



PLANNING COMMISSION MEETING MINUTES

Planning Commission Members

Dian A. VanderWell, Chair
Neal Cobb, Vice Chair
Roger Edwards
Vaughn Hartung
Roy H. Hibdon
William Weber
D.J. Whittemore
Kimberly H. Robinson, MUP, Secretary

Tuesday, November 1, 2011
6:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in regular session on Tuesday, November 1, 2011, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Commissioners present: Neal Cobb, Chair
Roger M. Edwards, Vice Chair
Dian A. VanderWell
Vaughn Hartung
Roy Hibdon
William Weber

Commissioners absent: D.J. Whittemore

Staff present: Bob Webb, Community Support Services Manager,
Community Development
Roger Pelham, Senior Planner, Community Development
Greg Salter, Esq., Deputy District Attorney
Dawn Spinola, Recording Secretary, Community Development

2. Pledge of Allegiance

Commissioner Hibdon led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Salter provided the ethics procedure for disclosures.

4. Appeal Procedure

Mr. Webb recited the appeal procedure for items heard before the Planning Commission.

5. Public Comment

As there was no one wishing to speak, Chair Cobb closed the public comment period.

6. Approval of Agenda

Commissioner VanderWell moved to approve the agenda for the November 1, 2011, Planning Commission meeting as written. Commissioner Hartung seconded the motion which carried six in favor, none opposed and one absent (Commissioner Whittemore).

7. Approval of Minutes of October 4, 2011 Meeting

The draft minutes were not available and will be presented to the Commission for approval at the December meeting.

8. Project Review Items

Mr. Webb read the following into the record:

Master Plan Amendment (Item 8A) may be adopted and recommended for adoption to the Board of County Commissioners, or denied. Pursuant to NRS 278.210(3), any amendment of the master plan must be made "by resolution of the commission carried by the affirmative votes of not less than two-thirds of the total membership of the commission." Development Code Amendments (Item 8B) may be recommended for adoption as written, modified and recommended for adoption, or denied. The Planning Commission may also take action to continue an item to a future agenda.

He clarified the motion on the Development Code Amendment would need to be approval, not adoption.

Item 8A

PUBLIC HEARING: Master Plan Amendment Case Number MPA11-002 (Public Services and Facilities Element Update) – Continued from the October 4, 2011 Planning Commission meeting. An amendment to the Washoe County Master Plan, Volume One, *Public Services and Facilities Element*, that provides a complete update of the Public Services and Facilities Element, establishing updated information, levels of service, goals and policies relating to the provision of necessary public services and facilities such as: water, sewer, general government and public safety facilities, libraries, parks, etc., to serve the land use and transportation system envisioned by the County Master Plan and for conformance with the Truckee Meadows Regional Plan.

Chair Cobb opened the public hearing.

Mr. Webb explained the continuance was being requested because the Builder's Association of Northern Nevada (BANN) and the case planner Bill Whitney so they would have time to meet and reach resolution regarding some minor issues. The case would be brought before the Planning Commission time certain at the December 6, 2011 meeting.

As there was no response to the call for public testimony, Chair Cobb closed the public hearing.

Chair Cobb requested a motion to continue the item to December 6 at 6:30. Commissioner Edwards made the motion, which was seconded by Commissioner Weber and approved six in favor, none opposed and one absent (Commissioner Whittemore).

Item 8B

PUBLIC HEARING: Development Code Amendment Case Number: DCA11-003 (Cargo Containers) - To amend section 110.306.10(g) of the Washoe County Development Code, Detached Accessory Structures; Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use, to clarify what constitutes placement of a container between a dwelling and a road or access easement and to provide specific standards for placement of a cargo container adjacent to an access that is not the primary access to a lot, to provide for minor modification of the required placement standards for a cargo container by the Director of Community Development under certain circumstances and to remove all ambiguity that cargo containers may not be established as an "Agricultural building as a Main Use" pursuant to Article 330 Domestic Pets and Livestock of the Development Code.

