



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

June 1, 2010

The Washoe County Planning Commission met in regular session on Tuesday, June 1, 2010, 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
William Weber
D.J. Whittemore

Commissioners absent: None

Staff present: Kimberly Robinson, Planning Manager, Community Development
Roger Pelham, 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 Edwards led the pledge to the flag.

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Commissioner Hartung moved to approve the agenda as written for the June 1, 2010 meeting. Commissioner Weber seconded the motion, which carried unanimously.

Chair VanderWell provided the ethics procedure for disclosures.

APPEAL LANGUAGE

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

APPROVAL OF MINUTES

Commissioner Hibdon moved to approve the minutes for the April 6, 2010 Planning Commission meeting as written. Commissioner Weber seconded the motion which carried unanimously.

Commissioner Hibdon moved to approve the minutes for the May 4, 2010 Planning Commission meeting as written. Commissioner Hartung seconded the motion which carried unanimously.

PUBLIC COMMENT

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

PRESENTATION: WASHOE COUNTY COMMUNITY RESPONSE TEAM

Kaydie Paschall provided an informative overview of the Washoe County Sheriff's Office Citizen Corps Programs describing the history, composition, mission and tasks of the Community Emergency Response Team (C.E.R.T.), the Sheriff's Mobile Auxiliary Response Team (S.M.A.R.T.), and Citizen's Homeland Security Council.

Commissioners expressed appreciation for Ms. Paschall's presentation.

CONSENT ITEM A

TO CONSIDER AND ADOPT A RESOLUTION INITIATING AN AMENDMENT TO THE RENO-STEAD CORRIDOR JOINT PLAN, A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN (RENO-STEAD CORRIDOR JOINT PLAN UPDATE) - Discussion and possible action to adopt a resolution to initiate a Comprehensive Plan Amendment to update various sections within the Reno-Stead Corridor Joint Plan Area. The purposes of this amendment include the following: 1) to eliminate redundancy by removing specific building and project standards and language repeated in City and County Development Codes and replacing them with general policy language, as well as removing historical information; 2) to provide clarity of language; 3) to incorporate changes identified during public workshops including specific standards for public notice requirements; 4) to remove the Transit Oriented Development Corridor from the Joint Plan area and; 5) to make other beneficial changes as may be identified during the public in-put process and properly related to the efficient administration of the Joint Plan. The joint plan area is generally located on both sides of US 395 between the Golden Valley area and Stead Boulevard.

CONSENT ITEM B

TO CONSIDER AND ADOPT A RESOLUTION INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE (ARTICLES 804, 808, 810, 812, and 818) – To initiate an amendment to Washoe County Code, Chapter 110, *Development Code*, to add Section

110.804.35 *Minor Deviations*, within Article 804 *Variances*, concerning requests that ask for less than a 10% variation from the standards of the Development Code; to amend Article 808 *Administrative Permits*, to change the time period for public hearings from 50 to 65 days and to change the appeal period from 15 to 10 days, to clarify when requested modifications of an Administrative Permit require the approval of the Director of Community Development versus approval of the original reviewing board, to provide clarification around the requirements for requesting an extension of time on an approved Administrative Permit; to amend Article 810 *Special Use Permits*, by adding language that states all required findings must be met in order for a special use permit to be granted, by clarifying that the Director of Community Development may approve a modification to an approved special use permit if the modification involves less than 10% of floor area or site area; to amend Article 812, *Projects of Regional Significance*, by proposing new language that provides guidelines for determining if a project is considered a project of regional significance; to amend Article 818 *Amendment of Development Code*, by adding language that clarifies the amendment process; to propose minor amendments throughout Articles 804, 808, 810, 812, and 818 in order to provide consistency, clarification and correct sentence structure; and to provide other beneficial changes as may be identified during the public input and review process and properly related to the efficient administration of Articles 804, 808, 810, 812, and 818 of the Washoe County Development Code.

Items A and B were acted on in a block vote; Commissioner Hibdon moved for their approval, Commissioner Whittmore seconded the motion, which carried unanimously.

ITEM ONE

PUBLIC HEARING: ABANDONMENT CASE NO. AB10-002 (DAVID MARTIN) – To abandon a 33-foot wide government patent access, public utility and drainage easement known as Rock Farm Road, along the entire northern boundary of the subject parcel. The subject one acre parcel is located on the southeast corner of Crested Wheat Way and Rock Farm Road, approximately ¼ mile north of the Mount Rose Highway (SR 431). The subject parcel is designated Low Density Suburban (LDS) and is in the Southwest Truckee Meadows Area Plan. The subject parcel is located within the Southwest Truckee Meadows Citizen Advisory Board boundary, Washoe County Commission District No. 2, the Truckee Meadows Service Area, and is situated in a portion of Section 25, T18N, R19E. (APN: 150-021-01)

Chair VanderWell opened the public hearing. Commissioner Weber put on record that he maintains a residence across the street from the subject property and recused himself; he left the dais at 6:45 p.m. and did not return.

Grace Sannazzaro reviewed her staff report dated May 20, 2010, covering the applicant's request, noticing, the location of the subject parcel, and the comments and recommendations of reviewing agencies. Staff recommended a partial approval of the request requiring that prior to recordation of the abandonment of the 33-foot wide government patent easement, the property owner provide for two new overlapping easements: a 20-foot wide access easement and a 33-foot wide utility easement. This would still require a 30-foot setback, as required by county code, which would be measured from the edge of the 20-foot wide access easement.

