



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Philip Horan
Kenneth Krater – CIAC
Michael W. Lawson
Carl R. Webb, Jr., AICP, Secretary

Tuesday, June 6, 2017
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, June 6, 2017, in the Washoe County Commission Chambers, Building A, 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
Kenneth Krater - CIAC
Michael Lawson

Staff present: Carl R. Webb, Jr., AICP, Secretary
Clara Lawson, PE, PTOE, Licensed Engineer, Engineering and Capital Projects
Trevor Lloyd, Senior Planner, Planning and Development
Eva M. Krause - AICP, Planner, Planning and Development
Kelly Mullin, Planner, Planning and Development
Dwayne E. Smith, Director, Engineering and Capital Projects
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Development
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development

2. *Pledge of Allegiance

Commissioner Horan led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Bob Webb, AICP, recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

Chair Barnes opened public comment. Hearing no response, he closed public comment.

6. Approval of Agenda

Chair Barnes requested to remove Agenda Item 8D, because the item was withdrawn by the applicant. Vice Chair Chvilicek moved to approve the Agenda as amended for the June 6, 2017, meeting. Commissioner Donshick seconded the motion, which carried unanimously.

7. Approval of May 2, 2017 Draft Minutes and amended April 4, 2017 Draft Minutes

On motion by Commissioner Donshick, seconded by Commissioner Chesney, which carried unanimously, it was ordered that the draft minutes for May 2, 2017 be approved. On motion by Commissioner Donshick, seconded by Commissioner Chesney, which carried unanimously, it was ordered that the amended draft minutes for April 4, 2017 be approved.

8. Public Hearings

The following item only (Agenda Item 8.A.) will be heard by the Washoe County Planning Commission who will convene as the Capital Improvements Advisory Committee (CIAC). Mr. Krater was present as a member of the CIAC.

A. For possible action pursuant to NRS 278B.150: – (1) to affirm that the Regional Road Impact Fee (RRIF) land use assumptions are in conformance with the Washoe County Master Plan, (2) to review the RRIF Capital Improvements Plan (CIP) and direct staff to comment on it, (3) to direct staff to file a report concerning the progress of the county in carrying out the CIP, (4) to direct staff to report to the Washoe County Commission any perceive inequities in the implementation of the CIP or the imposition of the RRIF, and (5) to direct staff to advise the Washoe County Commission of the need to update or revise the land use assumptions, CIP, or ordinance imposing the RRIF.

- Prepared by: Clara Lawson, PE, PTOE, Licensed Engineer
Washoe County Community Services Department
of Engineering and Capital Projects Division
- Phone: 775.328.3603
- E-Mail: clawson@washoecounty.us

Bob Webb, AICP, Secretary, read the item into the record. Chair Barnes opened the public hearing. Clara Lawson, PE, PTOE, Licensed Engineer, presented the Staff Report.

Julie Masterpool, Engineering Manager and Regional Road Impact Fee (RRIF) Administrator for the Regional Transportation Commission (RTC), presented her report. Amy Cummings, RTC Director, presented her portion of the report. Ms. Masterpool continued with her presentation.

Ms. Lawson stated the committee was being asked to: 1) affirm the RRIF Land Use Assumptions were in conformance with the Washoe County Master Plan; 2) to review the RRIF Capital Improvement Plan (CIP) and direct staff to file comments on it; 3) direct staff to file a report concerning progress of the County in carrying out the CIP; 4) direct staff to report to the

Commission any perceived inequities and the implementation of the CIP or imposition of the RRIF; and 5) direct staff to advise the Washoe County Commission on the need to update or review Land Use Assumptions CIP or the ordinance imposing the RRIF.

Chair Barnes opened questions to the Commission. Ken Krater, CIAC, asked for an explanation of how the RRIF Program worked in terms of looking at existing deficiencies when it was originally adopted in 1996. The Program said in order to be able to collect impact fees from developers they had to make sure the existing community dealt with their existing deficiencies on the roadway network. Ms. Masterpool said that was correct. Initially when the Program was set up there were a variety of capacity projects, intersections and roadways that were already underserved and those were excluded from the CIP. She said when they come forward in the future with their sixth edition, it would be more self-evident. They took the list that was in the CIP and reduced a certain percentage of those due to other funding sources they had to use in order to accommodate new growth. They would take out the money they anticipated they would get from the State and then they would reduce some of the project's costs for those deficiencies. She said that was all taken into account when they actually came up with a total dollar of the CIP that new development was required to fund.

Mr. Krater said he knew these were great improvements and the community needed to get them done, but would ADA, bicycle and pedestrian improvements be considered more existing deficiencies in a lot of cases for roadways. Ms. Masterpool stated if they could get people out biking, walking and on Transit that would reduce some of the requirements of the Regional Road Network for additional capacity; however, when they went through and evaluated each one of those line items for bike and pedestrian projects they only assumed about 10 to 15 percent of the cost would be attributable to new development. She said it was reduced and new development was not required to pay for all of those projects.

