



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, September 6, 2016
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, September 6, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Philip Horan

Commissioners absent: Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
David Solaro, Arch., P.E., Director of Community Services Department
Kelly Mullin, Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development
Katy Stark, Office Support Specialist, Planning and Development

2. *Pledge of Allegiance

Commissioner Chesney led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Webb recited the appeal procedure for items heard before the Planning Commission. He stated that all five of the cases being heard that evening were public hearing items. The

appeal procedure pertains to Items 8A, 8B, and 8C. The Development Code Amendments are appealable only if the Planning Commission denies the recommended amendment. If the Planning Commission recommends approval of the Development Code Amendment, then it moves forward to the County Commission.

5. *Public Comment

Chair Barnes opened the Public Comment period.

Garth T. Elliott, a 45 year resident of Washoe County, stated that he has been struggling with his identification. That night he changed it to a well-armed infidel. He referenced Black Lives Matter and White Lives Matter. He added the concept that Gray Lives Matter. He thinks that he earned his gray life when his kid broke his arm, when he lost a job that he did not expect, and when his wife surprised him with something. Mr. Elliott told the Planning Commission that they are the last bastion of hope for a lot of issues that come in front of Washoe County's citizens. He came to praise them. He believes that they hear a lot of appeals and things like that, which arise because County staff has somehow gone awry. He feels that this happens often, and a recent case was with the sign code. He stated that six foot is the maximum sign that you can have in Washoe County. He does not believe that is reasonable. At one of the last meetings he had with personnel, they said they worked on it for two years. Mr. Elliott said that if they had worked on it for two years, he believes they should have gotten it right. He sees big problems with the sign code. He hopes to bring one of them to the Planning Commission in the weeks to come. It is a land use issue in a sign. He looks forward to coming before the Planning Commission and stated that they perform a very important task in the stream of things.

6. Approval of Agenda

Due to the large portion of the audience present for cargo containers, Vice Chair Chvilicek moved that Item 8D be moved forward and heard first. Commissioner Chesney seconded the motion, which passed with a vote of five for, one absent.

In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the agenda for the September 6, 2016 meeting as amended. Commissioner Donshick seconded the motion, which passed with a vote of five for, one absent.

7. Approval of August 2, 2016 Draft Minutes

Vice Chair Chvilicek moved to approve the minutes for the August 2, 2016, Planning Commission meeting as written. Commissioner Donshick seconded the motion, which passed with a vote of five for, one absent.

8. Public Hearings

D. Development Code Amendment Case Number DCA16-005 – Hearing, discussion, and possible action to amend Washoe County Code Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures* to update the definition of cargo containers by adding other terms by which they are commonly described and noting their original purpose as a storage and shipping vessel, to exempt cargo containers on properties sized 10 acres or larger from several existing placement and aesthetic regulations, to remove cargo container size limitations, to apply existing cargo container fencing/screening/painting requirements to all parcels under 10 acres in size, to allow for minor damage on cargo containers, to eliminate additional cargo container placement constraints on corner and through lots, to require minimum separation between cargo containers and other types of structures, to allow for multiple cargo containers to be placed side-by-side in certain circumstances, to specify if or

what type of placement permit is needed for a cargo container based on parcel size, and to eliminate language addressing cargo container requirements governed by Washoe County Code Chapter 100; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to add a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial.

- Prepared by: Kelly Mullin, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. Commissioner Chesney said that he made suggestions to the staff on the amendment. He talked with Commissioners Herman and Hartung prior to working with staff. He also received several phone calls and a couple of emails. He forwarded the emails to Kelly Mullin for her response. Commissioner Donshick disclosed that she was the acquaintance of someone who might speak on the issue that night, but they had not had any conversations.

DDA Edwards requested that Commissioner Donshick identify her acquaintance and explain how they knew each other. He asked if the connection would impair Commissioner Donshick's ability to be impartial on the case.

Commissioner Donshick stated that her acquaintance was Katherine Bowling. They were together on the Nuisance Ordinance Administration Committee a few years ago. It is not ongoing. She stated that her ability to be impartial would not be impaired.

Vice Chair Chvilicek disclosed that she received an email from Robert Parker. She did not respond to the email, and copies of the email were distributed to all members. Chair Barnes disclosed that he received an email from Beth Honebine. He did not read the entire email, but he believes that the email was sent to a large number of people, and he did not respond to it.

Chair Barnes opened the public hearing.

Kelly Mullin presented her staff report, dated August 23, 2016. She added that the Development Code Amendment was also spearheaded by Community Services Director David Solaro. Ms. Mullin presented the background and details of the proposed updates and announced that Mr. Solaro would be available later to address questions. Ms. Mullin also clarified that the County is not proposing a new tax on cargo containers. The Washoe County Assessor's Office created a memo for a further point of clarification. The memo was available to the public and addressed when a cargo container is considered personal property versus real property.

David Solaro, Director of Community Services Department, reiterated a couple of points brought up by Ms. Mullin. These are existing standards that apply in the current Washoe County Code. The Washoe County Commission requested a reduction in the burden of government on some

of these regulations. Much feedback was received from the community on whether or not this should be done. The department was present that night to take feedback. Mr. Solaro requested feedback if something was totally missed and off the board. This was just the first step in the amendment process.

Chair Barnes opened public comment.

Joannah Schumacher believes that what the Commissioners are asking staff to do is not what is happening. She believes that one should not have to get a permit to put something on one's property. She does not have a cargo container or a hoop house on her property, but she believes that if it is her property, then she should be able to do so. She should not have to tell somebody about it or go through the red tape. She feels that she should not have to pay for that privilege. She is already buying the cargo container. She does not need to come and worship at the government trough and beg for permission to do something. She believes that was the direction that staff was to give the Planning Commission. It did not appear to Ms. Schumacher that this is what staff was providing. She feels that neighbors should be able to work out their own differences regarding cargo containers without interference. She believes that we too often try to put government in between something that neighbors should handle on their own. If it does not work out, then that is what the court systems are for, rather than this body. She stated that Washoe County is not a homeowners' association. If she has enough room to put a cargo container on her property within her property lines, then she believes that should be the end of it. If she wants to put a car on her property, then she should be able to do that without interference. She does not believe that property owners should have to pay for it.

Katherine Snedigar introduced herself as a non-resident, non-person, unenfranchised natural woman, who lives in Washoe County. She said that the County Commissioners asked that this go back to staff and that one acre parcels were the only things to be regulated. She considered that questionable. She said there was nothing about ten acres and all of the other stuff that they have wasted tax payer money on putting together. She stated: "You haven't been told the truth by these people." Vaughn Hartung brought up the one acre. She believes that the reason they were there that night was because of a false reading in the beginning of the Development Code. She paraphrased 100.05, where it says that if it is not enumerated in this code, you are prohibited from doing it. She said that hoop houses are not enumerated in the code and the County has chosen to regulate. She said: "They can't do anything unless they come and ask us for permission. We are your bosses. We tell you how we want to live on our property. And you come back how the globalists want us to live on our properties. You don't get to do that." She stated that she does not have land use rights; she has a bundle of rights. She stated that she can do anything she wants on her property and put anything she wants on her property, as long as it is not a health, safety, or welfare problem for the public at large. Ms. Snedigar stated that she is not a legal fiction; she is a natural woman. She said, "Everything you people do up here is for legal fictions." She said that someone cannot come on her private property for her personal use and tell her to paint a container. She stated that she does not have to screen a container or make it aesthetically pleasing. She does not care how many realtors drive through or how many complaints are made anonymously. Ms. Snedigar said that Mr. Solaro acknowledged that those who make anonymous complaints cannot be called back in order to tell them if they were in compliance or not, because they did not leave their name or number. She stated that there should be no complaint if there is no signed statement. She said that it cannot happen in a courtroom, and it cannot happen when they are being told that they are in violation. She stated that the County is not the proxy for the complainant. The proxy comes forward themselves, and they work with the County and with the alleged offender. She asked what would happen if she does not make it aesthetically pleasing. She said that she does not have to buy a permit. So nothing would happen. She said that there is nothing in the law or in the revised statutes that allows control of containers. Ms. Snedigar recommended that the

request be denied and suggested no restrictions on containers at all since Las Vegas got sued by Walmart on that in 2005. She stated that Reno does not have any regulations, because they got sued too. Considering that Clark County lost a lawsuit and the City of Reno lost a lawsuit, she believes that Washoe County can be a part of the lawsuit if they choose to go forward with this.

Garth T. Elliott, a 45-year resident of Washoe County, said that he represented 163 acres of Sun Valley, the property owners of 160 different pieces of property, plus the BMX tract that was added to the community. He stated that Washoe County has overstepped their bounds and "crept into our lives in a most insidious of all ways." He has been following this for a couple of years. Once there was a fellow during the County Commission meeting who said that he put a cargo container on his property, and he was into it \$2,000 before he even bought the cargo container just complying with what Washoe County wanted at that time. Mr. Elliott said that we have come a way since then, but we are not there yet. He said that most people do not have a garage in Sun Valley. There are very low income people. They can put all of their life's treasures outside in the backyard and throw a big blue tarp over it. That does not work because of rain, and it is unsightly. He sees dealing with storage containers as either a great thing or a horrible thing. In Sun Valley, there is not the option of everybody with carports and garages. He sees the options of going as cheap as possible with a tarp or a storage container. He believes that the standards being offered are definitely not fitting the community. He does believe that it needs to be kept as presentable as possible, but believes that is the role of neighbors. He explained how neighbors should talk about differences instead of going to the County and asking Code Enforcement to intervene. He made a request to: "Stay out of our lives as much as possible. Go back to square one on this. Don't make another sign code." He asked for a decrease in the color, screening, and permit requirements. He called this a slippery slope and asked where it would go next. He asked if dog houses would be next.

Vicky Maltman has lived in Sun Valley for over 20 years. When she purchased her property on a little over a third of an acre, they bought a cargo container before she knew anything about regulations and before 1996. She has a real problem with this and stated that her cargo container has never bothered anybody. She chose to get it, because it was easier for her husband and her to place things inside of there. Looking at some of the other homes in the Sun Valley area, she would prefer to see a cargo container sitting at their front door, instead of the junk that is out in the yard. She has taken pictures of containers after one of the Commissioners said that she had no containers in her district. Ms. Maltman is in that district and said this is not true. Ms. Maltman said that she is the only one that she was able to find with a container in a fenced area, away from a road. There is not a pass way through there because it is empty church property next to her. She stated: "You want to constantly pick our pockets." She worked for the government. She was a police officer. She worked for cities and federal. She said that she understands that you have to show people that you are doing your job in order to keep your job, but this is going a little bit too far. She is on under an acre, and when they did this on August third, it was less than one acre or one acre and more; there was no ten-acre thing. She believes that doing this is like saying, "You're a woman, you can't have a cargo container, but if you're a man, you can." She said that rules have to be equal and even for everyone across the board. She thinks it needs to be eliminated altogether. It is personal property. She does not see the difference with five ten-by-ten storage units in the yard.

Carole Fineberg lives in Washoe County. She stated that the main rule in real estate law for what classifies as personal versus real property is if it is attached or not. She said that the cargo container issue does not pertain to her personally, but she is strenuously opposed to any proposal to charge anything for cargo containers, tool sheds, hoop houses, play houses, dog houses, or doll houses. They are all unattached, and therefore should be classified as personal property and not taxed. She believes that while it is being called a permit, it is a tax. She

referred to this as government overreach at its finest. She referenced the fiscal impact in the staff report, which says that it is not expected to increase costs. She believes that it will not increase costs to the County, but it will to the taxpayers, whom the County serves. She strenuously objected to this.

A. Jane Lyon lives in Washoe County. She finds this an excessive waste of time, energy, and tax money. She believes that people who have property should be allowed to do with it what they want. She agreed with the gentleman who suggested if there is a problem with a neighbor, then you handle it that way, rather than coming to a County Commission to make rules.

Chair Barnes requested that there be no applause when speakers make a comment.

DDA Edwards requested that Chair Barnes call a quick recess in order for DDA Edwards to confer with Chair Barnes on the applause rule.

A brief recess was held.

Chair Barnes called the meeting back to order. He clarified his previous statement. He stated that applause would be allowed as long as it did not become disruptive.

