



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
William Weber

Roger M. Edwards
Roy H. Hibdon
Vaughn Hartung
D.J. Whittemore

WASHOE COUNTY PLANNING COMMISSION MINUTES

November 3, 2010

The Washoe County Planning Commission met in regular session on Wednesday, November 3, 2010, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

Chair VanderWell called the meeting to order at 6:31 p.m. The following Commissioners and staff were present:

Commissioners present: Dian A. VanderWell, Chair
Neal Cobb, Vice Chair
Roger M. Edwards
Roy Hibdon
Vaughn Hartung
D.J. Whittemore

Commissioners absent: William Weber

Staff present: Adrian P. Freund, Director, Community Development
Kimberly H. Robinson, Planning Manager, Community Development
Roger Pelham, Senior Planner, Community Development
Eva Krause, Planner, Community Development
Nathan Edwards, Deputy District Attorney
Dawn Spinola, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Commissioner Hartung led the pledge to the flag.

ETHICS LAW ANNOUNCEMENT

Chair VanderWell recited the Ethics Law standards.

APPEAL LANGUAGE

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

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Commissioner Edwards moved to approve the agenda for the November 3 2010, meeting. Commissioner Hibdon seconded the motion, which passed by a vote of 6 to 0. (Commissioner Weber absent.)

APPROVAL OF MINUTES

Commissioner Hibdon moved to approve the minutes for the October 5, 2010 Planning Commission meeting as written. Commissioner Cobb seconded the motion which passed by a vote of 6 to 0. (Commissioner Weber absent.)

PUBLIC COMMENTS

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

CONSENT ITEMS

None

PLANNING ITEMS

AGENDA ITEM 1

PUBLIC HEARING: PUBLIC HEARING: (Continued from the meeting of September 7, 2010) Development Code Amendment Case Number DCA09-001 (Article 416) – To amend Washoe County Code, Chapter 110, Development Code, Article 416, Flood Hazards, in order to adopt guidelines for the mitigation of lost floodplain storage and maintenance of adequate storage in the Critical Flood Storage Zone according to the procedure adopted by the Truckee River Flood Project Coordinating Committee and to enact that process of determining appropriate mitigation, if any, including specific amendments to 110.416.57 “Standards for All Development in Critical Flood Storage Zones” relating to the elevation and location of required mitigation for development In the Critical Flood Storage Zone and other necessary amendments to reflect updated information and procedures on the management of flood hazards.

Chair VanderWell opened the public hearing.

Discussion ensued regarding recusal for this item. Chair VanderWell and Commissioner Hibdon elected to remain for the hearing.

Mr. Freund reviewed the staff report dated September 7, 2010, pointing out it had originally been presented to the Commission in September. Since that time, there had been discussions with the development community and a similar action taken by the City of Reno. He noted the current staff report contained no changes or amendments from the September version. A separate sheet was presented to the Commissioners and Mr. Freund explained it spelled out the suggested definition language for the Code amendment.

Mr. Freund noted a parallel action had been adopted by the Reno Planning Commission on September 1, 2010 and was subsequently passed by the city council in October. He

reiterated the area under Washoe County jurisdiction within the flood zone project boundaries was quite limited. He explained the potential did not exist for significant new subdivisions in this portion of unincorporated Washoe County and he did not expect that individual homes built in accord with the new requirements would ever trigger any elevation increase in the surface of the critical flood pool.

Mr. Freund explained the key amendments to the Code are related to projects that would be required to adhere to pre-development peak flows and the definition of "no adverse impact" is clarified. He reminded the Commissioners that the term "no adverse impact" had created some concern because of its potential vagueness and the term is one that was used in the Flood Project Coordinating Committee resolution. He noted the proposed Code language defined and clarified the term, which has eased some of the concerns expressed at the prior meeting. The language had been created in concert with staff from the Truckee River Flood Project and Washoe County Engineering. Mr. Freund noted he had been in contact with the homebuilder's representative and they had indicated they feel the definition improves the Code.

Chair VanderWell closed the public hearing.