Mr. Krater said there was a lot of discussion in the community about "complete streets" and reducing a lot of streets and four-lanes to two-lanes, but at the same time adding bike lanes and more parking. He wondered if they were taking a hard look at all the side streets. He said if you take a street like Arlington Avenue and the 20 or 30 cross streets between Plumb Lane and California Avenue, there were a lot of additional delays for all those motorists coming on the cross streets. He said if we were going to look at complete streets, we need to do a better job of addressing those side streets and the delay or make them right- turns and prohibit left-turns. He said his concern was that we wanted to make sure we were adequately addressing the rational nexus of the impact fee program and that the development community was paying impact fees to account for their growth and traffic volumes. Ms. Masterpool stated they had a complete street master plan, which tried to look at those issues.

Ms. Cummings stated they looked at some of the examples of those side street delays and some operational improvements that could be done to address those needs. She believed the RRIF costs were the same as for bicycle and pedestrian with it only being a fraction of the project costs included in the calculations. Mr. Krater said it might be a good idea to highlight it a little more clearly in the report so everyone understood that a portion of that funding would come from other sources.

Mr. Krater said the replacement of the Arlington Bridge was more of an existing deficiency than it was any sort of roadway capacity improvement project. Ms. Masterpool said that particular one was excluded from the RRIF CIP for that reason. She said impact fees were limited to only capacity improvements where they could justify new development had that fair share.

Mr. Krater said there was a project to improve the Damonte Ranch Parkway at the I-580 Interchange and he wondered what that referred to. Ms. Lawson said they had a minor improvement they were doing this summer and for the South Meadows I-580 Intersections. She said they would provide dual right-turn lanes. Mr. Krater thought that was a great capacity improvement.

Mr. Krater stated in his experience the numbers that came out of the Nevada State Demographer were always low and the growth always exceeded those projections. He thought it was because they had specific purposes in terms of taxation, but he wondered if they considered all of those different models equally or was there a way they discounted some of those. Ms. Cummings stated he was correct, the private forecast seemed to be a little higher and the Demographer's forecast was lower and then the Truckee Meadows Water Authority (TMWA) was in the middle and that was why they had those four different sources. She said they added those together to get the total for the County. She said they also had a formula that would split that between the jurisdictions of the unincorporated Washoe County. She said they had a separate model they used for the traffic analysis zone that took things down to the parcel level.

Mr. Krater said he understood from the Reno-Tahoe Airport Authority there was the potential for tremendous growth within the Reno-Stead Airport area and yet he did not see any real means within the CIP to provide access to that growth. He did not think they wanted additional truck traffic going down Lemmon Lane, which was closed right now because of flooding. Ms. Cummings stated over the last one to two years they did a planning site specific to the North Valleys Area and the Airport was involved and there was certainly more growth going there than many other areas of the community. She said one of the short term improvements targeting that issue was the Red Rock and Moya Intersection improvement, which was in design now. She said that was the path the Airport was envisioning for most of the truck traffic and they were designing a traffic light for that intersection. She said she had been working with NDOT on their freeway traffic study, which was looking at the capacity needs on US Highway 395, I-80 and the Spaghetti Bowl corridors. She said they were also working on an interchange improvement at Lemmon Valley where they would signalize those off-ramps, which was also in design for construction next year.

Mr. Krater said we were much more likely to get funding from the NDOT to add the third lane on US Highway 395 between the North Valleys and the Spaghetti Bowl for southbound traffic if our local priorities meshed with the State priorities. Ms. Cummings said they were working with NDOT on their study and in September they were going to have a series of public meetings to roll out some of their concepts for the Spaghetti Bowl. Their way of thinking was they needed to fix that bottle-neck first and then they could move forward with the additional lanes on US Highway 395 North.

Mr. Krater stated he was looking at one of the appendices on the Consensus Forecasts under Jurisdictional Splits and it stated that in the future Washoe County was expected to designate at least one secondary transit corridor and to designate infill opportunities under the policies of the 2012 Regional Plan. He said he knew there had been a lot of issues between the counties and the cities in terms of what sort of growth would be allowed in the counties and maybe the counties would not be allowed some of the same economic opportunities to grow their budget. He wondered if there was any consideration given to what that secondary transit corridor might be and what infill opportunity areas the County was considering.

Mr. Webb stated the Consensus Forecast was written under the auspice of the 2012 Regional Plan. As members of the Regional Planning Commission knew they were currently working with the Regional Planning Agency for a major update to the Plan. He knew that one of

the items on all three jurisdiction's discussion topics was actually transit corridors. He thought that process probably would not be done until the March 2018 Regional Plan update, it would be premature to determine if there was going to be anything left of a transit corridor and what that would look like for unincorporated Washoe County. He said one of the conversations that needed to occur regarding infill was to establish the pattern across the greater region. The Regional Plan update would drive the answer to where those infill opportunities would occur for the County because currently the County was limited by both density and by numbers for what it could do outside the urban ring. Those were questions that needed to be answered after the update.