Adrian Dyette, a Washoe County resident, said that he does have containers. He uses them for his tractor and as storage. He has a lot of neighbors who cannot afford to build a garage. They have a choice to put it under a blue tarp or put it in a container. He agreed with Vaughn that it should be one acre or less. Mr. Dyette said there should be no restrictions whatsoever on hoop houses and personal property.

Thomas Bruce said that he has a problem with there being anything. He would like to see everything repealed. He thinks that there may be some limit on the minimum size space on which you can put a shipping container. He particularly has a problem with being part of what used to be the Spanish Springs Valley Ranches property owners' association, which pursued for many years and maintained its own roads of about 12.3 miles and had almost entirely ten-and-up acre parcels. They got SAD32 approved, and the 12.3 miles of roads were paved. However, all of those ten-acre parcels along the roadways lost property. In his case, he now has about 9.96 acres. The rest of it went to the County for the roadway of Valle Verde. He believes that this is personal property and is defined as personal property by the federal government. For taxes, for the IRS, you can own it, you can lease it. It is personal property. He thinks that trying to do this with personal property is a huge mistake. He thinks it should be repealed, but if it cannot be repealed, then it should be minimized to the absolute bare minimum.

Nanette S. Fink-Eaton expressed how important she thought it was that everyone who came before her essentially stated what she was going to say, but in different words. She requested that our elected officials rescind this policy that absolutely regulates property owners. She declared innate rights in personal liberties as property owners to be able to store their belongings in the fashion that they deem right. She said that those who use connex boxes or storage sheds are doing their neighbors a favor and beautifying their area. Rather than having their belongings thrown throughout their yards, they are able to put them away nicely in a connex box. She feels that this regulation by the County is an overstepping of rights and is stepping over what the law was intended to be. She believes that the County is supposed to help, to allow safety, to keep security, and to grant what is known to be healthy. She thinks it is healthy to store belongings in a proper place. She addressed Ms. Mullin's and Mr. Solaro's identification of the containers as detached accessory structures. She said that its very title indicates that it is personal property. It is detached, just like parking her car on the property.

Affixed would allow it to be called real property. Storage sheds or connex boxes are personal property. If a mobile home or a manufactured home is converted to real property by affixing it to the ground via an eight-point foundation or a full-perimeter cement foundation, then you have real property and you tax it accordingly. This is not the case. They are personal properties. She believes that they have a right to quiet enjoyment as property owners, and she would like to preserve that. She asked them to rescind, repeal, or abolish anything to do with regulation on these storage sheds.

James Benthin encouraged everybody on the Commission to enable property owners to utilize their property as easily as possible. He opposes any new restrictions on cargo containers, and he would support the removal of restrictions. He said that even permits cost the property owner time and money to analyze and comply. He suggested checking to see what the City of Reno does concerning cargo containers and their regulations before going out on a limb and promoting and installing new regulations.

Gary Schmidt spoke on behalf of the Washoe County Republican Assembly, of which he is vice president. He has been a resident of Planet Earth for 73 years, resident of Washoe County for 46 years. The Washoe County Republican Assembly categorically opposes any new restrictions on cargo containers anywhere within Washoe County, and they support removal of any existing restrictions on cargo containers in Washoe County. They are personal property and should not be subject to land use regulations. He asked those present from the Washoe County Republican Assembly to stand. He asked anyone else who opposed restrictions on cargo containers to stand. He said that there were some 30 members of the Washoe County Republican Assembly that he spoke for who were not present. He thinks they were approaching 100 or so people. He made a public records request of Mr. Webb for copies of every complaint in the last 36 months concerning cargo containers. He said that NRS 239 does not require public records requests to be in writing. He added that under provisions of the NRS, he was requesting that his comments that night be placed in the minutes of the meeting in detail, including his public records request. He said that close to 100 people stood, and certainly 100 if the 30 for whom he was speaking were added. He wanted to see how many complaints there have been on cargo containers in the last three years. He stated, "If it ain't broke, don't fix it." He contended that the cargo container regulations are broken. "You have some. You need to remove them all." He added that he is a property owner, a former resident of Gerlach, Nevada. They just restarted the CABs up there. He is a regular attendee of the Gerlach General Improvement District meetings. He does not believe that this matter has been properly presented or vetted in Gerlach. He believes that if the people were advised of what was happening, there would probably be about 50 people from Gerlach, and there are only about 150 people who live there.

Mr. Webb stated that as part of Mr. Schmidt's public records request, he should provide the secretary with his name, valid mailing address, and his phone number so he can be contacted when his public records are available. Chair Barnes confirmed that Mr. Schmidt heard the request of Mr. Webb.

Katherine Bowling stated that one thing that had not been considered by these speakers, that there are neighborhoods in Washoe County where improper placement of these containers can affect a person's property value. When a property value is affected then a line has been crossed. The codes that are appropriate for large areas, large land tracks, have been addressed in this code amendment process. I think those people need a loosened permitting process; however, those of us on the smaller lots 1 acre, 1.2 acres in size, we need them enhanced. There should be at least two aesthetic enhancements, because one just does not hide these containers. Now, I know in my neighborhood, I discovered there was one. If I don't see it, it don't be it. If it doesn't affect anybody's property value, and nobody wants to go to

court, great – let it stay. But, if the neighbor refuses to properly address the enhancement and it's out there causing eye-sore, and degrading your property, then that's when these codes are very, very helpful. Clearly, Sun Valley has a different set of needs than other areas in Washoe County, and fortunately, these codes are open-ended enough to accommodate these folks, but then I look at this, the permitting needs to include a notification clause. Because imagine, you're at home and a truck pulls up at your neighbor's home with a forty foot cargo container to be placed on that lot, and this is the first time you know anything about the project which could definitely affect your home's property value, and definitely affect the aesthetic qualities of what you've come to value in that neighborhood. You can't put a price on that. But when a realtor says your home's value has gone down a whole bunch, so what do you do? Residential neighborhoods need protection from this occurring, regardless of the container size. Whether its 10 feet long or a 53 foot long super container, everybody needs protection. Now maybe it isn't appropriate for you to go any further, and maybe you're happy that your neighbors get a cargo container and that's great because that's appropriate in that neighborhood. But there are other neighborhoods where it's not appropriate and that's why these codes need to be beefed up a little bit, more enhancements. Permitting should require notification of the surrounding, adjacent property owners so that they do have the opportunity to come over and try to mediate and negotiate before seeking refuge in their CC&Rs, if they have those CC&Rs and go to court.

Janis Foltz stated she is here to voice her concerns about when a sea/land cargo container as long as 53 feet or as small as 10 feet can be placed next to her residential lot without her knowledge until it arrives. The needs of lots larger than five acres have been addressed by this cargo container code update; however, the smaller one acre lots or less have very little or no protection provided in this code. Notification of adjacent property owners has not been addressed in this code update. Ms. Foltz stated she would like to offer a solution. The solution to this would involve notification of adjacent property owners when a container is going to be placed next to their lot. Notification can be easily achieved by making it part of the permitting process for cargo containers of all sizes. Right now there are codes in place requiring any container over 200 square feet to obtain a permit. A requirement for notification to adjacent property owners must be added to this permitting process. It would be simple for the County to create a form letter giving exact dimensions of the container and the property location where it is to be placed. This letter can then be sent to all adjacent property owners. Smaller containers less than 200 square feet are currently not required to have a permit. That needs to change. Containers as long as 25 feet by 8 feet wide are 200 square feet. A container 20 feet long by 8 feet wide is 160. Neither of these containers require a permit because they are 200 square feet or less. Yet each presents a significant visual impact to surrounding properties. Adjacent property owners need to know the potential impacts these industrial structures can present. All cargo containers less than 200 square feet must be required to obtain an over the counter permit. This permit will require notification of the adjacent property owner. Any objections can be voiced and mediated ahead of time. Also CC&Rs, when applicable, can be addressed. A small fee for that permit would be charged to cover the time and cost necessary to send those form letters. Doesn't the homeowner who will be impacted by these industrial structures at least deserve the courtesy of being notified by the County before a permit is issued? These are industrial structures with no redeeming aesthetic value. Visual impact often translates into lower property values. Currently, screening measures in this code update are woefully inadequate with only one aesthetic enhancement required. It is up to this Commission to protect the interests of all unincorporated Washoe County residents on small lots, and I'm talking about small lots here – the whole time.

Tim Stoffel stated he supports what was stated earlier by Katherine Snedigar and Carole Fineberg about our basic rights to have personal property. Mr. Stoffel stated that he understands some of the issues, but he also understands that government can be used more and more, we seem to be managing everything to death in this County, and we have a right as

property owners to use of our property in a reasonable and appropriate manner that does not harm others. We should be able to have our personal property, we should be able to have our vehicles, we should be able to have our animals and other things without any intervention by the County and it just seems to be changing worse and worse these days. They talk about, let's restrict this to 10 acres, let's restrict this to one acre. If any property has a rural designation regardless of its size, it should be exempt from this. Mr. Stoffel indicated he would like to see everything exempt ultimately. These structures often come with dents and dings and stuff, this is why they're surplus. If we want people to have perfect containers, that's never going to happen, and then to have a restriction on that and then deciding is it bad enough or good enough now you are getting inspectors involved and this becomes another big legal quagmire. If I want to set my cargo container on a couple of concrete pavers to spread the weight out on the land so it doesn't sink in, does that now make it an attached structure? It shouldn't, because it can be picked up and moved away even though it is sitting on pavers. We have to make sure that a number of people living in upscale neighborhoods, who probably wouldn't have these structures to begin with, don't use the administrative power of the County as a hammer to hammer all of us who are not living in upscale neighborhoods, and who simply have excess stuff to store that's of value to us and other people as well. It's really important that we do not regulate this any more than it has absolutely, positively has to be. I'm in favor of reducing the existing regulations for those of us who live out a little ways, who really don't have a lot of neighbors. In fact, one of my neighbors has cargo containers, the other neighbor builds structures out of them. We don't need any more regulations.

Juanita Cox, requested that her comments be added to the record, if possible, every word of her statement. Ms. Cox addressed the Commission as a living woman, and stated she is not here as a person, and stated that she is not there to represent any of her corporations tonight. Ms. Cox stated she is unfranchised, she stated that she owns multiple Washoe County properties, she owns three personal property containers, she owns four cars, one tractor, and a bobcat, clarifying it was a machine, not an animal. Those cars and equipment are all different colors. They are my personal property and I did not get my government's permission for those colors. I did not get my government's permission when I bought those vehicles. They are my personal property. This is always overreach by government and it always seems to come from Washoe County. To address the lady's statement, and I have been up here a number of times before government agencies. If you do not like what your neighbor is doing, talk to them. If you do not like what your neighbor has, talk to them. If you have a disagreement, you go to the neighbor. If you continue to have a disagreement, you go to a lawyer. Lawyers are for disputes. It is not for a government to jump in and settle things by these kinds of ordinances. Washoe County is not a homeowner's association. If people want a homeowner's association, they should buy within a homeowner's association, so they get everything they want. If they want colors, move to somewhere they appreciate the colors. If not, leave your neighbors alone. It's their kingdom, and as Ms. Snedigar said, the laws are in these United States, if it's not a health, safety or welfare issue, then the government can't touch it. Please remove these wrongful, restrictive ordinances.

Darin Nelson, stated he was the owner of Modern Storage, LLC, that sells Conex containers, or storage containers and has owned his business since 2006. Mr. Nelson stated he has hundreds of customers in this area. The first thing he wanted to share is that almost all customers who come to him are looking for a solution, and the solution is to clean up their property and put stuff that doesn't have a place into a place. For the most part, almost all of them take the time to consider their environment and their neighbors and they take these things and set them in an appropriate place. There are always a few people who don't, and there are always a few situations that are not adequate. That's unfortunate that the vast majority ends up having to come to meetings like this because there a few who are not willing to be good neighbors or who don't have a conscience about what they are doing to their neighborhood. So,

I didn't want to come up and make a big statement about anything other than the facts about the containers, so you would have more of an understanding about what they are as a structure. These customers when they purchase these pay sales tax; so they are already getting taxed when they purchase the containers. They are super strong. When you take a storage container, a twenty-footer, you can put almost 60,000 pounds in it, and a forty-footer slightly over 60,000 pounds. They're designed to stack on the four corners and you can stack them seven high, fully loaded. That means the bottom container has the capability of holding 420,000 pounds, just on the four corners. They are rodent proof. If you have a garage or a shed, most people know that they're going to get rodents. A lot of people buy these because they want the opportunity to keep rodents out. They are water proof and dust proof. It's one of the best storage solutions that a person can buy. They are secure. I've heard people suggest they are worried about them tipping over. I clocked the wind at my house, where I had a container facing sideways against the wind, at 112 miles per hour. They are not going to tip over. There are some units that are made of fiberglass that are actually not the Conex containers. I've seen some of those have problems if they are in a very windy area, only if they are empty, though. A loaded container, in my..., and I've been in business since 2006, I've never seen a loaded container tip over, and I've never seen an empty steel container tipped over. I just wanted to share with everyone, the Conex container, if they are placed properly and have consideration of the neighbors, most of my customers are trying to do the best thing and provide a solution to their storage problems.

