconded the motion, which passed unanimously.

APPEAL LANGUAGE

Ms. Robinson recited the appeal procedure for items heard before the Planning Commission.

APPROVAL OF MINUTES

Commissioner Hartung moved to approve the minutes for the November 3, 2009 Planning Commission meeting as written. Commissioner Weber seconded the motion which carried by a vote of six to zero, Commissioner Hibdon abstaining.

PUBLIC COMMENT

As there was no answer to the call for public comment, Chair VanderWell closed the public comment period.

PRESENTATION: ETHICS LAW PRESENTATION/TRAINING (NEVADA STATE ETHICS COMMISSION)

Caren Jenkins, Esq., provided a presentation to the Planning Commission reviewing the role and services of the Ethics Commission and the guidelines which the Commissioners should be mindful of.

CONSENT ITEMS

ITEMS A & B

RESOLUTION FOR ACCEPTING STREETS – POSSIBLE ADOPTION OF RESOLUTION ACCEPTING AS A PUBLIC STREET CERTAIN PROPERTY KNOWN AS COUNCIL LANE TURNAROUND, LEGACY FARMS TRACT MAP #4464, ALSO SHOWN ON PARCEL MAP #4914 (FLYING DIAMOND RANCH LLC), LOCATED WITHIN A PORTION OF SECTION 12, TOWNSHIP 18 NORTH, RANGE 19 EAST, TRACT MAP NO. 44464, DOCUMENT 3194148, RECORDED APRIL 5, 2005.

RESOLUTION FOR ACCEPTING STREETS – POSSIBLE ADOPTION OF RESOLUTION ACCEPTING AS A PUBLIC STREET CERTAIN PROPERTY KNOWN AS SUN MESA, PHASE 2 TRACT MAP #4780, SECTION 20, TOWNSHIP 20N, RANGE 20E, DOCUMENT 3533088, RECORDED MAY 16, 2007.

The floor was opened to allow public testimony on Consent Items A and B, to which there was no response.

Commissioner Weber moved to approve Consent Item A and Consent Item B. Commissioner Cobb seconded the motion which carried unanimously.

ITEM ONE

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT CASE NUMBER CP09-006 (VILLAGE AT THE PEAK) – To consider amending the Spanish Springs Area Plan being a part of the Washoe County Comprehensive Plan. The amendment request consists of two parts, A & B:

Part A: To amend Policy 17.2 (c) of the Spanish Springs Area Plan to increase the overall percentage of commercial and industrial regulatory zone acreage from 9.10% to 9.86% of the Suburban Character Management Area; and

Part B: To re-designate three parcels totaling ±109.63 acres from the land use categories of General Rural (GR) and Low Density Suburban (LDS) to Industrial (I), Neighborhood Commercial (NC), Medium Density Suburban (MDS) and Open Space (OS). The changes proposed would affect the Spanish Springs Area Plan and would include a revised map series with an updated parcel base.

The subject property is located east of the Pyramid Highway (SR 445) and Campo Rico Drive, and is adjacent to Calle de la Plata to the north. The subject property is within the Truckee Meadows Service Area (TMSA) and City of Sparks Area of Interest as identified on Map 7 of the 2007 Truckee Meadows Regional Plan. The subject property is located within Sections 23 and 24, T21N, R20E, MDM, Washoe County, Nevada and is within the Spanish Springs Suburban Character Management Area, the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District 4. (APNs: 534-562-07; 535-571-01 and 02)

Chair VanderWell opened the public hearing and asked members of the Commission to provide any disclosures.

Commissioner Edwards indicated he had received phone calls from the applicant's representative.

Commissioner Whittemore indicated he had met with the applicant's representative, Garrett Gordon, Esq., Lewis and Roca, LLP. He further disclosed that Mr. Gordon served as counsel for his family's business activities. In response to questions of Deputy District Attorney Edwards, Commissioner Whittemore indicated he was currently and directly represented by Mr. Gordon through his family's business interests. Accepting this disclosure, Deputy District Attorney Edwards indicated it was ultimately Commissioner Whittemore's decision on whether or not to abstain but to consider whether or not he had accepted a gift or loan, had a pecuniary interest or had a commitment in a private capacity that would materially affect the judgment of a reasonable person in making a decision on this item; and whether or not the benefit or detriment to him be any greater than the general population as a whole. Deputy District Attorney Edwards recommended that Commissioner Whittemore abstain and provided clarification on the related quorum reduction.