Chair Barnes called for public comment. Hearing none, Chair Barnes closed public comment and called for comments and discussion by the Committee. Commissioner Lawson commended staff on a thorough and comprehensive report. He said he participated in some of the workshops that the RTC had done and he thought their public outreach program was outstanding.

Mr. Webb said staff had some suggested comments on page 5 of the Staff Report the CIAC might consider giving to the Board of County Commissioners (BCC). He suggested the motion maker follow the five points as laid out in the PowerPoint, but more importantly articulate the agenda item to cover those five points with the comments to affirm the RRIF fee land use assumptions and to move through each one of those. He requested the Committee give adequate direction to staff also.

Mr. Krater moved that after giving reasoned consideration to the information contained in the staff report and to information received during the meeting, the Washoe County Capital Improvements Advisory Committee affirm that the Regional Road Impact Fee Land Use Assumptions are in conformance with the Washoe County Master Plan. He also moved to direct staff to provide this Committee's affirmation of Master Plan conformance to the Washoe County Board of County Commissioners. He further moved that the Washoe County Capital Improvements Advisory Committee provide the following comments on the Regional Road Impact Fee Capital Improvement Plan in writing to the Washoe County Board of County Commissioners, and that the Committee Chair review the written comments when prepared by staff and sign the comments on behalf of the Committee. Mr. Krater stated those comments would include:

1. The RRIF Capital Improvement Plan is based on the County Master Plan and the 2016 Consensus Forecast.
2. The RRIF Capital Improvement Plan facilitates growth by constructing capacity improvements to the region's streets and highways that will benefit the efficient movement of persons and goods.
3. The North Service Area and South Service Area with separate Capital Improvements and Impact Fees are contributing to creating a reasonable nexus which is federal law concerning impacts fees levied on development.
4. The RRIF Capital Improvement Plan will not adversely impact the public health, safety, or welfare.
5. The RRIF Capital Improvement Plan is based upon a traffic model & traffic forecast. The Regional Plan provides a blueprint for development within Washoe County over the next 20 years; it directs where growth will occur, identifies development constrained areas that are not suitable for future development over the next 20 years.
6. A traffic model was used to forecast traffic volume on the existing infrastructure. This data was used to develop the RRIF Capital Improvement Plan.

Mr. Krater stated that in addition to these comments, the BCC consider having the top priorities align with that from NDOT and the State Transportation Board and additional review be given to complete streets and multi-model improvements. Mr. Krater added the following two comments:

7. Coordination and analysis shall consider having the top CIP priorities align with that from NDOT and the State Transportation Board.
8. Additional review shall be given to complete streets and multi-model improvements to make sure adequate consideration will be given to the side streets.

Commissioner Chesney seconded the motion, which carried unanimously.

Mr. Krater left the meeting. Chair Barnes stated the Commission was convened as the Washoe County Planning Commission with all Commissioners present.

B. Special Use Permit Case Number WSUP17-0008 (Project Ohlone) – For possible action, hearing, and discussion on a request to construct a new 110 megawatt substation, to expand an existing substation by adding an additional 30 megawatts of capacity, to add the necessary 120 kV overhead transmission lines to connect the proposed substation to existing transmission lines, to vary the landscaping requirements per WCC section 110.412.40(a) by requiring no additional landscaping instead of the standard 20% landscaping area requirement, and to recommend that the Board of County Commissioners sponsor an amendment to the Truckee Meadows Regional Plan (TMRP) to identify the new locations of the substations and transmission lines to reflect such facilities on the Regional Utility Corridor map of the TMRP. If approved, the project will also require a conformance review with the Truckee Meadows Regional Plan as a Project of Regional Significance.

- Owner/Applicant: Apple Inc., Attn: Data Center Infrastructure and Design
- Location: 21505 East Interstate 80
- Assessor's Parcel Number: 084-110-29
- Parcel Size: 345.20 Acres
- Master Plan Category: Rural and Industrial
- Regulatory Zone: General Rural (GR) and Industrial (I)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon CAB
- Development Code: Article 810 (Special Use Permits)
- Commission District: 4– Commissioner Hartung
- Section/Township/Range: Section 28 & 29, T20N, R22E, 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 read the item into the record. Chair Barnes opened the public hearing. He called for any disclosures from the Commissioners. Hearing none, he called for the staff's presentation. Trevor Lloyd, Senior Planner, presented the Staff Report.

Chair Barnes opened up questions to the Commission. Hearing none, he called for the applicant's presentation. Cynthia Albright, Stantec Consulting, said this project could take approximately 10 years and they needed additional power for the project that was already there

as well as the project that was in for review. She said they planned on a lot more data centers at this location. She noted they were completely in approval with the Conditions of Approval.

Chair Barnes called for public comment. Hearing none, he opened up questions for the Commission. Hearing none, he closed the public hearing and called for a motion.