Chair Barnes made a final call for public comment, and being none, closed the public comment period.

Chair Barnes called for Commission questions for staff and members of the public. Chair Barnes asked if there were any questions from the Commissioners. Commissioner Chesney directed a question to Mr. Solaro, Director of the Community Services Department. Was the direction from the County Commission to regulate just one acre parcels and less? Mr. Solaro answered that the question came up during his presentation to the Board on some policy questions regarding cargo containers and specifically what they were looking for. The comment was in reference to permitting only. Mr. Solaro stated that he made it very clear in the presentation to the Board that the existing regulations that were currently in the code should remain. Commissioner Hartung responded to staff with policy direction essentially stating that we should not have permitting on containers an acre or above; he said they definitely need to go through the permitting process for an acre and smaller. So what staff has done is that we have taken that information and information gathered looking at best practices throughout the United States. At the workshop, staff presented an administrative permit for parcels one acre and larger, and a full permit for those smaller than one acre. That discussion ensued and that's when we came back with a 10 acre size with no regulations at all, lessening that regulation, no screening on 10 acres or above, an administrative permit for those parcels 10 acres to one acre, and a full blown permit for one acre and less. That's where that came from.

Chair Barnes called for further Commission questions. Hearing none, Chair Barnes closed the public hearing, and called to the Commission for discussion.

Commissioner Chesney stated that this has been a hot item for a year. We go back to March when we went to the County Commission asked it to be revisited. This regulation has been in place for a long time; this is a revision. I still don't see why we have to have a regulation. Why are we regulating personal property? There's no answer to it. Just have a regulation, to have a regulation? I thought at one time I could support some parts of this update, but I can no longer support it. Chair Barnes asked for further discussion. Commission Chvilicek stated when Ms. Mullin made her presentation, there were levels, an acre or less, the 10 acre threshold or

larger... I'm asking for clarification on the question before us. In terms of a motion, are we being asked to look at levels? An acre or less, an acre or greater, greater than one acre to 10 acres, and then 10.1 acres and above? Mr. Solaro responded, there are regulations currently in involved in cargo containers for parcels within the unincorporated parts of Washoe County that require placement on the parcel with set-backs, out of flood plains, no electricity or plumbing. There is also a section regarding screening. It's either screened by a fence, or with vegetation, or painted a muted color. Part of the process, the input from the community was, they wanted to remove all regulations. And while that's fine on some larger parcels, staff is really concerned about what is the right threshold where Washoe County regulations should govern those types of things - aesthetic items. We provide a great quality of life in this area, so the question becomes, if we get rid of this, what does that do to quality of life? Will we hear from others that say, we absolutely don't want industrial type containers, industrial uses in our residential neighborhoods. That's one of the things the Development Code regulates. The question before you is, is what we are proposing appropriate for cargo containers used as storage? Is there a threshold? Maybe it's one acre, maybe it's five acres. Staff felt it was 10 acres. We are bringing that to you to say, 10 acres and above, it shouldn't have plumbing fixtures, should not be stacked, shall be separated from other structures, shall not be established as an agricultural building as the main use, and shall obtain a permit for a few certain items based on size, and the question is, is that size 10 acres and above, 5 acres and above, a half an acre and above? And there is a whole other list of things that would apply to those smaller residential parcels.

Mr. Webb clarified for the Commission that following the Code, item (1) contains the regulations that would apply to all cargo containers, and the last part of item (1), item (vii), is the permitting. Today, we are talking about a placement permit that is being proposed by staff, based on direction from the County Commission and input from public workshops, which is the three thresholds: 1 acre or less – a standard placement permit is required, just like it is today; 1 acre to 10 acres require an over the counter permit. Mr. Webb recommended not using the term administrative permit, due to it having a different meaning in regard to planning vernacular and clarified that over the counter permit is the correct term. 10 acres or larger does not require a permit. Mr. Webb stated that in all cases, there is a requirement to follow the regulations in subparagraph (1). In regard to subparagraph (2), parcels on less than 10 acres have additional regulations. Mr. Webb informed the Commission that the draft code has several strike-throughs, rearranged sections and additions. Mr. Webb outlined the four basic options the Commission has concerning the code amendments proposed by staff today:

The Commission can deny it out right - it's not moving forward; the Commission can request staff to make tweaks to the draft, and bring it back to the Planning Commission for consideration; the Commission can recommend approval with modifications that are proposed today, with recommendation to the County Commission that the Planning Commission recommends approval with modifications; or the Commission can recommend approval and move it forward to the Board of County Commissioners.

Commissioner Donschick asked Mr. Solaro to clarify other considerations, such as grandfathering existing cargo containers, legal nonconformance and the provisions of Article 904 of the Development Code. Mr. Solaro deferred to Mr. Webb, who gave a brief history on cargo containers pertaining to development code.

Prior to 1997, cargo containers and other similar containers were not allowed in the County, because there was no provision to allow it. In 1997, an interpretation was put into place that allowed a variety of storage containers such as rail cars and semi-truck trailers, and those containers had to meet seven or eight standards, which included a building permit and if appropriate, tie-downs. In approximately 2003-2004, the regulations were placed into Development Code, Article 306, and that was the first codified regulation, outside of the

interpretation regulations. There have been changes over the past 2-3 years for these cargo containers. Specific to nonconformance, you need to look at the rules in place at the time. Mr. Webb gave an example of a speaker who spoke about 1996. If a person came up and said they had a cargo container placed in 1996, you would have had to have met the provisions that were in place in that interpretation in 1997 – anything up until 2003-2004. If you have a container in place since 2004-2005, you would be subject to those regulations in place at that time. They could be more restrictive and indeed they will be more restrictive than those being considered today, if they move forward and are adopted. Non-conformance means that as long as the structure is not altered, you can stay in place with the regulations that were in place at the time the container was placed; be that more restrictive or less restrictive than what you are considering today or what may be considered in the future. After about a year, then you have to come into conformance with the Code, or if you decide to enlarge it, which doesn't really work with a storage container, but if you get a new container you have to meet the new regulations in place at the time. Commissioner Donshick asked for further clarification on the one year timeline and coming into conformance and asked if existing containers would be grandfathered and they would not have to come up to the new code? Mr. Webb replied, as long as they met the current provision of code. Mr. Webb used Commissioner Chesney as an example, stating that Commissioner Chesney went through the process to obtain placement permits for the containers on his property. He has met the Code. If the code changes, more restrictive, less restrictive, then his permits - what he has done stays in place. He is "grandfathered." If he wants to enlarge the storage container – expand it somehow – by more than 10% then he would have to come into conformance with the rule in place at the time he did that. A year from now or two years from now. But as long as he leaves it like it is, doesn't change it or doesn't move it, he leaves it where it is – he doesn't need to do anything. If he takes the cargo container away, and doesn't bring it back for a year and a month, that's more than a year, then he needs to meet the rules that are in place at the time he brings it back on – whatever they may be.

Commissioner Horan remarked that the items that come before us are usually intended to address a problem. I'm not sure what problem we are solving today. And clearly I don't see where one size fits all in any event, given the wide sphere of Washoe County, so I'm not sure we are solving anything by moving on this today.

Chair Barnes called for further comment, there being none he called for a motion. Deputy District Attorney Edwards interjected before a motion is put on the floor, and commented that there was some discussion about possibility of kicking it out and making some more changes to it, and that is a possibility, but he wanted to caution the Planning Commission of the 180 day time limit on consideration of a proposed development code amendment, under the development code. 180 days from the date of initiation of the amendment, that was in April. If you do push it out, you are only buying about a month because it is right up against the 180 day deadline. If there is no action within the 180 day deadline by the Planning Commission then that counts as a recommendation of approval of what is before the Planning Commission. So, my caution to the Planning Commission would be to, as best you can, work toward making a recommendation one way or the other. That would be my advice to the Planning Commission.

Commissioner Chvilicek asked DDA Edwards if the Planning Commission was in a position this evening to abolish this code. DDA Edwards replied that the Commission was not in a position tonight to eliminate the existing ordinance. He stated the Commission can take a position the proposed amendments to the existing ordinance and that can include changes based on the input received tonight, for example, the 1 acre/10 acre differentiation. The agenda indicates that the Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. Those are the options are available tonight.

Commissioner Chesney asked what would be the result of a recommendation to deny. DDA Edwards responded that ends the matter as far as the ordinance goes, unless the County Commission down the road decides to initiate another amendment.

Mr. Webb clarified that a denial was appealable to the Board of County Commissioners. Commissioner Chesney asked for further clarification about a denial and revision to the existing code, to which Mr. Webb responded, the current code is in place today – there is no change to that. A recommendation to deny, simply denies this amendment and the current code remains in place. The County Commission can take independent action to initiate another amendment, the Planning Commission can take independent action to make other amendments to this section of the code. Mr. Webb stated that would be a separate process, starting with initiation. DDA Edwards read the pertinent section of the Development Code: In the event the Planning Commission denies a development code amendment application, that action is final unless appealed to the Board of County Commissioners.

Upon no further discussion, Chair Barnes called for a motion. Commissioner Chesney made a motion to deny this in its entirety and pass it to the County Commission. Commissioner Horan seconded the motion. Chair Barnes called for discussion on the motion, and Mr. Webb asked the motion to be repeated. Commissioner Chesney restated his motion to deny the revision in its entirety and pass it to the County Commission. DDA Edwards clarified that under the motion, the denial would be final, unless someone appealed it to the County Commission. Mr. Webb clarified that means denial stops; it doesn't go forward to the County Commission, unless it is appealed by somebody else. Chair Barnes asked for Commissioner Chesney's understanding of the information. Commissioner Chesney withdrew his motion. Chair Barnes asked if there was a motion. Commissioner Horan made a motion to deny agenda Item #8D, in its entirety; Commissioner Chesney seconded the motion. Chair Barnes called for discussion on the motion. Commissioner Chvilicek asked for confirmation that the motion to deny the development code amendment, would revert to the current code, and that's where it sits, with the more restrictive regulations, meaning the screening and painting, etc. Everything would stand in place, like it is today, on this document, without the strike-throughs.

Chair Barnes called for further discussion on the motion, being none, Chair Barnes called for a vote. All in favor of the motion? Aye by Barnes and Horan. Chair Barnes asked if there should be a roll-call vote on this item. DDA Edwards recommended a rollcall.

Commissioner Chesney, Aye in favor
Commissioner Horan, Aye in favor of the motion
Commissioner Chvilicek, Not in favor
Commissioner Donshick, Not in favor
Commissioner Prough, Absent
Chair Barnes also voted against the motion.

The motion failed. Chair Barnes opened the floor for another motion.

Commissioner Chvilicek moved that the development code amendment, be amended to what County Commissioner Hartung said, that the permits stay in place for an acre or less, and no permits for anything greater than an acre. Commissioner Donshick seconded.

Chair Barnes called for discussion on the motion. Commissioner Horan asked if that meant existing regulations on an acre or less are not changed. Mr. Webb referred the Commission to page 3 of 5, of Exhibit A-1, subparagraph (vi), a. b. c., and asked if his understanding of

Commissioner Chvilicek motion was correct: (vi) a. remains in place; (vi) b. goes away; and (vi) c. would read, parcels 1 acre or more.

Commissioner Chvilicek affirmed this was correct. Mr. Webb further asked if the rest of the amendment remains as is, as you read it with those exceptions. Commissioner Horan asked for restatement. Mr. Webb restated: Subparagraph (g) (1) (vi), subsection a. would remain in place; subsection b. would be removed; and subsection c. would be reworded to say, parcels 1 acre or more, no permit required but would still need to abide by applicable regulations.