Commissioner Hibdon moved to approve Development Code Amendment Case Number DCA09-001 (Article 416). The motion was seconded by Commissioner Cobb.

Mr. Freund asked Commissioner Hibdon to reference in his motion the amended definition of "no adverse impact." Commissioner Hibdon did so and Commissioner Cobb repeated his second. The motion passed by a vote of 6 to 0. (Commissioner Weber absent.)

The motion was based on the following findings:

1. Consistency with Comprehensive Plan. The proposed Development Code amendments are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. Promotes the Purpose of the Development Code. The proposed Development Code amendments will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.
3. Response to Changed Conditions. The proposed Development Code amendments respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners.
4. No Adverse Affects. The proposed Development Code amendments will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

AGENDA ITEM 2

PUBLIC HEARING: Abandonment Case No. AB10-007 (Hutchinson) – To abandon approximately three hundred feet of a fifty foot access and utility easement, identified as Hidden Lake Drive, and creating a new twenty five foot wide access and utility easement, and relocating

the road with in the new easement as authorized in Section 110.806 of the Washoe County Development Code. The project is located 95 Hidden Lake Drive, approximately one half mile north east of the intersection of Andrew Lane and Hidden Lake Road (near the end of the private street). The ±2.246 acre parcel is designated Low Density Suburban (LDS) in the South Valleys Area Plan, and is situated in a portion of Section 4, T17, R20, MDM, Washoe County, Nevada. The property is located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 017-330-62)

Ms. Krause reviewed the staff report dated October 20, 2010.

Chair VanderWell opened the public hearing. Since no one wished to speak, she closed the public hearing.

Commissioner Cobb asked if the boulder berm was in place for environmental reasons and Ms. Krause replied it was scenic, built to screen the private lake. A portion of it would need to be moved to accommodate the new easement.

Commissioner Hartung verified with Ms. Krause this was a private road and there would be no cost to the county.

Commissioner Hartung moved to approve Abandonment Case No. AB10-007. The motion was seconded by Commissioner Cobb and passed by a vote of 6 to 0). (Commissioner Weber absent.)

The motion was based on the following findings:

1. Comprehensive Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the South Valleys Area Plan; and
2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

AGENDA ITEM 3

PUBLIC HEARING: Regulatory Zone Amendment Case No. RZA10-001 (Palomino Valley General Improvement District - PVGID) – To amend the regulatory zone map to change one parcel from General Rural Residential (GRR) to General Rural (GR) as authorized in Article 821 of the Washoe County Development Code. The project is located at the northeast corner of Stirrup Drive and Wayside Road and is addressed as 5105 Wayside Road. The parcel is ±42.53 acres in size and is currently designated General Rural Residential (GRR) in the Warm Springs Area Plan, and is situated in a portion of Section 33, T23N, R21E, MDM, Washoe County, Nevada. The property is located in the Warm Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN: 077-350-02)

Mr. Pelham reviewed the staff report dated October 20, 2010. He pointed out the parcel was not zoned for the activities currently being conducted there. The request for the zone change was the first step in legalizing the existing uses. The gravel pit had been approved through a special use permit in 1993 but that permit had expired in 1996. The applicant had also submitted a required special use permit (SUP) application that will be heard by the Board of Adjustment at the December 2, 2010 meeting. Mr. Pelham pointed out the conditions that specifically covered the project would be addressed in the SUP, so he was comfortable recommending approval of the zoning change.

Mr. Pelham noted the Warm Springs Citizen Advisory Board had been given the opportunity to review and comment and none had responded. A letter addressed to Commissioner Larkin that had been signed by 11 property owners expressed opposition to the approval of the Regulatory Zone Amendment (RZA). He explained that if the Planning Commission approved the application, the next step in the process was for the case to be heard by the Board of County Commissioners (BCC).

Chair VanderWell opened the public hearing.

Marc Colosimo spoke in opposition, stating PVGID had been running an unpermitted operation for years and had other property available for the purpose, farther away from residences.