Commissioner Whittemore stated he did not believe an abstention was necessary given that he would not be impacted any more or less by the success or failure of one of Mr. Gordon's projects.

Commissioner Cobb stated he had spoke with Mr. Gordon on phone indicating he was comfortable with the completeness of staff report and that he had made an site visit but not met with applicant.

Commissioner Weber stated he had met with applicant and his representative and had conducted site visit.

Commissioner Hartung indicated he had spoke with applicant's counsel on phone and had been in attendance at the Spanish Springs Citizen Advisory Board meetings for which this request had been an item on the agenda.

Commissioner Hibdon indicated he had abstained from voting on the November 3, 2009 minutes as he was not in attendance at that meeting. He further indicated he had had a business relationship with the applicant whereby he sold the applicant water rights. Due to this, Commissioner Hibdon recused himself from further participating in or voting on Item One of this agenda.

Chair VanderWell indicated she had met with the applicant and the applicant's representatives and had been in attendance at the neighborhood meeting with the Spanish Springs Citizen Advisory Board.

Deputy District Attorney Edwards asked, in regard to the disclosures made, if any of the Commissioners still intending to participate felt he or she could not be impartial in hearing this item. All remaining Commissioners indicated an ability to hear and act on the item in an impartial manner.

After disclosures, Commissioner Hibdon's phone call was disconnected and he did not participate further with Item Number One; He resumed his participation after Item One was completed.

Grace Sannazzaro reviewed her staff report dated November 16, 2009, which reviewed the applicant's request to amend Spanish Springs Area Plan Policy 17.2(c) to increase the overall percentage of commercial and industrial regulatory zone acreage from 9.10 percent to 9.86 percent of the Suburban Character Management Area and to redesignate three parcels totaling ±109.63 acres from the land use categories of General Rural (GR) and Low Density Suburban (LDS) to Industrial (I), Neighborhood Commercial (NC), Medium Density Suburban (MDS) and Open Space (OS).

In 2008, the applicant had initially submitted an application requesting High Density Suburban and Low Density Urban residential zoning. Staff advised that that request did not support Vision and Character Statement of the planning area's Area Plan. The request before the Commission now reflects a new, 2009 application which does not include those higher density residential designation requests. The item had been heard and discussed by the Spanish Springs Citizen Advisory Board at their meetings of September 9, 2009, and November 10, 2009. The Citizen Advisory Board has recommended approval of this amendment. Concerns raised at the meetings were to do with getting a traffic signal at the intersection of Calle de la Plata and Pyramid Highway, commercial and industrial land uses on the east side of Pyramid Highway, and increased densities. Ms. Sannazzaro indicated the intersection of Calle de la Plata and Pyramid Highway is identified for signalization once the warrants have been met, and that the subject site is located within the Suburban Character Management Area which is a designated growth area. An oppositional petition referencing High Density Suburban and Low Density Urban designations, which are not being proposed with this request, had been submitted at the September CAB meeting. The applicant's representatives have been working with the neighbor's to address their concerns. Ms. Sannazzaro reviewed the agency comments received by staff.

Ralph H. Theiss, 262 Echaniz Court, indicated he had spearheaded the petition effort in opposition to the higher densities and have since worked with the applicant and his representatives to reach compromises on issues of concern. He stated he was now in agreement with the proposed amendment based on a letter of agreement had been drafted. He was looking with for countersignature on the agreement from the applicant to provide assurance that those compromises will be maintained.

Ken Theiss, 177 Echaniz Court, spoke to the letter of agreement noting not all neighbors had signed the agreement and voiced considerable concern with any potential heliport/helipad being placed on the applicant's property.