Mr. Solaro affirmed his understanding of the changes requested to subsection (1). Mr. Solaro asked for clarification regarding subsection (2), which is, cargo containers placed on parcels less than 10 acres in size must also adhere to the following regulations... Mr. Solaro asked for clarification from the Commission, as whether they want items (2) (i) through (2) (vii) to pertain to 1 acre or less. Commissioner Chvilicek answered, yes.

Commissioner Chvilicek stated, for clarity, it was intended in her motion to remove all permitting requirements on parcels over one acre, except the applicable regulations as appropriate.

Commissioner Chesney asked for clarification, One acre and less, all permitting applies. Above one acre to infinity – nothing applies. Mr. Webb reminded Commissioner Chesney that the provisions of subsection (1) would apply to all cargo containers. The way it's currently being proposed is that parcels on one acre or more, no permit needed, but still need to abide by applicable regulations of subparagraph (1), because they apply to all cargo containers. Commissioner Chvilicek asked, because this body cannot repeal this code? Mr. Webb replied, the body could also make recommendations for amendments, which is what you are doing.

Chair Barnes called for further discussion on the motion, seeing none, Chair Barnes called for a vote on the motion.

Commissioner Chesney, Aye
Commissioner Horan, Aye
Commissioner Chvilicek, Aye
Commissioner Donshick, Aye
Commissioner Prough, Absent
Chair Barnes also voted Aye,
The following motion passed unanimously.

Approved with Modifications (require placement permit on parcels one acre or less in size, no permit for parcels larger than an acre in size but must follow regulations applicable to all cargo containers; cargo containers on parcels one acre or less in size must adhere to additional regulations), Recommended for BCC Adoption (vote of 5 for approval, one absent)

DDA Edwards noted for the record on the hearing that this does not pass the amendments, this recommends their approval to the to the Board of County Commissioners who get the final say, on whether the County Code, which the Development Code is part of, will be amended. This item will proceed to the County Commission and be acted on by them at a first reading and a public hearing and possible adoption. Mr. Webb noted for the public present that the process will be two meetings, the first meeting will occur and no earlier than two weeks later will be the public hearing and possible adoption.

RECESS

Chair Barnes said he believes there are a lot of people in attendance for DCA16-006, the Hoop Houses Development Code Amendment. He is considering moving this up to the next item heard by the Commission. The Commission agreed to hear Development Code Amendment Case number DCA16-006 next.

E. Development Code Amendment Case Number DCA16-006 – Hearing, discussion, and possible action to amend Washoe County Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures* to add regulations governing the establishment of agricultural hoop houses and high tunnels, including requiring them to meet detached accessory structure placement standards and height limitations for the applicable regulatory zone, but exempting them from general lot coverage limitations; within Article 902, *Definitions*, at Section 110.902.15, *General Definitions* to add a definition for “Hoop House/High Tunnel”; and other matters necessarily connected therewith and pertaining thereto.

- Prepared by: Kelly Mullin, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. There were none.

Chair Barnes opened the public hearing.

Dave Solaro, Community Services Director gave a presentation based on what they are trying to accomplish with this DCA. The Board of County Commissioners heard an issue with Hoop Houses and they are trying to solve one issue. The issue is that currently Hoop Houses require a building permit in Washoe County. To be able to exempt hoop houses from requiring a building permit in the Building Code (Washoe County Code, Chapter 100), they need to have a definition of what a hoop house is. The definitions reside in Washoe County Code, Chapter 110. Staff has defined a hoop house as listed in the presentation. “Hoop House” or “High Tunnel” means an enclosure that protects crops and extends the growing season and is temporary in nature. Framing can be made from a variety of items, have a flexible covering and they can be various sizes. Staff came up with the definition of Hoop Houses and High Tunnels by working with Cooperative Extension members and professionals at Urban Roots: Hoop Houses and High Tunnels are used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner and having a life span of approximately 5 years. The coverings for these enclosures utilize flexible, not rigid materials. This is to make sure we are not talking about greenhouses, which are full blown structures that need to meet the requirements of the Building Code. We are defining a hoop house so that we can exempt it from permits and exempt it from the requirements of the building code. The building code requires these to meet wind loading, snow loading, earthquake loading, at lot of these things, these structures simply cannot do. But, we want to be friendly to our agricultural partners and allow these within Washoe County without a permit.

One of the other items in this proposed amendment is to require that hoop houses meet the placement standards for detached accessory structures; they are not placed in set-backs, they are exempt from the lot coverage associated with accessory structures. The height of the hoop

house shall not be higher than the tallest portion of the regulatory zone in which they are located. They can be taller than the house, as long as they are less than the height of the regulatory zone.

Mr. Solaro summarized that the intent of the amendment is to create a definition of hoop houses within the development code with a couple of small regulations associated with it, so we can exempt these structures from needing a building permit and they can be utilized within Washoe County. Mr. Solaro reviewed the four code amendment findings: Consistency with Master Plan, Promotes the Purpose of Development Code, Response to Changed Conditions, and No Adverse Effects, and also reviewed a possible motion for the Planning Commission. Mr. Solaro concluded the staff presentation and stated his availability to answer any questions.

Chair Barnes opened public comment.

James Benthin, stated that he wants to emphasize that hoop houses are personal property and he would not support requirements for building permits for them. He would like any new language written to make it as easy as possible for those property owners to build one.

Gary Schmidt, stated that he generally supports the proposed amendments; however, he is opposed to (j) (1): must meet all Washoe County placement standards for a detached accessory structure. Mr. Schmidt stated, it's not a structure. It's not an accessory structure. Mr. Schmidt said, that's the object of what you're doing here, is to get it out of the purview of a building permit. It's not a building or structure defined in the building code; it's not an accessory structure as defined within the development code. He supports the definition, which goes most of the way to remove the restrictions placed by the building code. He supports (j) (2), which exempts it from the lot coverage limitations, and he supports (j) (3), which limits the height to the regulatory zone, which would never occur, in any event. Mr. Schmidt restated that he opposed (j) (1) which he believes allows a back door to the back end of the building code, because it used the term, "detached accessory structure" which is a building code term.

Joannah Schumacher, stated she was there on behalf of several, both partisan and bipartisan groups of men and women, I will specially choose "Gifted Minds With Too Little Time" as the one I am representing today. We are all people who live in Washoe County. Ms. Schumacher stated she wanted to cover something that disturbed her that staff said during the cargo containers as she thinks it applies here with hoop houses, and that was they are using "the best practices across the Country" and that is code for Agenda 21. And we are adamantly against anything that has to do with Agenda 21. We know that it is easier for staff to get these codes from the "United Nation non-profits" who are helpfully offering them that you can alter. I would ask that staff actually come up with these codes on their own and not ask assistance from those people. She stated she is a little worried about when we start to nickel and dime and define every little piece of verbiage that goes on here, and one of the things I'm opposed to, and that my group is opposed to, is speaking to "rigid materials." When you are setting up a greenhouse, that is a non-permanent structure, especially the young people who are very much into reusing and recycling, will use whatever they can get their hands on. And sometimes that is ridge plastic, that they are going to recycle and put to use to extend their growing season. When you define it and they can't use that, now you're saying they need to get a building permit, for a little extra extension on the growing season, and anybody who has tried to grow something in Reno knows you need an extension of your growing season. I would ask that you strike that language from the hoop house definition. Ridge materials can be used in a "hoop house" sort of situation. Again, I would ask that you carefully watch when staff brings things forward in which they are trying to comply or harmonize us with other parts of the country. We are not other parts of the country, we are Washoe County and we have our own way of doing things and it doesn't have to conform or comply with other parts of the country.

Katherine Snedigar, stated she is a non-person, non-resident, unenfranchised, natural woman. I am not a legal fiction, I am speaking for the Palomino Valley Property Owners in Warm Springs, who are pretty sick and tired of groups and planning commissions and some guy with wild hair needing an ordinance for something. No ordinance for a greenhouse whatsoever, nothing. Same with containers. You try to tell us we have to paint our container. No we don't. It's private property. It's personal property. And my property is not open to the public. And I don't care what the American Planning Association submits and ICLE supports, it's not American. It's part of the UN agenda, which is the master plan, the regional plan for the globe. ICLE are individual master plans, just like you have going on here, we can just interchange the names out of Washoe County and put in ICLE. It would at least tell people the truth about what you are doing up there. Sitting there in a commercial capacity; we're tired of commercial ordinances being place on the men and women of the County, who are not fictions. You don't get to regulate everything we do in the County. I'm going to plant a tree. Do I need to call you and get a permit? It's going to be a tall tree, might be 15 gallons; might be a 60 gallon bucket. Do I need to get a permit for that? After all, it doesn't say I can do that in the development code. And it says if it's not enumerated here, you are prohibited from doing it. Stop with getting into the micromanaging of people's lives. Hoop houses need no regulations. Unless you can tell me what the health, safety or welfare problem is with it. If there is no health, safety or welfare problem to the public you cannot impose that stuff on the men and women of the County who are also not legal fictions. They're hard working people who pay you people, and pay you! And what do you do? You screw us every time you can. And this is just more of the same. And it has to stop. My neighbors and friends in Palomino Valley that are property owners, moved out there to get away from residential regulations. Oh, but you know what? We're still under residential regulations. How can that be? We're 40 acres or more. How are we are a residential regulatory zone? When we are actually an agricultural area. We are tired of this, tired of the constant intrusion – getting comments, like, you would be surprised how many people come through Palomino Valley and complain. Well, they don't live there and they don't leave their name when they complain. And you cannot accept a complaint if it doesn't have a name, address and phone number attached to it. You're not our gods telling us what to do. We are your bosses! We tell you how we're going to live our lives. You don't get to decide that through aesthetics. You're not a homeowners association. You don't get to regulate that. If some neighbor is upset about a container or a hoop house, you know what they can do? The same thing you would try to make me do. Put up a fence were they can't see or plant some vegetation. That shouldn't be on me, if the neighbor's upset. Fix it yourself, on your own property. This has got to stop. You're not our bosses. You don't run our lives; I don't care what the code says. If it's not constitutional, you can't do it! And we're tired of having to come here and say this all the time. Not just to you, but to the County Commissioners who don't listen either. You have a specific mind set; this is what we have to do. This is what they are told to do; this is how we have to do it. No more globalist laws, no more globalist laws. No more getting in... There's nothing in development code that says you can have sex in your house, don't you think you better do something about that too?

Tim Stoffel, stated he was speaking tonight as a human being that lives, breathes and eats. Mr. Stoffel stated that he general supports any changes that make it easier for people to put these agricultural structures whether they are made of rigid materials or flexible materials as long as they are basically the kind of temporary structures that they are. We are all living beings, we all eat and because we all eat we need food and growing food should be a basic human right that is not interfered with by any board, commission or legal authority. Growing our own food is a basic part of our existence. Anything that gets in the way, including Agenda 21 based development codes, or whatever its successor is today, we need to make sure that if there has to be any codes what-so-ever there needs to be a darn good reason for them, and right now I'm not hearing any good reason for this. As long as any material that is used is flexible enough not

to be a harm in the wind storm, there's no reason to regulate any of this. I haven't seen any of these hoop houses that would really harm anything except in a wind storm that's so bad you shouldn't be out in it anyway. Let's keep these things as unregulated as possible so people can grow their own food. The day is coming on this increasingly crowded planet that this will be more and more important. Mr. Stoffel closed by saying the best government governs the least.

Juanita Cox, asked that the following statement be placed into the record: My name is Juanita Cox, I am a living woman, not a fiction, I am not a person because all of my persons are my corporations tonight and this for letting people understand what the law says, the law being the NRS. I do own multiple Washoe County properties, but I do not live at those properties. I do own a number of personal property occasional hoop houses I would say, because when I hear of frost, I jump up and take my rigid pallets or perhaps a rigid or semi rigid plastic and/or metal pole and I put in a hoop house. Gee, I even take a blanket occasionally and throw it over those plants that I want, because I can do that. I can do that without a government agency telling me what I can and can't do. I can grow my own food. I can even grow it in my front yard, where some places they aren't allowing that. That is crazy, because people do not understand whom they are, and who the government is. The government is controlled by the people. If they would only understand. All laws, which I work at very hard to help the people within the State of Nevada and the United States, and who cares? You better. Health, safety and welfare is the only thing the government has control of. If the neighbors, or whomever, doesn't like my hoop house, or whatever. Tough. Sue me. That's what our other branches of government do. We have to get a grip; the people are being oppressed by the very entity that they are paying for. We are the leaders, not you. Thank you.