Commissioner Chesney moved 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 with conditions Special Use Permit Case Number WSUP17-0008 for Apple Inc., having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Commissioner Donshick seconded the motion, which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a proposed substation, substation expansion and transmission lines, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

C. Amendment of Conditions Case Number WAC17-0004 (Tyrolian Village Garages) –

For possible action, hearing, and discussion to approve an amendment of conditions for the Tyrolian Village Subdivision Units 1, 2, 3, 4, and 5, If approved, the final maps for these subdivisions (Tentative Map Case Numbers TM67-017, Tm68-001, TM68-003, TM69-001 AND TM68-002) will be amended to note that garages are permitted within the common area of the subdivisions, subject to conditions, pursuant to agreements between the individual unit owners within the association and the Tyrolian Village Association; and the applicant shall be required to prepare and record amended final maps in accordance with Washoe County Chapter 110, Article 616, *Amendments of Map*.

- Owner/Applicant: Tyrolian Village Association, Inc.
- Location: Northwest of Diamond Peak Ski Resort at the end of Ski Way, Incline Village, NV
- Assessor's Parcel Number: 126-420-13; 126-470-17; 126-480-10; 126-540-32; 126-520-23
- Parcel Size: 15.82 ac; 3.28 ac; 9.97 ac; 26.75 ac; 4.60 ac; (60.42 ac total)
- Master Plan Category: Suburban Residential
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village Crystal Bay
- Development Code: Authorized in Article 616

- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 14 & 11, T16N, R28E, MDM, Washoe County, NV
- Prepared by: Eva M. Krause – AICP, Planner Washoe County Community Services Department Division of Planning and Development
- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Mr. Webb read the item into the record. Chair Barnes opened the public hearing and called for any disclosures from the Commissioners. Commissioner Horan stated he was a member of the Board of Trustees of the Incline Village General Improvement District, but he did not believe this would fall under anything he would have authority over. Chair Barnes requested staff present the Staff Report. Eva Krause, Planner, presented the Staff Report.

Chair Barnes called for the Applicant's presentation. Brett Dieffenbach, Attorney, stated he thought the Staff Report contained all of their information and he was prepared to answer any questions. There were no questions from the Commission.

Chair Barnes called for public comment. Pete Todoroff, 120 Country Club Drive, stated he was the chairman of the Citizens Advisory Board (CAB) and since this project had not been brought before the CAB, he was concerned that after the garages were built there would not be any place for visitor parking. He also wondered if the Fire Marshal had approved the project.

William Torch, 1432 Berne Court, said he submitted a letter to Ms. Krause and he was in support of the project. He said in 1992 he purchased his home and had been waiting to have a garage built on his property. He stated he submitted preliminary and final plans to the Tyrolian Village Architectural Committee and it was approved and he finally submitted permanent plans to the committee, the board and also to the TRPA and the Incline Fire Department. He said they received approval from all agencies including the Washoe County Building Department. He noted his goal was to build his garage, especially due to all the snow received this winter. He said at times, because of the volume of snow, there was no access for emergency vehicles and he felt building of garages was crucial to take cars off of the common area, allow them to have safe storage and allow plowing services to work the regular areas where cars would be parked.

Chair Barnes closed public comment and opened up discussion to the Commission. Commissioner Horan asked if anything had been received from the Fire Department. Ms. Krause stated staff had not received anything from them, which indicated they had no objections.

Chair Barnes closed the public hearing and brought discussion back to the Commission. Commissioner Horan stated he thought this fell within the Homeowner's Association area and they would be the ones to make sure no one used garages for anything else.

Commissioner Lawson stated he believed visitor parking fell under the responsibility of the community under individual permits and should be addressed by the local community.

Chair Barnes called for a motion.

Commissioner Chesney moved 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 Amendment of Conditions Case Number WAC17-0004 for Tentative Map Case Numbers TM67-017, TM68-001, TM68-003, TM69-001

AND TM68-002 for Tyrolian Village Association Inc., with the conditions of approval included as Exhibit A to this matter, having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Donshick seconded the motion, which carried unanimously.

1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;

2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;

3) Type of Development. That the site is physically suited for the type of development proposed;

4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;

5) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;

6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;

7) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;

8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;

9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and

10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

THE FOLLOWING ITEM WAS WITHDRAWN.

D. Abandonment Case Number WAB17-0001 (Ettinger/Church) – For possible action, hearing, and discussion to abandon three 33-foot-wide government patent access and utility easements along the northern, eastern and southern property lines of 15520 Fawn Lane; and one 33-foot-wide government patent access easement along the southern property line of 155—Fawn Lane, for the benefit of the applicants.

- Applicant/Property Owner: Stacy and Lesa Ettinger
- Applicant/Property Owner: Jeffrey Church
- Location: 15500 and 15520 Fawn Lane, approximately ½ mile south of Fawn Lane's Intersection with Mt. Rose Highway
- Assessor's Parcel Numbers: 150-232-08 and 150-232-09
- Parcel Sizes: ± 1.50-acres (APN: 150-232-08) and ± 1496-acres (APN: 150-232-09)
- Master Plan Category: Suburban Residential (both parcels)
- Regulatory Zone: Low Density Suburban (both parcels)
- 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 36, 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

THE ABOVE ITEM WAS WITHDRAWN

E. Tentative Subdivision Map Case Number TM16-009 (Ascenté Subdivision) – For possible action, hearing, and discussion to approve the first phase of a merger and re-subdivision of two parcels totaling 632 acres to create a 225 lot single family common open space subdivision. Lots will range in size from 10,120 square feet (\pm .23 acres) to 91,450 square feet (\pm 2.09 acres) with lot sizes averaging approximately 24,450 square feet (\pm .56 acres), and:

Special Use Permit Case Number SW16-003 (Ascenté Water Tank) - For possible action, hearing, and discussion to approve a 560,000 gallon water storage tank, sewer lift and water pump stations to support the Ascenté development within the 632-acre Ascenté property.