Mr. Pelham reviewed the staff report dated September 20, 2011. Currently the Code does not allow a cargo container between a residence and any adjoining street or road right of way. The amendment would clarify that the cargo container would not be allowed in front of a dwelling. If there are two or more right of ways, the Director can determine which side is the front, typically determined by the location of the front door. The other sides would require 100-foot setbacks. The Director may modify the 100-foot setback requirement by up to 25 feet as requested by the applicant. If the modification is granted, the container must be visually mitigated through the use of paint or siding and landscaping.

Mr. Pelham then explained the second requested change was to establish that cargo containers may not be established as an "Agricultural building as a Main Use" pursuant to Article 330 Domestic Pets and Livestock of the Development Code.

As there was no response to the call for public testimony, Chair Cobb closed the public hearing.

Commissioner Hibdon asked Mr. Pelham to clarify some issues regarding the way some sentences in the proposed amendment were phrased. He stated that no container should have electric power, so he would like to see the sentence regarding the requirement for a building permit for any added electric power be eliminated. Mr. Pelham stated that was possible, it would require re-noticing and another hearing at a future meeting. He clarified that electric power was currently allowed with the appropriate building permit. Commissioner Hibdon reiterated that no cargo container of the type under discussion should be allowed to have electric power as that could potentially lead to occupancy

Commissioner Edwards stated he did not have a problem with the containers having electric power as long as they were subject to a Building inspection. He then asked why the containers were being required to be painted and/or sided and/or concealed by landscaping, as that had not been his understanding of the changes to be made to the code. Mr. Pelham explained no mitigation was required under normal circumstances. Those aesthetic conditions were only required if the applicant requested a Director's Modification to the required 100-foot setback.

Commissioner Weber stated he disagreed with Commissioner Hibdon's stance regarding the electric power issue, and he did not feel the issue should have to come back to

the Commission at a later date. He complimented staff on the work they had done to clarify the code and would move to approve it as written.

Commissioner Hartung moved to approve Development Code Amendment Case Number: DCA11-003 (Cargo Containers). The motion was seconded by Member Edwards and passed by a motion of five in favor, one against (Commissioner Hibdon) and one absent (Commissioner Whittemore).

The motion was based on the following findings:

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. The proposed Development Code amendment 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. 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 and the requested amendment allow for a more desirable utilization of land within the regulatory zones.
4. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

DDA Salter clarified that the top two titles in the draft of the Ordinance were inadvertently switched and would be corrected.

9. Chair and Commission Items

Mr. Webb opened the requested discussion regarding appointments to the Regional Planning Commission and noted if the Commission preferred to have the discussion with Kim Robinson present it could wait until the next meeting.

Chair Cobb requested Commissioner Edwards lead the discussion as it had been his concern and added he felt it was valid. Commissioner Edwards stated that this matter could be heard at the next meeting held to discuss Rules, Policies and Procedures (RPPs). Mr. Webb asked Mr. Edwards to elucidate and define subject parameters for the benefit scheduling and providing information to the public and the Commission. Commissioner Edwards noted that multiple items were discussed at an RPP meeting and it should be open to the public. Mr. Webb answered that course of action should be acceptable and received confirmation from Counsel. He pointed out it would open up the entire content of the RPPs for discussion so would require the consent of the Commission. Commissioner Edwards stated that was the intent.

10. Director's Items

Mr. Webb informed the Committee that Master Plan Amendment Case Number MPA11-003 (Warm Springs Area Plan Update) and the second reading of Development Code Amendment Case Number DCA11-001 (General Rural Residential to General Rural Agricultural) would be heard at the Board of County Commissioners meeting of November 8.

11. Public Comment

As there was no one wishing to speak, Chair Cobb closed the public comment period.

12. Adjournment

Since there was no further business to come before the Planning Commission, the meeting adjourned at 7:16 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Commission in session on December 6, 2011.

Kimberly H. Robinson, MUP
Secretary to the Planning Commission