Chair Barnes called for further public comment, there being none, Chair Barnes called for Commission questions to be directed to staff or members of the public. Commissioner Chesney asked for explanation from Mr. Solaro as to the reason for flexible materials versus rigid materials. Mr. Solaro replied that the distinction being made is between a fully rigid greenhouse and a temporary structure, such as a hoop house. It took a lot of time to get to the point where we decided a flexible membrane is what they were looking for (for a hoop house), not necessarily glass panels or rigid plastic panels. Commissioner Chesney asked if that was what the five year mark is for, that usually the temporary materials deteriorate after five years? Mr. Solaro responded that was correct and the fact that hoop houses also need to be moved, for the health of the soil, about every five years. Mr. Solaro stated that it is very difficult to create a definition for "temporary" that works within both the building code and the development code. That's why we were trying to get away from trying to define a temporary structure, so we said generally five years, that's about what these things last.

Commissioner Horan asked if subsection (j) (1) must meet all Washoe County placement standards is in reference to set-backs? Mr. Solaro replied that was correct.

Commissioner Donshick asked for clarification on permits. She said it clearly states that ...these include removing the requirement for hoop houses as defined in the Development Code (Chapter 110) to be built in accordance with the adopted Building Code and not requiring a building permit, so you are removing the basic development codes that might have been over them, and there are no permits; the only thing you are talking about is the placement standards, which are set-backs. Mr. Solaro replied that currently, all of these structures require a building permit if they are over 200 square feet. The direction from the Board of County Commissioners was to figure out a way to make this so we don't require a building permit. The way to do this is to define them, while defining them, they are an accessory use structure, so we had some parameters around those, now we can take this to the Board and say, we have the definition, and under that definition, we want to make sure they are exempt from the building code.

Chair Barnes called for further questions and seeing none, closed the public hearing. Chair Barnes called for discussion from the Commission, seeing none, the Chair called for a motion. Commissioner Donshick made a motion on item 8E, "I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA16-006, to amend Washoe County Chapter 110 (Development Code) within Articles 306 and 902 as identified in Exhibit A-1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e)." Chair Barnes called for second. Commissioner Chvilicek seconded the motion. Chair Barnes called for discussion on the motion. Commissioner Horan stated that the application was a good effort to reduce government regulation and said he fully supported it to move forward. Chair Barnes called for further discussion on the motion, there being none, the Chair called for a vote.

Commissioner Chesney, Aye
 Commissioner Horan, Aye
 Commissioner Chvilicek, Aye
 Commissioner Donshick, Aye
 Commissioner Prough, Absent
 Chair Barnes also voted Aye,
 The motion passed unanimously.

A. Tentative Map Case Number TM16-007 (Harris Ranch) – Hearing, discussion, and possible action to approve the merger and re-subdivision of three lots into a 610 lot, single family detached, common open space subdivision on three parcels totaling ±610.34 acres. Lots will range in size from 10,000 square feet (.23 acres) to 50,855 square feet (1.17 acres) with lot sizes averaging approximately 14,866 square feet (.34 acres). The applicant is further requesting that the required yard setbacks be reduced from the required Low Density Suburban regulatory zone setbacks to the Medium Density Suburban regulatory zone setbacks of 20 feet front yard, 20 feet rear yard, and 8 foot side yard.

- Applicant/Owner: Spanish Springs Associates, L.P.
- Location: Southeast of Pyramid Highway and Alamosa Drive in Spanish Springs
- Assessor's Parcel Numbers: 534-600-01; 534-600-02 and 076-290-44
- Parcel Size: 610.34
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 408 Common Open Space Developments and Article 608 Tentative Subdivision Maps
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 11 & 13, T21N, R20E, MDM, Washoe County, NV
- Prepared by: Trevor Lloyd, Senior Planner
 Washoe County Community Services Department
 Division of Planning and Development
- Phone: 775.328.3620
- E-Mail: tlloyd@washoecounty.us

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. There were none.

Chair Barnes opened the public hearing.

Trevor Lloyd presented his staff report, dated August 16, 2016. He mentioned that Community Services Department staff was in the audience to answer questions. Jae Pullen from NDOT was also present to answer questions.

Commissioner Donshick said they are talking about very large buffers and will they be maintained by the homeowner's association through CC&R's. The fire danger being bad there, large buffers means lots of growth. Mr. Lloyd said the intention is to maintain those areas in their native state. They will be maintained by the association as would any fire breaks, as directed by Truckee Meadows Fire.

Commissioner Donshick asked about proposing to set aside 21 acres of property for possible future construction of a school and a park. Mr. Lloyd clarified the property would be located near the entrance to the subdivision.

Commissioner Horan asked about the impact of the size of the development taking in consideration the 33 percent reduction in setbacks. Mr. Lloyd said it would make it more difficult to develop the lots if you required 30 foot and 12 foot setbacks. It would not change the number of lots.

Commissioner Chesney said every month they go through this with the developments: schools, traffic and fire. Everybody writes fantastic reports stating they can accept all the students, we know that is not true. Whoever wrote the traffic studies does not drive that highway every day like he does. For them to say they are not putting in a traffic signal for a development of this size is beyond belief. This is a large enough development and a large enough developer to be able to afford a signal.

Jae Pullen, NDOT District 2 Traffic Engineer, thanked the Commission for having him there. He stated that traffic is a sensitive issue, especially when you drive it every day, people get very passionate. NDOT policy follows basic Federal guidelines. Engineers call them warrants, which gets tricky because they start throwing percentages and statistics and it doesn't make any sense in layman's terms. NDOT uses industry standards for what's been happening across the country. Sometimes they make the decision with it and sometimes they do their own study. They try to fine-tune, the best they can. The "Feds", using the Manual Uniform of Traffic Control Devices, 2009 Version, came up with 9 or 10 warrants. They cover every type of scenario, the best they can. No scenario is perfect, so they have to make judgement calls. For this, based on just the Federal guidelines, the traffic study shows that even with the additional traffic, it is the minor road and there is not enough traffic coming from the major road. In his mind, if you look at future development, 5 or 10 years from now, especially at Alamosa, there is not that much development in the north. Calle de la Plata is a definite concern of his. At the NDOT office, they keep track of intersections that they think might pose a problem. This is really going to impact Calle de la Plata and Egyptian. They will work with Traffic Operations in headquarters and let them know they need to do another field evaluation. The report Mr. Pullen has on Calle de la Plata is 3 months old, it does not meet signal warrants now but there's no doubt in his mind that adding these 610 homes, it will meet signal warrants. NDOT does not put up signals based on future growth because the future growth might not be there. The challenge is that

they have to put up a signal using current warrants. It is his belief that if we can have the developer install a signal infrastructure so it can be activated once the counts are there, he is all for it. He would work with Traffic Operations to get their buy-in on it. He does not have confidence that Alamosa will meet the signal warrants. There are 2 options; there are political signal warrants which trump all other warrants and NDOT has no control over them. A roundabout does not require a signal warrant. A roundabout changes 32 conflict points down to 8. Of the remaining 8, they are not the injury type conflict points. This could be a good candidate for a roundabout. Can the developer pay for a roundabout? NDOT did not want to say roundabout or nothing so in the recommendations, they went with the high "T", at least the left turn movement is protected with the raised median and acceleration lane.

Commissioner Chesney stated he respects Mr. Pullen's professional judgement, but Mr. Pullen does not drive that each day like a lot of us have to. Commissioner Chesney stated that if you dumping that kind of traffic on Alamosa, even thinking of a roundabout on 445 is ridiculous, and the signal at Calle de la Plata should have been in two years ago. It is a mess, and you're coming in there at 65 mph and people are coming off of Calle de la Plata and the other side of the intersection, it is totally a crap-shoot every day you drive through it. I understand you have your standards, and your rules and regulations and you deal with the feds, but I'm telling you, it is bad.

Commissioner Chvilicek asked what the current service level was on Pyramid Highway. Mr. Pullen stated that he did not have specific numbers, but stated that anyone who drives Pyramid Highway - it's over capacity. We need additional lanes; there's no question there. RTC, when they look at the 2035 plan, it's showing somewhere between 4-6 lanes in some sections. That's one of the challenges when you are looking at of these types of developments, right now, the existing infrastructure is going to get worse. At this point, when we look at the plans, I don't see anything in the NDOT forecast. RTC is focusing on North Valleys; that caught us by surprise. Sections of I-80 are completely under capacity, between US Parkway and Vista. We are seeing the bottleneck that occurs at the Nugget. We have all these types of strategies that the focus is on those high, key-locations. Commissioner Chvilicek clarified that perhaps the question should be directed to Mr. Lloyd, as we always get a service level grade for existing structures. At Pyramid, the last several developments were at service level F, is that correct? Mr. Lloyd stated he wasn't sure if he could answer correctly, but he believed that several *sections* of Pyramid Highway were at level F. Mr. Pullen added that for that Route, service level E, you need to seriously improve capacity. Commissioner Chvilicek stated that she asks a question consistently, but has not received an answer, and that is, what is, "approved but not built and the cumulative impact." Commissioner Chvilicek stated that with all of the developments that have been brought before the Planning Commission, they are seen in neat little packages, but we don't look at the overall impact on the area. She stated that it would be exceedingly helpful to the Commission if we had to have that cumulative impact of approved but not built. If Planning staff could help us, by just a small statement of "approved but not built, and the cumulative impact," it would be so helpful.

Chair Barnes asked if there were further questions of staff. There were none. Chair Barnes thanked Mr. Pullen for his time.

Chair Barnes called for the applicant presentation. Bob Sader, representative of Hawco Development Company, and the land owner, Spanish Springs Associates, limited partnership, gave a brief history of the development company being comprised of local families and having land ownership in the north Spanish Springs area for many decades. Mr. Sader stated this particular property has been zoned for low density suburban development since 2005 and explained that the tentative map is to realize the zoning that has been in place. Mr. Sader continued that the proposed development is within the suburban growth management area with

master plans that have been approved by the County. The tentative map is within the zoning parameters and the expectations of the master plan for future growth and development.

Mr. Sader discussed the design of the lot patterns and use of large buffers in order to utilize the common open space development, to provide buffers around the properties, and as a means to buffer and transition to the larger lots located mostly on the north and the east. Mr. Sader explained their use of Article 408, in order to provide consistency and compatibility with zoning of other properties in the area.

Mr. Sader stated that they have looked closely at all of the conditions listed in the staff report, and they agree; they are not objecting to any of the conditions and they are prepared to comply with the conditions. Mr. Sader stated that he would like to discuss one of the conditions, and address the issue of the school and park site. There was a question about the location of the school and the park; they have been placed on the map as a potential school site and park site. During planning of the development, they inquired with Washoe County Parks and the Washoe County School District as to whether or not, they would wish to have a school site or a park site in this subdivision. Mr. Sader explained that is their policy when they do major planning; and it is also their policy to donate those sites if the school district or Park department wants to build facilities there. We solicited those responses and found that Washoe County Parks and Washoe County School District wanted sites in the subdivision, and that's why they are there.

On the issue of traffic on Pyramid Highway, it seems there is a lot of concern about traffic, as there should be. Mr. Sader stated that he wanted to clarify Hawco's view, which is to fulfill the requirements of the conditions imposed upon them. The condition that was decided on, was for a "High T" intersection on Alamosa. We at Hawco, understand and agree there are major safety issues at the intersection, when all of these houses are built. And there should be improvements to that intersection. Our view is that a signal is preferred to a High T intersection, which is in the County. We don't oppose that, we know we'll have to build that, and if that were the condition, we would support that. If the condition is for a High T intersection, we will support that as well. Because that at least makes the left turn out of Alamosa a much safer left turn, and that is the most important safety concern at that intersection in our view. We as a developer do not oppose a signal. The situation on Pyramid is one that we have experienced more than once. You have a set of criteria that NDOT uses on State Highways, and perhaps a different set of criteria the County uses, and then residents have a whole different criteria that they would like to see on the road. The developer cannot solve it. We can suggest, that as this is constructed, that if you want to change that condition on the High T intersection, condition 2.hh, and if you want to say that when a signal is allowed by NDOT in the future, at that intersection, that it needs to be built. And the alternative, if it isn't allowed by NDOT, then a High-T intersection will be built. I think that gets you as far as you can go as County regulators, because it's an NDOT road, and we wouldn't oppose that. We want to see safety there and we are very concerned about all of the comments we have heard from residents, who basically prefer a signal, as we do. Mr. Sader stated that he was accompanied by the President of Hawco, Jess Haw, Traffic Engineer, Paul Solaegui, who can speak to levels of service on Pyramid Highway, and Civil Engineer, Sam Chicon who can also answer questions. Mr. Sader asked for an opportunity to comment later in the meeting based upon what is heard during testimony.