- Applicant: Symbio Development, LLC.
- Property Owners: Gary Nelson and Jeannie Janning (CWH 2011 & WBH 2011 Irrevocable Trusts)
- Location: South of Fawn Lane and Ease of Shawna Lane
- Assessor’s Parcel Numbers: 045-252-14 & 15
- Parcel Sizes: 632.13 acres (total)
- Master Plan Category: Suburban Residential and Open Space
- Regulatory Zone: Medium Density Suburban (MDS), Low Density Suburban (LDS) and Open Space (OS)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 408 Common Open Space Development
Article 608 Tentative Subdivision Maps and Article 810 Special Use Permits
- Commission District: 2– Commissioner Lucey
- Section/Township/Range: Section 1, T17N, R19E, MDM, Washoe County, NV
- Prepared by: Trevor Lloyd, Senior Planner, and Kelly Mullin, Planner, Washoe County Community Services Department Division of Planning and Development
- Phone: 775.328.3620 (Trevor) and 775-328-3608 (Kelly)
- E-Mail: tlloyd@washoecounty.us and kmullin@washoecounty.us

Mr. Webb read the item into the record. Chair Barnes opened the public hearing and called for any disclosures from the Commissioners. Commissioner Horan stated he received a number of emails, but had not responded to any of them. Vice Chair Chvilicek stated she received some emails, but had not responded to any of them. Commissioner Lawson stated he did a site visit yesterday. Chair Barnes disclosed he had received many emails, but had not responded.

Chair Barnes noted that KOLO TV Channel 8 was present. He called for the staff's presentation. Kelly Mullin, Planner, presented her portion of the Staff Report. Trevor Lloyd, Senior Planner, presented his portion of the Staff Report.

Chair Barnes opened up questions to the Commissioners. Commissioner Donschick stated the Tentative Map Project Evaluation showed it was not the function of the Tentative Map review process to determine whether 225 residential lots was an appropriate use of land. Mr. Lloyd said tonight we were not reviewing whether or not the zoning was appropriate. The zoning was established about 10 years ago, which meant the determination of whether or not a density to support 225 units was appropriate had already been decided.

Commissioner Lawson said he read on page 8 of the Staff Report where it discussed in detail the current Master Plan categories and Regulatory Zones of the subject property and how it was established with the adoption of the Forest Area Plan updated in September 2010. The subject property now known as Ascenté was formerly known as Matera Ridge. During the processing for the Forest Area Plan update, there was a significant amount of public involvement and the representatives of the Matera Ridge properties expressed their support for the proposed Forest Area Plan, which included all of the goals and policies that were eventually adopted. It went on to say the Matera Ridge representatives further committed to build and dedicate to Washoe County the extension of Thomas Creek Parkway from the intersection of Mt. Rose to Matera Ridge, across from the US Forest Service property as the primary access road. He said it further stated that all of the commitments and representations provided by the previous owners of the Ascenté property (Matera Ridge) were used as criteria to support the intensification of the property when the Forest Area Plan was adopted. He said the Staff Report indicated the Applicant intended to build that road in the second phase and he was concerned that if it was a primary access road how it could wait for the second phase. He thought everyone did a great job mitigating everyone's concerns; however, this would directly impact the traffic associated with the neighborhood. He wondered if the Commission had the authority to move that to the first phase.

Mr. Lloyd said it was determined the vast number of units would connect ultimately off of that connection to Thomas Creek and for that reason it would eventually become the primary access. He noted there was no Code or policies that memorialized that commitment, so from that perspective they did not have anything to point to which said there was a requirement the connection had to be built first. He said they would still adhere to that commitment down the road. Additionally, there was the condition no additional units beyond the 225 would access off of Fawn Lane and Shawna Lane.

Vice Chair Chvilicek asked what the current level of service was on Fawn Lane. Dwayne Smith, Director of Engineering and Capital Projects, stated currently the traffic study identified Callahan Road, Fawn Lane, Tannerwood Drive and Goldenrod Drive with an existing service level of "C". He said Fawn Lane was identified as having approximately 788 movements of traffic currently. That was about 11 percent of what a level of service "C" movement was. He noted with this project, it was proposed to go up to 1,858 movements along Fawn Lane for a total volume of 2,646, or 38 percent in terms of a level of service "C", which would be an appropriate level for the roadway.