Melissa Lindell, AICP, Wood Rodgers, Inc., representing the applicant, spoke to the conformance of the proposed amendment with the Spanish Springs Area Plan. After hearing the community concerns at the CAB meeting, a separate community meeting was held to address those concerns. Ten of the more than 75 people noticed were in attendance at which there were discussions of the land use compatibility to the east and the timing of a traffic signal at the intersection of Calle de la Plata and Pyramid Highway. Compromises were reached through buffering and the addition of trees in the open space areas and limited heights; issues with use types were addressed leaving a couple of concerns remaining to be further worked out. At the second CAB meeting, the CAB acknowledged the compromises reached with the neighbors, and that signalization of the subject intersection is to the discretion of the Nevada Department of Transportation.

Garrett Gordon, Esq., Lewis and Roca, representing the applicant, expressed gratitude for the hospitality and the willingness of the Theiss family to meet to reach resolution of concerns. He indicated the agreement mentioned by Mr. Ralph Theiss had been signed by Mr. House, manager of Sugarloaf Peak, LLC, the parcel farthest east. The agreement provided for the following: the addition of a 2-3 foot burm and the planting of 30 evergreen trees between the Sugarloaf Peak parcel and the Theiss parcels (in addition to the mandated 50 foot open space buffer); an additional 70 foot setback; no illuminated signs will face east; a reduction in maximum building height from 35 feet to 28 feet; and prohibitive of the following uses on the property: pet cemetery, automobile and equipment repair, airport/heliport/helipad, full-service recycle center, remote collection facility, and residential hazardous substance recycle center.

Mr. Gordon indicated there was no immediate intent to construct a heliport but could see in 20-30 years the potential should a hospital be located there. Negotiations with the Theiss family continue as to the prohibitive use types for the remaining two subject parcels.

Dan Herman, 11275 Campo Rico Lane, voiced concern that all of the Commissioners had had conversations with the applicant and asked that council inquire as to any quorum issues. Should this amendment be adopted, his property would be surrounded by neighborhood commercial and industrial uses and he indicated an expectation that due to this should he bring an application forward to change his land use designation, it too would be approved. He was unaware of any intention for a heliport but would not be in favor of that use on the subject parcels. The cap should be done away with. He stated general support for the amendment but indicated he would bring forth his concerns with the development at the time that is brought before the Commission.

Chair VanderWell closed the public hearing.

Commissioner Whittemore indicated he and two other Commissioners had met with the applicant at the same time. Deputy District Attorney Edwards indicated a quorum of the seven member Commission would be four and that he had not heard anything during disclosures that would indicate the Commissioners had communicated with one another in a manner that had crossed the quorum threshold. He added there was no prohibition on Commission members meeting with an applicant.

Commissioner Edwards asked that the signed agreement be provided to the Theisses.

Commissioner Cobb asked if the trees would be placed on top of the burm for additional height; Ms. Lindell stated their intent to work with the Theiss family members to determine the location.

Commissioner Weber stated support for the amendment and the need for a house-jobs balance in the Spanish Springs area.

Commissioner Hartung spoke to the past disinclination toward development of the east side of Pyramid Highway but acknowledged that a landowner has an indelible right to develop his property. He stated support for placement of a traffic signal at the intersection at some point and for the removal of the cap. He applauded the applicant for the amount of time taken to hear and work toward mitigation of the community concerns.

Chair VanderWell and Commissioner Cobb commended the applicant and the community members who worked together to reach resolution.

Commissioner Whittemore suggested that development of these parcels may increase the east-west traffic to the point necessary to meet the warrants for a traffic signal.

Commissioner Cobb moved to adopt Comprehensive Plan Amendment Case Number CP09-006. Commissioner Weber seconded the motion which carried by a vote of six to zero (Commissioner Hibdon having recused himself from the item).

[A recess was called at 7:55 p.m. to allow for Commissioner Hibdon's resumed participation via phone. The meeting reconvened at 8:01 p.m.]