Chair Barnes called for public comment. Chair Barnes stated that he had a card from Rich Lewis, but Mr. Lewis had to leave, and asked his written comments be put on the record. "If possible, I would like my comments entered (read) into the public record. With the current approved developments on Calle de la Plata on both sides of the street off Pyramid Highway, additional developments (Harris Ranch) the road, Pyramid Highway, must be expanded to four lanes and stop lights at Calle de la Plata."

Lee Lawrence, resident of Spanish Springs stated the number one concern is the traffic congestion/situation that will occur as a result of this project. Mr. Lawrence lives on Alamosa drive, he drives onto Pyramid Highway every day and it's not too much trouble at this point in time. Doing the math, 5544 traffic movements at that intersection, if you take the peak 10 hours that is around 300 or 400 cars an hour, trying to get out of a T, or X or Y, or whatever you call it. Mr. Lawrence stated that he is not just speaking for himself, or those on Alamosa Drive, but this whole community in Washoe County, everybody that goes to Pyramid Lake, to go tubing, to go the Reservation, to go to Palomino Valley, to go to Warm Springs or wherever, has to pass through this intersection. Mr. Lawrence stated that it's not just us; it's not just Pebble Creek, not Alamosa, isn't Shadow Hills, it's everybody in Washoe County that has got to go through that intersection. Calle de la Plata is absolutely miserable right now. You have to wait, and you look and look and people are turning... I don't know how many wrecks have occurred. Even the guy from the County stated it's over capacity. It's that simple. Mr. Lawrence stated he is for responsible development; he has no problem with Jesse Haw going to Spanish Springs and building 610 houses. What he has a problem with is the responsible development aspect, and we don't have that yet. Responsible development is not in this action plan. What is needed and what has been said for years is, there is supposed to be a light at Calle de la Plata, Pyramid Highway is supposed to be 4 lanes out to Descanso to relieve the congestion and traffic. I think this project needs to be shelved until our infrastructure catches up to us. Half the time we don't have enough water. Mr. Lawrence stated he sits on another Board for the County and we just had to approve a big water project because they are running out of water, up by Mt. Rose Highway. TMWA came to us and needed permission to do that. What I'm saying is, it's responsible development – let's have some of that. Let's wait until the infrastructure catches up.

Elizabeth Pasco, thanked the Commission for the opportunity to hear her concerns regarding the Harris Ranch development. Ms. Pasco stated that she is a mother of four and her focus is on the deadly Pyramid Highway. She stated that there had been a recent rezoning of the area just south of Pebble Creek, which used to be a residential area, and is now rezoned for industrial parks. There have been several fatalities this year on Pyramid Highway. Ms. Pasco referred to the comments made by Commissioner Chesney, driving on Pyramid Highway, coming south bound, dozens and dozens of semi-trucks are pulling out from the mine and from that industrial park right there, and because the traffic is so bad, they run the stop signs, because if they stop, they're going to be stopped there a long time, until they can get their big rigs fast enough to get back up on Pyramid Highway. So they run stop signs, and that leaves us the drivers, slamming on our brakes to prevent running into them. Also, there are non-existent shoulders on the side, safety shoulders, on the side of much of Pyramid Highway. If there are icy roads, debris on the road, or a vehicle malfunction, there is nowhere to go but in a deep ditch on both sides. If a vehicle veers off with a flat tire or something, it's going in the ditch and rolling over. There are fatalities happening because there is no shoulder, the highway is not wide enough for anyone to pull off the side of the road. If there is a proposed school and park across the street from Pebble Creek, all of the children in the Pebble Creek area going to want to cross that highway with a speed limit of 65 mph, which is going to be deadly again, for children to be crossing that road. Those are her main concerns, there are many more, but as a mother of four children, she is deeply, deeply concerned about the safety of that.

David Pasco, stated he was a native Nevadan living in Spanish Springs for approximately 26 years. Mr. Pasco stated that he would like to add to his wife's comments, who spoke previously, that there are a lot of concerns over schools and water. One thing he wants to point out, with all of the planning and reports coming up about what we can sustain and do. Consider what we didn't know that we didn't know. Spanish Springs started this year, and they didn't even know they needed to increase two more first grade classes. Through all the reports, they thought we would know that, but we didn't. So consider that with the development. Mr. Pasco

stated he is not against development; his first home was Hawco, and he stated he loves their home. Mr. Pasco stated that Pyramid highway was a fast road, 65 mph, and a lot of people unfortunately go above that. Consider that in this two lane road, which is narrow. Mr. Pasco described an accident of their family friends on Pyramid, in an area where there is only about 8 inches of shoulder, where the tire caught a rut and they rolled their car. They were ok, but multiple fatalities have occurred this year. In May, there was a head-on there. In December there was a roll-over, last February there was another fatality. There have been countless accidents, who knows how many have not been reported. Mr. Pasco stated that he had been run off the road when it was two-lanes. Because of progression, because the road has been widened over years, it is saving lives. That's the bottom line. There are reports, it saves lives, it saves injuries. What is the right thing to do? The right and responsible thing to do is to put in a light at Calle de la Plata, widen Pyramid as far as we can. You're never going to be wrong for doing the right thing.

Adrian Dyette, Not present

Richard "Dick" Kirkland, stated he is a resident of Washoe County for 60 years, retired Reno Police Chief, retired Washoe County Sheriff, and retired Director of Public Safety for the State of Nevada. Mr. Kirkland stated he wanted to address not just traffic, but traffic safety and loss of lives. Mr. Kirkland did a research of the newspaper, because he wasn't notified of this until two weeks ago, and we weren't even notified of this one, even though he asked to be notified, because of this 500 hundred foot rule. Somebody makes up a rule and says we can't tell anybody because we got a rule we made up that we don't have to tell you because you are more than 500 feet away. In three months, four people have lost their lives on Pyramid. I did a check with City of Reno and City of Sparks to see if there was any other piece of highway the same size that had that many, in a year, and he could not find one. Questions were raised about the service level, but Mr. Kirkland stated that he immediately goes to, what is the traffic accident level, what are the injuries, what are the deaths, what are the crashes. Because that's the thing that NDOT and the traffic engineers do not understand. It changes when you have the kind of road that everybody has just described here and traffic gets jammed up. One of the gentlemen did say when you get to Calle de la Plata, you have to play a game of Russian roulette. You can't even see. The sagebrush has grown up, and you have to get half way out into the middle of the street. This is a really serious problem, that shouldn't go further until we have all the statistics. I asked your own staff, and I made a mistake, and said, so you guys have these statistics, and the answer was, and it's in your package, yes. That wasn't the question. Where is the data? Where are the accidents, the deaths, the injuries, in a comparative format? What was the cause, what was the speed, following too closely, hitting a truck, etcetera, etcetera? I was amazed that I tried to get that from the NHP site which he used to supervise; we used to provide that, they don't provide that anymore – they tell you there was a certain number of accidents in a place, that's it. Ladies and gentlemen, I think we need to back up and get the facts and get the traffic accident fatality/injury accident rate, and then take a look at it. And then see what is needed. Maybe a light, it may not be. It's gonna have to be. Mr. Kirkland concluded by stating he was going to follow up with a written request for all of this information

Victor Szymkiewicz has been resident in the area of the proposed development for one year. Mr. Szymkiewicz stated he moved here from Dublin, CA that went from approximately 17,000 to 45,000-50,000 in the 15 years that he lived there. He stated it was very well organized and well laid out, in that they put the horse in front of the cart. They built the infrastructure first, and then approved the housing developments. The way I see it happening here, it's the other way around. When we have a situation where the traffic is completely messed up, then we start thinking about a five or ten year plan to improve the roads. RTC has a plan right now to increase the lanes on Pyramid to six lanes up to the Save Mart, and four lanes to Calle de la Plata, then

two lanes on. I think what we need to do is wait until that plan is implemented before approving any more housing developments. Mr. Szymkiewicz recalled an incident where he and his wife had to run a traffic break to assist a neighbor/motorist with a vehicle that could not go over 20 mph and stated that it is a very dangerous situation. The number of traffic deaths is unbelievable on that road. He stated he is all for development and thinks it's great for the area. But the way the schools are way overfilled, and the way the traffic is now, and the additional houses coming in, it just wouldn't be a good idea to approve any more houses until that infrastructure is in place. Mr. Szymkiewicz further stated that the house values are determined in Dublin by the schools. The schools are phenomenal and our schools being overcrowded like this, to put more houses in, and I question the amount of students they are going to have with 600 houses, and the students from the other housing complex coming in, it will lower the housing values significantly, because we don't have adequate schooling which is extremely important to house values. Mr. Szymkiewicz closed by stating he would suggest we get the infrastructure in place and then get the houses in place. Or at least improve the infrastructure through the RTC plan for Pyramid Highway.

Terri Rondulait thanked the Commission and Planner Trevor Lloyd for confirming the meeting tonight as she has property abutting the buffer zone, and only received a courtesy post card but did not receive an affirmative notice that the meeting was being held. Ms. Rondulait thanked the previous speakers for their comments. Ms. Rondulait asked the Commission to think of how they get to work each day. How many fatal intersections does the Commission cross every single day? People in Spanish Springs Valley Ranches have no choice – there are two, Calle de la Plata and Alamosa. Ms. Rondulait called attention to the map that was presented and expressed concern about the how densely populated the sub development proposal is with only one entrance and exit. The report indicates that there are, in parenthesis, *proposed* west and south emergency entrances and exits. How can a map be approved that does not have *existing* plans for emergency vehicles? Even Pebble Creek, less dense than this, has three entrances and exits to the highway. No lights, we would really love to have a light at Landmark and Alamosa. Calle de la Plata would be even better. Coming here tonight, out of the Donovan pit area, a vehicle flew out of there, she had to slam on her brakes and stated there was almost a good accident there tonight. Ms. Rondulait informed the Commission of another near accident involving what she thought might be high school aged drivers trying to make a right turn up Calle de la Plata and didn't slow down enough and almost ran into the sign for Spanish Springs Valley Ranches. Ms. Rondulait closed by stating that, definitely, a multitude of traffic controls need to be implemented before anything further is approved.

Tom Thorn, stated he has lived in Spanish Springs for a year and a half and lived previously in Las Vegas for 45 years and has been involved in development companies for 30 years. Mr. Thorn stated the need for a stop light, and said in Las Vegas, they would put in a road and then add a light or an over pass after the fatality count got high enough; he stated he would like to avoid this. Just before Calle de la Plata there is a sign where you should put your chains on because of the icy conditions coming through the pass. Between Ryder, Lennar's new project, this proposed project and Pebble Creek, there are over a 1,000 houses. There absolutely needs to be a stop light at least at Alamosa, and probably at Calle de la Plata. Mr. Thorn suggested that one of the conditions of approval of the plan should be an agreement between Washoe County School District and the developer to have the 21 acres used for an elementary school. Mr. Thorn stated the need for it and indicated that lowering of property values occurs without adequate schooling. Mr. Thorn noted the plan included additional trails in the natural area and questioned what they tie into. Mr. Thorn suggested that bigger lots would be preferable to more buffer zones, having worked with housing builders for years; he believes smaller houses in an area with much larger houses would probably not do well in value.

Chair Barnes called for further public comment, and being none, opened the floor to Commission questions.