Vice Chair Chvilicek said the Forest Area Plan policies and growth in the planning areas, managed to minimize negative impacts on the areas character, impacts related to light, air and water pollution, wildlife and wildlife habitat and the blending of the new development with any existing development. She said there may not be any federal regulations regarding the nesting

Eagles; however, in the Forest Area Plan it stated there would be protection of wildlife and wildlife habitat. She said Area Plans took precedent over everything else.

Commissioner Lawson said with respect to the traffic study and the travel forecasts contained therein, the consulting firms hired for those were tasked with trying to provide the estimates that best served their clients. He was not suggesting the traffic study was anything but consistent with standard practice. He said he knew that NDOT had a policy that required travel forecasts to be approved by the Traffic Information Division for any roadway that was under their jurisdiction. With respect to the level of service of "F" going to the intersection of Callahan Road and Mt. Rose Highway, he wondered if NDOT's policy followed that respect to having the travel forecasts validated by the Traffic Information Division. He said he saw a memorandum from NDOT District 2 that spoke to the issues of occupancy permits and also expressed some concerns about the left-turn movements, but he saw no documentation from the Traffic Information Division that they approved those travel forecasts.

Mr. Smith stated the comments came back and there was some discussion associated with District 2 and the outcome was there would be turn lanes on Mt. Rose Highway off of Fawn Lane. He said there had been a lot of conversation about the impacts at Callahan; even prior to this project the County had been involved in discussions with regard to signalized intersections. With this project, NDOT and District 2 said those warrants were still not met for a signalized intersection. He stated they were basing their recommendations on Washoe County Code and also on those discussions with NDOT's in terms of what might occur in the future should warrants meet those specific requirements. Those changes may come with future development within the area.

Chair Barnes requested the Applicant or representative come forward. Angela Fuss, Lumos, gave a PowerPoint presentation, which was placed on file with the Clerk. She said this project was not something that was done overnight; it had been going on for the last year and she went over the whole process. She said after the first public input meeting, they redid the entire application and made drastic changes to the site plan based on the public's concerns and input.

Chair Barnes opened up questions to the Commission. Commissioner Donshick asked how wide of a range of acreage did they cover when they did the soil testing and at what depth. Tony Dimple, McGinley and Associates, stated the soil depth was surface soil, 0 to 4 inches and the lateral extent was the whole proposed development phase 1, 170 to 180 acres total. Commissioner Donshick asked how many tests were conducted. Mr. Dimple responded 440 total samples, but those were condensed down to 88 samples. They took five samples from a 2 acre grid, combined that into one homogenized sample and sent it to the laboratory.

Commissioner Chesney said they were going to take 632 acres and put 225 buildable lots on it. Ms. Fuss said everything on the west side would be built. She said no more traffic could be associated with development on this site until they came up with another access. The land on the east side could be developed in a future tentative map. She stated what was being proposed was 225 lots over 225 acres. Staff put the condition on that no additional traffic could be generated through Fawn Lane and Shawna Lane, so until another access happened, no development could occur on the east side of the property. Commissioner Chesney said potential build-out could be 632 homes on the 632 acres. Ms. Fuss stated that was correct.

Vice Chair Chvilicek said it could not be 632 homes on 632 acres because there were slope restrictions. Ms. Fuss stated that was where the common open space design came into play; they could not increase the density, but they could do smaller lot sizes and leave the slopes undeveloped.

The Commission took a 10 minute recess.

The meeting reconvened with all Commissioners present.

Ms. Fuss stated she wanted to clarify some language she used during her storm drainage discussion. She said she used the word "solution" and she wanted to withdraw that. She noted the development of Ascenté was not the "solution" to the adjacent neighbor storm drain problems. She explained what they did was oversize their drainage basins. She said the storm drainage did not have anywhere to go in a contained area and when it came off a parcel it would run into someone's yard. They had now created a situation that was better than what existed today because they were providing a place for that storm runoff to go and they provided a drainage area where it could go to Galena Creek.

Chair Barnes opened public comment. The following individuals each took a three-minute turn to discuss the Callahan Neighbors PowerPoint presentation, which was placed on file with the Clerk: Ryan Loetscher, 5265 Goldenrod Drive; Shari Bainter, 15065 Goldenrod Drive; Dawna Lake, 15866 Fawn Lane; John Beach, 14985 LaBriana Avenue; LeRai Porter, 5560 Wildwood Drive; Jack Broadhurst, 5245 Goldenrod Drive; Chip Porter, 5560 Wildwood Drive; Kris Hemline, 5430 Tannerwood Drive; Liz Conboy, 5265 Cross Creek Lane; Lisa Madison, 5260 Cross Creek Lane; Bob Conboy, 5265 Cross Creek Lane; Trudy Allen, 5250 Shawna Lane; Sue Gulas, 5245 Shawna Lane, David Sater, 15600 Cherrywood Drive; Todd Mihevc, 15640 Cherrywood Drive; Julie Moran, 15615 Patti Lane; Marty Moran, 15615 Patti Lane; Nancy Davis, 16238 Mt. Rose Highway; Janis Foltz, 15580 Cherrywood Drive; Leslie Lyles, 5225 Shawna Lane; Mary Cook, 5320 Cedarwood Drive; Amanda Safforo, 15360 Cherrywood Drive; Jim Lake, 15866 Fawn Lane; Ruth Hagan, 6050 Mountain Shadow Lane; Martha Campbell, 14995 LaBriana Avenue; Janet Raydon, 5405 Tannerwood Drive; Steve Wolgast, 5220 Cedarwood Drive; Chuck Price, 5595 Goldenrod Drive; Gretchin Kvaal, 16257 Callahan Road; Russ Monette, 15341 Brushwood Way; Bruce Kirby, 4700 Ranch Land Circle; and, Ken Allen, 5250 Shawna Lane,.