ITEM TWO

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NUMBER DCA09-002 – To amend Washoe County Code Chapter 110, Development Code, Article 302, and Article 304: Table 302.05.1 to allow attached accessory dwellings in the General Rural regulatory zone; Table 302.05.3 to require special use permits instead of administrative permits to approve commercial stables in the Low, Medium and High Density Rural, Tourist Commercial, Parks and Recreation, and General Rural regulatory zones; Table 302.05.3 and Section 304.25 to create a new use for senior continuum of care facilities; Table 302.05.5 to allow Agricultural Sales subject to a special use permit in the Medium and High Density Rural and the Low Density Suburban regulatory zones; Section 304.35(c) to add "aquaculture" to the definition of "Animal Production"; Section 304.25(d)(5) and 304.30(d)(3) and 304.30(f) to add storage of manufactured homes to the typical uses of "Equipment Repair and Sales," "General Industrial – Heavy" and "Inoperable Vehicle Storage"; Section 304.20(k) to add "private not for profit" ownership to the definition of "Parks and Recreation" use type; Section 304.05(c) to include a reference to the North American Industry Classification System when a use type is not clearly identified in Code; Section 304.25(d)(7) to remove "car and truck rental lots" from the typical uses specified for Automotive and Equipment, Storage of Operable Vehicles" use type; Section 304.25 to require all permanent commercial uses to construct a commercial structure; Table 302.05.5 and Section 304.35 to create a new use type Commercial Animal Slaughtering, Mobile; and Section 304.25 to allow small scale Produce Sales, for a maximum duration of 28 days in any one calendar year in all regulatory zones; Table 302.05.3 to change Public Service Yards from a special use permit reviewed by the Planning Commission to one reviewed by the Board of Adjustment; Table 302.05.5 to change Commercial

Animal Slaughtering from a special use permit reviewed by the Planning Commission to one reviewed by the Board of Adjustment.

At *Approval of Agenda*, this item was continued to the January 5, 2010 Planning Commission agenda.

ITEM THREE

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NO. DCA09-003 – To amend Washoe County Code Chapter 110, Development Code, Article 324, Communications Facilities. The amendments includes the modification of Section 324.60(b), Administrative Review of Application, to eliminate the requirement for Community Development to retain a technical expert to perform a technical review on requests for a permit for a facility under Section 110.324.45, 110.324.50, 110.324.55 or other technical review requirement; and the elimination of Section 324.60(c), Public Notice Required, to remove the public noticing requirement for building permits for wireless communication facilities. These amendments are being proposed for the purposes of streamlining the building permit processes for wireless communications facilities.

Chair VanderWell opened the public hearing.

Trevor Lloyd reviewed his staff report dated November 18, 2009, proposing changes to Washoe County Development Code, Chapter 110, Article 324, Communication Facilities. This item was presented at an all Citizen Advisory Board Open House September 29, 2009, at which neither comments of support or opposition were provided to staff.

There was no response to the call for public testimony; Chair VanderWell closed the public hearing.

In response to Commissioner Cobb, Mr. Lloyd affirmed that this amendment does not alter the process for those facilities requiring a special use permit.

Commissioner Hibdon moved to recommend approval of Development Code Amendment Case Number DCA09-003 to the Board of County Commissioners. Commissioner Weber seconded the motion which carried unanimously.

CHAIR AND COMMISSION ITEMS

a. Report on Previous Planning Commission Items

Ms. Robinson indicated the Tracy Aggregate Pit and the Conservation Element were scheduled to be heard by the Regional Planning Commission on December 9, 2009. The Forest Area Plan update was appealed to the Regional Planning Governing Board with a hearing date still to be determined.

b. Legal Information and Updates.

Deputy District Attorney Nathan Edwards, Esq., did not have any updates for the Commissioners.

c. Approval of Meeting Dates for the Months of February and March 2010

The Commission Chambers will not be available to host the February and March 2010 Planning Commission meetings. Commissioners were asked to select new meeting dates according to the availability of the District Health Department's conference room. Commissioners agreed on Wednesday, February 3, 2010, and Wednesday, March 3, 2010.

Commissioner Edwards requested an update on the status of the commercial/industrial cap in the Spanish Springs Area Plan.

Chair VanderWell thanked Deputy District Attorney Edwards for scheduling the Ethics Presentation.

Commissioner Hibdon confirmed that he was not on the phone line for the hearing and consideration of Agenda Item One, Comprehensive Plan Amendment Case Number CP09-006 (Village at the Peak).

DIRECTOR'S ITEMS

Commissioners were invited to attend the Community Development holiday potluck.

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Sara DeLozier, Recording Secretary

Approved by Commission in session on January 5, 2010.

Adrian P. Freund, FAICP
Secretary to the Planning Commission