Commissioner Chvilicek asked staff the minimum acreage for an elementary school, middle school and high school. Mr. Lloyd responded from memory, and asked for a correction if he was mistaken, that a high school requires 40 acres, a middle school is 20 acres and an elementary school requires 10 acres. Mr. Sader, representative of Hawco, added that for an elementary school, the school district typically requires 10 acres, but recently has indicated they can use 8 acres if building a two-story school. During conversation with the school district, they indicated they would want 10 acres in Harris Ranch, so that is what was plotted out. Commissioner Chvilicek asked if Hawco's donation of the land was for an elementary school, as there isn't sufficient land for a larger school, and Mr. Sader affirmed that was correct, it was designed for an elementary school site, not a middle or high school, as there was not sufficient land. Commissioner Horan asked if the area for donation was 21 acres. Mr. Sader confirmed that 10 acres would be for the school and 11 acres for a park. Mr. Lloyd returned with the required acreage for schools, being 10 acres for an elementary school, 15-20 for a middle school and 40-50 acres for a high school. Commissioner Horan asked Mr. Webb, what is Article 702, Adequate Public Facilities Management System? Mr. Webb answered, specific to Article 702, it covers the minimum standards that need to be in place for public facilities and what is deemed to be public facilities. Mr. Webb stated that it was a fairly short Article and does not contain a lot of detail. Mr. Webb explained that any development, anywhere, needs to meet certain requirements such as sanitary sewer, and water... Commissioner Horan asked if it includes roads or schools, to which Mr. Webb replied he does not see it immediately, but will look it up while the hearing continues. Mr. Horan asked, we need to find that it is ok? Mr. Webb replied, based on the minimum standards, yes.

Chair Barnes asked if there were other questions, being none, closed the public hearing.

Chair Barnes called for discussion of the Commission. Commissioner Chesney stated that it is quite apparent, regardless of traffic studies, regardless what NDOT says, whatever the traffic engineer says; traffic is the biggest issue. There is no doubt the zoning is there for this development, no question in his mind about that. Commissioner Chesney states he does not think they have enough information tonight to make a decision on this, until the Commission decides on the requirements for the traffic. Regardless of what studies have been done, and regardless NDOT's criteria, we need to get more information on what can be done about the traffic situation. Commissioner Chesney stated that he would like to postpone this until October's meeting and see if staff and the developer can come up with a different solution for the traffic studies. Commissioner Horan stated that he agrees, but the problem the Commission faces is they are reliant upon other experts. NDOT is our expert, and Commissioner Horan agrees that it doesn't seem adequate, but what are we asking them to say? They have their standards, and it's difficult to say what will they come up with, that will be different, based on the way they do things. Commissioner Chesney stated NDOT has rules. They have the feds driving them, the state driving them, everyone is driving them. Regardless of what the studies say, regardless of NDOT's position on this, we need those to change before we go ahead with this.

Commissioner Donshick asked if the Commission could amend the current plan before us, to agree with everything, but we want the light to be built now, not in the future. Chair Barnes deferred to DDA Edwards for a legal standpoint.

DDA Edwards restated the question, and said without regard to the specific condition being considered, yes, the Commission can impose conditions on the approval of a tentative map. With regard to a condition of requiring a stop light to be built, there would need to be a nexus

between what the Commission is requiring as a condition and the impact of that particular project. DDA Edwards stated he cannot say black or white if that standard would be met in this situation, but the Commission does have a general power to impose conditions on tentative maps, as long as the Commission finds there is an essential nexus between the two. DDA Edwards noted, action is required on a tentative map within 60 days of the date of acceptance of the application. The application was accepted July 15, of this year, so putting it out to the October meeting will be outside of that 60 day deadline. The only option to continue it is if the applicant is agreeable to a continuance, otherwise, the Commission will need to do their best to come up with a vote tonight, yes or no, with conditions.

Mr. Webb clarified that Article 702 only applies to sanitary sewer, so it is strictly limited to the provision of sanitary sewer as a part of public infrastructure. The applicant demonstrates that as part of their application, and further clarified that they have up to two years to demonstrate that they will conform to this as part of their development.

Chair Barnes called for further discussion. Commissioner Horan stated that he continues to go back to this. We are given these proposals for this, that and the other thing, and we get the schools and the highways and everybody else to say, yes, it is possible to do it. Commissioner Horan stated that he is struggling with what kind of condition to impose on that. It's a broken system. But how do we get out of that broken system? Commissioner Horan stated he is finding it a bit of a challenge.

Chair Barnes called for further discussion, and hearing none, called for a motion.

Mr. Webb introduced Dwayne Smith, County Engineer. Mr. Smith stated he wants to affirm that part of the work done by the County is to work with partners at NDOT, and developers, to apply the current county codes with a focus on the safety elements associated with those. Part of the recommendations that came from the County Engineering Office was for a High T intersection that would be conditioned as part of the Commission's consideration for this tentative map. That High T is a compromise with NDOT, and NDOT is willing to accept the construction of that High T. That High T can be modified into the future, when certain warrants are met, in terms of traffic levels, it can be signalized as well. Mr. Smith concluded by stating he was adamant that any consideration tonight associated with this tentative map, include the requirement for the High T intersection, which the developer is willing to build, and which NDOT is willing to accept.

Chair Barnes called for a motion.

Commissioner Chvilicek asked if the Planning Commission would see future map, final maps, etc., as this project moves forward. The answer being, no, Commissioner Chvilicek complemented the developer on the large buffer zones and echoed what Commissioner Horan stated. Commissioner Chvilicek restated that when they are asked to make a determination on the existing project in front of them, but cannot compare it to other projects and other impacts of other projects, it makes their job very, very difficult. She continued that she takes her stewardship, her responsibility to the people of Washoe County, very seriously, as do her fellow Commissioners, to represent the people so their voice can be heard. It's troubling when we try to make reasoned decisions, knowing there is a cumulative impact.

Commissioner Chesney asked if they were still under discussion. Chair Barnes said they could continue discussion. Commissioner Chesney stated that it hits him the wrong way that NDOT would dictate the type of intersections we have in these developments. It's just like NDOT could never justify a signal on North Virginia Street until four or five people got killed there, and the Governor had to step in. Commissioner Chesney said he could not support this due to the

traffic. Commissioner Chesney stated it is a sad state of affairs that one agency dictates the safety of a community, and he stated he wanted that on the record.

Chair Barnes called for a motion. DDA Edwards recommended that they make a vote, one way or another.

Commissioner Horan made the following motion: I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number TM16-007 for Harris Ranch with the Conditions of Approval included as Attachment A to the staff report, and includes that the setbacks be reduced from the required Low Density Suburban regulatory zone setbacks to the Medium Density Suburban regulatory zone setbacks of 20 foot front yard, 20 foot rear yard, and 8 foot side yard, having made all ten findings in accordance with Washoe County Development Code Section 110.608.25 with the additional condition that we have the High T intersection as an additional condition.

Mr. Webb clarified that was already a condition, condition 2.hh.

Chair Barnes called for a second. None being heard, the motion failed.

Commissioner Chvilicek made the following motion: I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Tentative Subdivision Map Case Number TM16-007 for Harris Ranch with the Conditions of Approval included as Attachment A to the staff report, and includes that the setbacks be reduced from the required Low Density Suburban regulatory zone setbacks to the Medium Density Suburban, and the reason she is moving for denial is in terms of the finding, item 6, public health.

Mr. Webb clarified on the motion, if the maker is denying subdivision map TM16-007 for Harris Ranch, that is sufficient, and then state the reason for denial, which in this case is item 6.

Commissioner Chvilicek restated her motion to move for denial based on item 6, public health.

Commissioner Chesney seconded the motion.

Chair Barnes called for discussion on the motion.

Commissioner Horan said as stated earlier, it is a real struggle as to what the Commission is being asked to do, and he appreciates the motion made now and he will support that motion, but it's a very difficult thing for them to address. It is a broken system.

Chair Barnes called for further discussion on the motion, there being none, called for a vote.

The motion for denial passed unanimously (five in favor of denial, one absent)

Mr. Webb made an announcement for the public in attendance that the doors to the facility will lock at 10:00 p.m. They can get out but can't get back in. Also, the front gates which front 9th Street will close at 10:30. They can always exit the facility through the gate that fronts on Sutro. The gate has an automatic sensor which opens when you go out. The gate is between the Senior Center and the Rodeo area (RLEC).

Recess: DDA Edwards asked for a recess based on what Mr. Webb just brought up.

DDA Edwards stated for the record that a door has been propped open in the lobby. Since this is a public meeting, it has to be available to the public and the public has to be able to get in. This is like the old days, the Planning Commission meetings haven't gone this late in a long time and the building is now automatically locking. No part of the meeting has been closed or will be closed to the public.

B. Abandonment Case Number AB16-001 (Mil Drae Lane Abandonment) – Hearing, discussion, and possible action to (1) accept dedication of Mil Drae Lane and following the acceptance of dedication to (2) abandon Mil Drae Lane to the seven adjacent properties shown on the Mil Drae Country Estates Subdivision Tract Map #1568.

- Applicant/Property Owners: Ryan M. Dolan Family Trust
Roland and Tina Scarselli
Nunnally Family Trust
Ernaut Family Trust
Faulstich Family Trust
Herbert and Susan H Family Trust
- Location: Mil Drae Lane, approximately 1,500 feet north of the intersection of Huffaker and Del Monte
- Assessor's Parcel Number: 040-581-20
- Parcel Size: 2.523 acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 806
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 1, T18N, R19E, MDM,
Washoe County, NV
- Prepared by: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3620
- E-Mail: tlloyd@washoecounty.us

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. There were none.

Chair Barnes opened the public hearing.

Trevor Lloyd presented his staff report, dated August 17, 2016. Mr. Lloyd stated that there was a recent sale or negotiation of sale that he found out about that morning. The parcel as it stands right now would adhere to the Reasons for No Recommendation by staff. If the request were modified to grant access to all abutting properties along Mil Drae Lane, staff could support the request. Mr. Lloyd said that although Mil Drae Lane is privately owned, because it has been offered for dedication, the County looks at that as "public access". Mr. Lloyd let the

Commission know that the applicant's representative is present, as is a representative for the Bennett's.

Commissioner Chvilicek asked Mr. Lloyd if he is suggesting that the motion for approval is to modify it to grant access to all property owners? Mr. Lloyd said he is recommending that if the Planning Commission approves the project, they would add the condition (and it is listed in the conditions) to grant access to all properties.

Commissioner Chvilicek asked legal counsel and staff how this case got to the Planning Commission. Mr. Lloyd said the applicant will answer that question.

Garrett Gordon of the law firm Lewis Roca Rothgerber, the applicant's representative, stated he is representing the six applicants (One applicant owns two properties). In 1976, the parcel map was approved for seven lots. Mil Drae Lane and Milabar Way was given its own parcel. All the property owners had an interest in it or an easement. They all had an interest in it to use the road. There were also CC&R's recorded on the property. There were a number of important factors in the CC&R's: 1) only one single family dwelling may be located on there; also listed are items concerning trailers, minimum ground floor area, architectural approval, certain setbacks, no industrial uses; discussion about sewer disposal and water rights; no subdividing or future zone changes. Finally listed is the ability to maintain the road. The seven property owners would divide snow removal and maintenance of the road. After the map was recorded, there were three other parcels added to this development and also to the CC&R's. Now you have 10 properties that are part of the Mil Drae Country Estates and are all subject to the CC&R's. Initially, the 10 property owners thought they owned it (the road), they get a tax bill every year and they put money in to maintain it. They realized through research and asking him (Mr. Garrett) that they don't own it. The Dolan family has purchased the Bennett's back property. Talking with the Bennett's, there was a dispute with them wanting to use the road. They wanted to use the road without being part of the CC&R's, without paying any maintenance obligations. On the backs of the ten property owners, they were attempting to assert an ownership right to the road that the applicants believed to be inaccurate. So, there are seven property owners asking the County to accept the road and then right away, abandon it. What will happen after certain conditions are met: the road will go pro rata to the seven property owners, under state law; number two they've agreed to give easements to three property owners. Given that Dolans have purchased the back property, they've agreed, which has always been their position, as long as you are subject to the CC&R's and you agree to pay your fair share of road maintenance, you're in. They will amend the CC&R's, have eleven property owners subject to the CC&R's, all paying one eleventh of the road. Mr. Garret has two changes to the staff report. On page 2 of 2, currently the condition of approval is that access is granted to all abutting property owners. They do not believe they should be obligated to grant an easement to the front Bennett parcel. One, they are not agreeing to be subject to the CC&R's. Two, they are not agreeing to be subject to the CC&R's to chip in and maintain the road. Most importantly, number three, they are on Del Monte and they have a Del Monte address – 2570 Del Monte Lane. They have always accessed their home off Del Monte. Mr. Garrett stated they hope the Planning Commission would approve the dedication and the abandonment, and amend the condition on page 2 of 2, condition 1.b. that ends with " and replacement of private access for everyone along Mil Drae, except APN 040-582-11". Condition of Approval 2.d. that requires a 50 foot public utility and access easement to all abutting property owners. This parcel doesn't need access, they have Del Monte and they would ask that it be carved out. Mr. Garrett asked to reserve rebuttal time after the Bennett's speak. They (the applicants) think it's a fair deal. Also, the Planning Commission could say, they could be granted an easement if the Bennett's agree to be part of the CC&R's, which includes the road maintenance agreement. At that point, they could come in and be part of the community. Mr. Garrett showed an email from

himself to the Bennett's legal counsel, which set out that offer to please come in if you are subject to the CC&R's and payment. There was never any response.