Some of the main concerns expressed by the speakers and listed in the PowerPoint were issues they felt still had not been addressed in the new proposal:

- Not in compliance with Mt. Rose Scenic Byway
- Incomplete Geo Tech Studies
- Lead Testing Inadequate
- Fire/ Emergency Issues
- Changing the Character of the Neighborhood
- Adversely affected protected view sheds
- Had not addressed potential blasting
- Had not addressed construction water, haul roads or noise pollution
- Whitney grading and pads were not in plan
- Had not addressed NDOT's request for full build out plans
- Misleading traffic study created unaddressed safety risks
- Missing trails and no park plan
- No water and well protection
- Negative impacts on local wildlife
- Destruction of Wetlands
- Flooding modeling inaccurate
- Bonding for project inadequate

The speakers read the conclusions regarding runoff; runoff from Ascenté's property south of Fawn Lane was created by illegal grading; work was conducted by previous owners of the Ascenté property; there was no storm water drain system in place prior to storm water runoff created by illegal grading; Ascenté's storm water flowed across private property; patch work drainage network could not handle increased runoff from the Ascenté Project; and, Ascenté should work with willing property owners and Washoe County to improve the storm water drainage network impacted by runoff from Ascenté's property. They urged the Commission to consider this as a Condition for Approval.

The speakers noted a statement from Ascenté's Conceptual Drainage Report regarding Low Impact Development (LID) groundwater recharge areas should be incorporated into the site plan and enhanced whenever possible and incorporated to manage storm water runoff. They requested Washoe County strongly suggest that Ascenté utilize LID to reduce storm water runoff. The Callahan neighbors felt that was a great idea because groundwater recharge was very important in their area where declining water levels had been occurring for many years; however, Ascenté was putting homes and roads on all of the flat areas of the project site. They said there would be no place to put storm water runoff to enhance ground water recharge and the areas that now contributed to ground water recharge would be replaced with impermeable surfaces.

The Callahan residents presented their conclusions stating Ascenté needed to describe in detail what their LID elements were and how they would be implemented. Ascenté needed to describe in detail how they would incorporate and enhance much needed groundwater recharge elements into their project. Ascenté needed to re-calibrate their model using the measured discharge of 1.36 CFS at outlet one for a 5-year recurrence interval storm. Ascenté needed to keep their storm water discharge to Cedarwood Drive to 1.3 CFS for a 5-year recurrence interval storm. They felt the County needed to impose a cash bond on Ascenté in the event their storm water runoff flooded the existing neighborhood.

Another major concern of the Callahan neighbors related to blasting protocol. They testified to the Commission that structural inspections should be completed before and after blasts. There should be a testing requirement of their individual wells and monitoring of seismic activity. They felt it was important to post what times they would be blasting. The neighbors suggested a water tender truck and fire personnel be present to ensure safety of all the adjacent homes. They requested the job site be cleared, guards should be posted and blasting mats must be used.

The speakers stated there were no answers to their construction concerns. They believed the road cut was in clear violation of the Mt. Rose Scenic Byway. Ascenté did not address any potential blasting problems; there was no plan for construction haul roads or noise containment and no plan for construction water. They thought the proposed road cuts clearly violated the Forest Area Plan regarding view shed impacts and there were no grading or building pad plans for Whitney. The individuals requested the County require a complete plan before proceeding.

The Callahan neighbors went through the Forest Area Plan Character Statement Violations:

- Impact on adjacent neighborhoods not mitigated
- No enhancement to the scenic view of the Mt. Rose Corridor
- New development would promote rural neighborhood feel
- View shed impact was to be mitigated

- No park proposed for Phase I/II
- No parking at Trail Heads
- Require Nevada Department Of Wildlife Study
- Traffic increases with no mitigations
- Lack of fire exits and service entrances

Traffic issues were another concern of the Callahan residents. They stated there was currently a traffic signal at the intersection of Mt. Rose and Thomas Creek Road, but there was no south approach. They wondered if there was a way the developer could construct a phase further east that would tie into the Thomas Creek Road intersection instead of the proposed Phase 1. They reported the NDOT recommendations from October 20, 2016 were that the proposal be amended to include full build-out and mitigation strategies for each phase and bus parking on Mt. Rose would need to be moved. The Thomas Creek intersection should be the main access for this development and consistent with County and NDOT recommendations and requirements. They asked the Planning Commission to require that this road be a part of Phase I. The speakers said this project included just under a million dollars in Regional Road Impact Fees and yet there was no guarantee the money would be spent on roads most affected by this development. They wondered who would pay for the roads damaged by massive construction activity and who would pay for road mitigations if they were not part of the Conditions of Approval. They did not want taxpayers to pay for it.