Larry Johnson and Cathy Glatthar both spoke in favor of the rezoning. Mr. Johnson pointed out the facility had been in continuous operation since the early 1970s, and the quarry is smaller than it was then. He stated the quarry was legal at the time of inception but zoning changes since then had made it illegal. Mr. Johnson noted over 1,000 residents depended on the facility for maintenance of the roads and that that particular location yielded the most appropriate type of rock for that purpose.

Ms. Glatthar opined the other parcel referred to by the opponent was currently in use as a water truck fill station and was not suitable for the aggregate operation. She stated it was possible to obtain materials elsewhere but the cost would be prohibitive and the existing pit is optimal for PVGID's needs.

Chair VanderWell stated Resident Tricia Johnson did not wish to speak but was in support of the zone change.

Chair VanderWell closed the public hearing.

Commissioner Edwards requested clarification regarding how the approval would legalize the existing pit and what steps the County had taken to stop the operation after the SUP expired. Mr. Pelham explained the department was complaint-driven and the RZA application was the first step in resolving the problem of the property not being in compliance. He noted that, should the RZA be denied, PVGID would be required to cease operations.

Commissioner Hartung asked if any fines had been levied against PVGID. Mr. Pelham replied there had not, the first step in any enforcement was to request voluntary compliance, which PVGID was doing by requesting the RZA and the SUP. The Director of Community Development had allowed them to maintain operations at a minimum level subject to coming into compliance while they go through the administrative process.

Chair VanderWell asked Harold Shotwell, President of PVGID, if the residents were aware of the services that PVGID provides and that the aggregate materials are used to continue to maintain and repair the roads for their benefit? Mr. Shotwell opined the residents were aware the GID existed. He explained they have monthly meetings and that everything was available via public record.

Mr. Shotwell stated there was an occasional lack of continuity between different elected boards. He had taken office after the SUP had expired. PVGID was not aware that they needed it or that it had expired. PVGID has a current mining permit from the Health Department that has been in force since the mid 90's. In 2000 they improved the yard authorizing the fence contractor to obtain necessary permits, which apparently he did not do. Power was pulled in by Sierra Pacific Power Company, and that was permitted, so they thought they had done all they needed to do. The County had authorized a permit for the septic system for the new trailer, but that was put on hold until the zoning issues could be resolved.

DDA Edwards reminded the Commissioners the issue at hand was the zone change, not the details of the project, which would be heard at the SUP hearing at the Board of Adjustment.

Commissioner Whittemore asked if the operation was for-profit or non-profit and Mr. Shotwell replied it was a county-tax-supported operation. They are created by county ordinance as a GID just to maintain the county roads in the valley. Commissioner Whittemore asked if it would cost the county more money to maintain the roads if the pit was not approved and Mr. Shotwell replied it would cost thousands of dollars more per year.

Commissioner Cobb moved to adopt Regulatory Zone Amendment Case No. RZA10-001. The motion was seconded by Commissioner Edwards and passed by a vote of 6 to 0. (Commissioner Weber absent.)

The motion was based on the following findings:

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.

6. The proposed amendment 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.
7. The proposed amendment will not affect the location, purpose and mission of the military installation.

Findings for the Warm Springs Area Plan

8. The applicant has documented sufficient groundwater rights for the project.

CHAIR AND COMMISSION ITEMS

Ms. Robinson told the Commissioners the Reno-Sparks Corridor Joint Plan update would be heard by the Regional Planning Governing Board on November 10, 2010.

Ms. Robinson explained the Chambers were not available for use in February. She requested the commissioners vote to change their meeting date for that month to Wednesday, February 2, 2011. The meeting would be held in the WC Health Department conference rooms. Commissioner Whittemore moved to change the meeting date to February 2, 2011. The motion was seconded by Commissioner Cobb and passed by a vote of 6 to 0. (Commissioner Weber absent.)

DIRECTOR'S ITEMS

None

Commissioner VanderWell commended the staff for the fine work done on both the Workshop and the Open House. Commissioner Cobb agreed and expounded.

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Commission in session on December 7, 2010.

Adrian P. Freund, FAICP
Secretary to the Planning Commission