Dan Church, Professional Land Surveyor, President of Sierra Land Surveying, stated he was asked by Wilma Bennett to review the map and the application. Mr. Church said the disturbing thing about this application is that, as stated, the "now owners" of the seven original parcels of Mil Drae Country Estates are petitioning for this to be abandoned. They are willing to include the three parcels that were included in the Mil Drae Parcel Map which makes a total of ten. They want to use this as a stick to force the Bennett's to become part of the CC&R's and a road maintenance agreement. The Bennett's have said all along that they are willing to share in the road maintenance agreement but they do not want to be a part of the CC&R's. They are more than willing to pay their fair share of the road maintenance. They have lived in the house since 1977, the house has been there since the 50's. It has long had access to their garage off of Mil Drae Lane. The Bennett's own a 15% fee simple interest in the road. They are the second largest interest holders in the road. The Nichols own 20%. The Bennett's 15% was deeded to them from Mick Dragoo, one of the original subdividers. The Bennett's are part of the original subdivision, as successors in title. They (the applicants) argued that none of the parcels owned by the Bennett's had legal access. They also argued that two County surveyors and County Counsel were wrong in approving this map in 2009. Now, Parcel number two had been bought by Mr. Dolan and gifted to his son Ryan. That argument has suddenly gone away. They are using this as a stick to force his client to become part of the CC&R's. They would willingly participate in the road maintenance agreement but are not interested in being part of the CC&R's.

Chair Barnes asked for Commission questions. Mr. Webb informed the Commission that Dwayne Smith, Director of Engineering and Capital Projects can speak to the creation of parcel number two and access to parcel number two that was just referred to.

Dwayne Smith, Division Director for Engineering and Capital Projects said the roadway is privately owned, privately maintained and publicly accessed. With this action tonight to abandon the roadway is the process to remove that future consideration for Washoe County accepting the roadway. In the condition of the road now, the County would not accept the road. It would have to be brought to County standards. When the consideration for the parcel map was made a few years ago, for abandoning the access off of Del Monte to the second, further back, parcel, it still complied with the NRS requirements. What he is hearing tonight is that the applicant is willing to condition it to allow for access to that parcel that would now be landlocked. From the County Engineer's position, Mr. Smith appreciates the fact that they are willing to provide permanent access through an easement, a recorded document, which will be reviewed through his office, to allow access to that second parcel. He doesn't want to get into the conditions of who is required for maintenance. He will leave that to the good judgment of the people who live there.

Commissioner Horan asked for clarification that the road is actually a parcel? Mr. Smith replied that the road is a parcel and has an Assessor's parcel number associated with it. The parcel is given a tax bill every year. Commissioner Horan asked if the tax bill goes out and is paid by a group of people? Mr. Smith replied that yes, that is his understanding.

Commissioner Chvilicek asked again why this case is being heard by the Planning Commission tonight? Mr. Webb replied that all abandonments are heard by the Planning Commission. Commissioner Chvilicek asked if the Board of Adjustment (BOA) voted to deny it? Mr. Webb replied that the BOA never heard it. All abandonments go to the Planning Commission. Mr. Lloyd offered clarification. The application was brought to staff and rejected by the Director of Planning and Development. The appeal process, where the director rejects an application,

goes to the Board of Adjustment. The application was rejected because the Director did not feel staff had all of the necessary Owner Affidavits, as identified by the Assessor's Office. The BOA upheld the Director's decision. That decision was appealed to the Washoe County Board of Commissioners. The County Commission overturned the decision, feeling that the application had enough information. Staff was directed to bring the abandonment forward to the Planning Commission. Mr. Webb wanted to make it clear that, everything else withstanding, all abandonments are heard by the Planning Commission. In this case there were some steps in-between having to do with processing the application, but all abandonments are heard by the Planning Commission.

Commissioner Chvilicek asked since Parcel two has been sold to the adjacent property owner, is Parcel One landlocked? Mr. Smith replied that Parcel One's primary access is off of Del Monte. It is his understanding that they have secondary access off of Mil Drae. Mr. Smith wants to be sure that there is no landlocked parcel created through this process. He appreciates the applicant putting on record that they would provide an easement for the second parcel off of Mil Drae. If they don't provide an easement, the other alternative would be to do a Boundary Line Adjustment to combine the two parcels. In all conditions, staff wants to make sure they don't create a landlocked parcel. Commissioner Chvilicek asked for confirmation that parcel two will soon be owned by Dolan? Mr. Gordon responded that the reason they went to the BOA and the BCC is because they did not believe the Bennett's back parcel had a legal right to the road. The back parcel is now owned by Dolan. Dolan agreed to bring the back parcel under both the CC&R's and the road maintenance agreement to be able to access Mil Drae and participate financially. He tried to make clear with the amended condition that the front Bennett parcel, in his and his clients opinions – there was always a dispute over the back parcel. The front parcel has a Del Monte address and uses Del Monte. There was an allegation tonight that they have agreed to pay but they are only agreeing to pay for the beginning of the road, not the whole road. They don't want to be part of the CC&R's that the whole other community is part of. They have access off Del Monte. Mr. Gordon feels the whole issue is now moot because Dolan owns both and has agreed to be part of the CC&R's and the road maintenance agreement. He would ask that in the motion – to carve out the front Bennett parcel for the reasons he has stated.

Commissioner Chesney asked what is the value and importance of having them conform to the CC&R's if they are willing to pay (for part of the road maintenance)? Mr. Gordon replied that they sent an email over and never got a reply back. Talking with one of the Bennett's attorneys before, they were only willing to pay for the first say 100 feet of the road that addresses their properties but not the whole road. He doesn't know how you would allocate that fee. The CC&R's are very important because when someone is buying a property, they know what they and their neighbors have a right to do. Arguably if they were mandated to give them an easement and they never agreed to the CC&R's, there's nothing stopping them from asking for a rezoning and splitting their parcel up into three. Then there would be access to three properties instead of the one. The land uses in the CC&R's are very important. Also, the setbacks are very important. The properties have setbacks to be far away from their neighbors. Mr. Garrett said they have offered them to join the community and play by their rules, if not, they have access off of Del Monte and they all go their separate ways and be good neighbors.

Mr. Webb clarified that CC&R's are not the purview for a dedication or abandonment. What is before the Commission is a request to dedicate and then to abandon. Regardless of the name of the owner of the second parcel, as Mr. Smith has stated, the access for that parcel is from Mil Drae Lane. Mr. Smith also stated that if the parcels were combined and that parcel was to go away, that would be a different story. That is not what is before the Commission today.

Commissioner Horan said there was a statement before that the Bennett's own 15% of the road? Trevor Lloyd answered, yes, according to the Assessor's records, the Bennett's own fee interest in 15% of the road. Mr. Gordon stated that this is disputed. In their opinion, the back parcel was created (no longer relevant because it's been sold) unlawfully without access.

Commissioner Donshick made a clarification on the document provided to the Commissioners. The first property 040-58-211 was never in question in this abandonment process. It was only the back property. On page 6 of 9 on the abandonment case. They are talking about a property that was not in the discussion to begin with.

Chair Barnes asked for any further questions. With none, he closed the public hearing.

Chair Barnes called for Commission discussion. Commissioner Horan said it is a very confusing case. It seemed to him that they should let the private parties work this out and when all the legal niceties are done, they can come back and ask for the abandonment.

With no further discussion, Chair Barnes called for a motion. Commissioner Horan made the following motion: "I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Abandonment Case Number AB16-001 for Mill Drae Lane, having been unable to make all three required findings in accordance with Washoe County Code Section 110.806.20:

1. Master Plan. The abandonment or vacation is not consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan; and
2. No Detriment. The abandonment or vacation results in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated cannot be reasonably relocated to provide similar or enhanced service.

DDA Edwards stated that Commissioner Horan's motion would need to address the possible acceptance of the dedication as well as the abandonment.

Commissioner Horan amended his motion to deny the acceptance of the dedication. DDA Edwards stated that there is nothing to abandon at that point.

Commissioner Donshick made a second to the motion. The motion for denial of the acceptance of the dedication passed unanimously (five in favor of denial, one absent)

C. Abandonment Case Number AB16-003 (Keefhaver) – Hearing, discussion, and possible action to approve the abandonment of two government patent access and utility easements up to 40-feet in width along the subject parcel's southern and eastern property lines, for the benefit of the applicant. A 5-foot-wide utility easement is proposed to be maintained along the southern property line.

- Applicant/Property Owner: Richard Keefhaver
- Location: 15850 Caswell Lane, approximately 500 feet south of its intersection with Mount Rose Highway
- Assessor's Parcel Number: 049-080-20
- Parcel Size: ±0.91-acres

- Master Plan Category: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 806, *Vacations and Abandonments of Easements or Streets*
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 34, T18N, R19E, MDM, Washoe County, NV
- Prepared by: Kelly Mullin, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications by Commissioners. There were none.

Chair Barnes opened the public hearing.

Kelly Mullin reviewed her staff report dated August 16, 2016.

Chair Barnes asked for Commission questions. Commissioner Chesney asked if this had to be approved by the utilities before it becomes final. Ms. Mullin said yes – for the utility portions of the easement. It is standard procedure that the utilities would have to sign off on the map. Commissioner Horan asked what is a Government Patent Easement? DDA Edwards said it is an older term, with a lot of them still around. When the Federal government made land available for sale to the public or when they granted land out, 150-200 years ago, they were called patents. That was the mechanism used to grant the land to people that took it from the Federal Government. Around the boundaries of each of the sections that they would give out to people, they would create easements that all of the people in the area could use to access all of the parcels. The idea was to encourage people to be able get to the parcels to farm them, build on them, or do whatever they wanted to do on them. They are called Patent Easements.

Chair Barnes asked for the applicant presentation. There was none.

Chair Barnes asked for public comment. Seeing none, he closed the public hearing.

Chair Barnes asked for Commission discussion. Seeing none, he asked for a motion. Commissioner Chesney made the following motion: I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Abandonment Case Number AB16-003 for Richard Keefhaver, having made all three findings in accordance with Washoe County Code Section 110.806.20:

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Forest 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.

Commissioner Horan made a second to the motion. The motion was approved unanimously (five in favor of approval, one absent).

9. Chair and Commission Items

*A. Future agenda items

Commissioner Chesney asked if it would be possible to have someone from TMWA come and give a short presentation on the realistic availability of water in certain areas, such as Spanish Springs. Water availability is a big issue state-wide.

Commissioner Chvilicek asked to possibly have a workshop to discuss the cumulative impacts of approved, but not yet built, projects on public infrastructure.

*B. Requests for information from staff

None

10. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items

Mr. Webb reminded the Regional Planning Commissioners that there are two RPC meetings this month – September 14th and September 28th. Commissioner Chvilicek cannot attend the September 28th meeting; Commissioner Prough will attend in her absence.

Mr. Webb reported on:

- The DCA concerning wineries will be heard by the BCC on September 13th for the first reading. The second reading will be heard on September 27th.
- The Gerlach GID MPA/RZA will be heard by the BCC on September 27th.
- The Spanish Springs RZA (Silent Sparrow) will be heard by the BCC on September 13th.

Mr. Webb provided examples of two handouts on the DCA and MPA process to outline the application process. Further handouts are being developed by the Division.

*B. Possible location change of future meetings. Due to remodeling of the Commission Chambers, the November 1, 2016 and the December 6, 2016 Planning Commission meetings might be held in the District Health conference rooms.

*C. Legal information and updates

None

11. *General Public Comment

None

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 11:01 p.m.

Respectfully submitted,



Kathy Emerson, Recording Secretary

Approved by Commission in session on October 4, 2016.



Carl R. Webb, Jr., AICP
Secretary to the Planning Commission