Dennis Jacobsen, the applicant's contractor, spoke on behalf of the applicant. He indicated it was not the applicant's intention or desire to limit access to the undeveloped parcels and stated agreement with standard conditions and findings. He stated disagreement that the proposed abandonment would limit access to the 15-acre parcel to the east, suggesting the extension of

Rock Farm Road or Mountain Daisy Road and existing Curtis Lane were other viable options to access the Mt. Rose Highway. He indicated providing the proposed abandonment would increase Mr. Martin's buildable area on his one-acre parcel from approximately 15 percent to about 50 percent. Mr. Martin reiterated Mr. Jacobsen's comments and made himself available for questions.

Hearing no response to the call for public testimony, Chair VanderWell closed the public hearing.

Commissioner Edwards asked if a variance request might be appropriate to allow modification of the county code setback without impacting the 33-foot wide patent easement.

Commissioner Hartung inquired as to the specific owner (BLM, Forest Service, etc.) of the 15-acre federally-owned parcel which was unknown by staff.

Commissioner Cobb questioned the value of trading easements and asked about the potential for relocating the proposed structure. Mr. Jacobsen indicated that utility and septic placement prevented the proposed structure's relocation and reducing the structure size would not meet the applicant's needs.

Commissioner Hibdon asked if a variance would still be required if the Planning Commission followed the staff recommendation which was affirmed.

Commissioner Whittemore asked if the applicant was in agreement with the staff recommendation. Mr. Jacobsen indicated he and Mr. Martin were in favor of complete abandonment of the patent easement without the creation of new easements, reiterating the increase in buildable area provided by the staff recommendation was not adequate to allow construction as proposed.

In response to Chair VanderWell, Ms. Sannazzaro reviewed the access points referenced by Mr. Jacobsen, noting extensive research had been done by the County Surveyor and Engineering staff. She explained that patent easements are created when a parcel is subdivided. The 15-acre parcel to the east has not been subdivided and therefore no such easement exists to create the Mountain Daisy Road extension referenced. Due to the location of Whites Creek, a significant hydrologic resource, should the parcel be subdivided, access from the south would not be viable and granting of this abandonment would limit access from the north.

Deputy District Attorney Edwards pointed out that a full abandonment of the easement without any conditions only relinquishes the County's interest in the easement, leaving open the issue of the utility rights and interest noting that without addressing their interest action could be taken by NV Energy, for example, to maintain that access.

Commissioner Hibdon asked if a reduced utility easement or a combined 20-foot wide access and utility easement was possible. Counsel suggested it was within the purview of the Commission to do so but still would not address utility interest in the Washoe County-abandoned easement.

Ms. Robinson noted that NV Energy had suggested Mr. Martin consider NV Energy's process for encroaching into the utility easement as an alternative to an abandonment.

Commissioner Hartung voiced concern that subdivision into one-acre parcels was possible and the proposed abandonment would limit access; Ms. Robinson indicated that was one of the reasons for staff's recommendation that a 20-foot wide access easement be created as a condition of approving the abandonment.

Commissioner Edwards suggested the easements were known at the time of purchase and recommended it might be appropriate to pursue alternative options before returning to the Planning Commission with the abandonment request.

Commissioner Whittemore moved to support the staff recommendation having considered the information contained within the staff report and the information received during the public hearing, to approve Abandonment Case Number AB10-002 for David Martin, having made all three findings in accordance with Washoe County Development Code Section 110.806.20. Commissioner Hibdon seconded the motion. Upon a call for the vote, the motion carried with a vote of five in favor; one opposed (Commissioner Edwards); one absent (Commissioner Weber who had recused himself).

Commissioner Whittemore clarified it was his intention to include the three conditions recommended by staff in his motion. Commissioner Hibdon seconded the clarified motion. Commissioner Hibdon questioned the "for the exclusive benefit of the 15-acre government-owned parcel adjacent to the east" language. Upon a call for a vote, the motion failed, Commissioners Cobb, Hartung and Whittemore in favor; Commissioners Edwards, Hibdon and VanderWell opposed; Commissioner Weber absent having recused himself.

Commissioner Hibdon moved that after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Planning Commission approve the following for Abandonment Case Number AB10-002 for David Martin, having made all three findings in accordance with the Washoe County Development Code Section 110.806.20: Abandon the existing 33-foot wide government patent easement; create a new 33-foot wide public utility easement; and create a new 20-foot wide access easement. Commissioner Cobb seconded the motion. Commissioner Hartung questioned the purpose in removing the language in the third condition. Commissioner Cobb indicated it could be perceived to indicate favoritism to the 15-acre parcel.

Ms. Robinson asked that the motion include reference to the additional conditions contained in the staff report. Counsel asked that the movant and second consider agreeing to a stipulation that the motion be based on all conditions with removal of the exclusivity clause to the 20-foot wide access easement condition. Commissioners Hibdon and Cobb stated agreement with that clarification. Upon a call for the vote, the motion carried with a vote of five in favor; one opposed (Commissioner Edwards); one absent (Commissioner Weber absent having recused himself).

CHAIR AND COMMISSION ITEMS

- a. Report on Previous Planning Commission Items

None

- b. Legal Information and Updates

None

DIRECTOR'S ITEMS

Ms. Robinson spoke to the staff report's motion page, it's usefulness and the best location. Comments were received from Commissioners Whittemore, Cobb and Hibdon. Commissioners were asked to provide a donation to purchase drinking water if they'd like to continue that practice. It was noted that the Planning Commission's Rules, Policies and Procedures had been updated and distributed and that officer elections would be held in July.

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 7:49 p.m.

Respectfully submitted,

Sara DeLozier, Recording Secretary

Approved by Commission in session on August 3, 2010.

Adrian P. Freund, FAICP
Secretary to the Planning Commission