The Callahan neighbors presented their traffic conclusions:

- Models were no better than the assumptions that go into it. Anticipated increased traffic was a real issue, much more than the minor traffic impacts claimed in Ascenté's traffic study.
- The Planning Commission require Ascenté to plan for the true impact it would bring to the infrastructure and pay for road mitigations. This was the only responsible and safe thing to do.
- The Planning Commission hold Ascenté Group to its long-term vision. A new access road to Mt. Rose Highway and traffic plan for Phase 2 should be required as part of Phase 1.
- The only factual traffic study happens after buildout.

The Callahan neighbors stated 225 homes should be the maximum number of homes allowed and nowhere was the Ascenté group guaranteed that number. They said the current plan for lot placement, size and frontage was not acceptable and must be changed in order to be compliant with the MDS and LDS zoning standards per County Code. They strongly believed the Variance should be denied, because zoning codes existed for a reason.

The speakers stated a cash bond would give resources to the County to fund road mitigations, would hold the developer accountable, protect the County's interests, the Callahan neighbors and their property investment and the taxpayers.

The Callahan speakers discussed the geology involved hazards of the property; specifically the location of faults in connection to the project. If in fact faults were found to be active in the Ascenté property it would have a significant impact on where home sites could be located. They stated the 1983 Study showed the boundary lied along the north and did not include this property; however, in reality the faults did not stop at the northern property boundary but extended to the property. They reviewed a detailed view of the Mt. Rose Estate Plan and how developers located the subdivision lots to ensure proper setbacks from each fault. The Mt. Rose Estates did the field geotechnical work required and adjusted their development layout to

avoid the fault systems. The CFA comment response letter to Exhibit G stated that a final geotechnical map including field exploration, soil testing, rock study and recommendations were required. They thought Ascenté needed to develop a target drilling program to include all areas that required surface disturbance, including the Sierra Village and access road. The speakers said the drilling should be planned and conducted by a certified geologist with experience drilling in this type of formation to collect evidence in faulting, determine degree of fracturing and determine hardness and penetration rate.

The speakers stated harm to wildlife had not been fully considered by the Ascenté developers. They said the Forest Area Plan protected wildlife and that was held upmost to any other guidelines. Steamboat Hills had mule deer, mountain lion, a Golden Eagle family and many other species. They noted the Golden Eagle's nest was located at the back door of the Ascenté development. The speakers outlined all of their information regarding regulations protecting Bald and Golden Eagles and Migratory Birds citing that the Acts' guidelines protected birds from injury, nest abandonment and impacts to productivity. They explained the fines and imprisonment imposed by these Acts if Ascenté construction, blasting or potential blasting and territory destruction caused those birds not to return. They were concerned the developers did not have an Eagle habitat conservation plan, a bird conservation strategy, or a permit from the Secretary of the Interior to move forward. They felt biologists needed to establish an immediate monitoring of the nest, collect data and territory delineation, monitor productivity, and identify activities of disturbance. Included in the USF&WS interim, Golden Eagle inventory and monitoring protocols showed the project biologist needed to collect data over multiple years. The neighbors suggested that now the Commission and the developers were informed, they could not ignore this information.

The Callahan neighbors addressed the Commission regarding Section 110.608.25 of the County Development Code, specifically public health and the possible lead contamination at the location of the proposed Ascenté subdivision. They highlighted their concerns contained in the letter submitted to the Commission explaining how McGinley and Associates were hired by the Applicant and collected 88 soil samples, measured lead concentrations and concluded those measurements were consistent with naturally occurring background and lower than a 500 PPM screening concentration found on the NDEP and EPA websites. They said that did not mean the areas were not contaminated or safe. They reported McGinley's background methods and data were widely rejected by regulators who made risk management decisions. One of the speakers said he had a master's degree in environmental toxicology and spent 32 years of his career as an environmental professional designing, implementing, reviewing and interpreting studies like this and had used them to protect public health. For those reasons, he said Code Section 110.608.25 imposed a duty on the Commission to protect public health by denying the application until a lot more of the right kind of sampling and analysis was done to provide confidence that the residents would not be harmed.

One of the speakers stated he was a retired geological engineer and engineering geologist and he provided a detailed summary to County staff of his objections with regard to the location and activity of potentially active and active faults on the subject site. He referenced geological reports, the west Steamboat fault, cross-sections, the Galena Terrace complex, Galena Creek and the Ascenté development plan failing to acknowledge the presence of faults located on the map. He was very concerned about the lack of acknowledgement by the consultants of the faults and what they would be trenching. He stated he trenched some of the faults shown on the map in the vicinity of Galena Creek and found them to be active and had recommended structural setbacks from them. The Commission must ask if the Ascenté development plan adequately addressed fault hazards in locations where home sites were proposed. He asked the Commission to demand that all faults shown on the composite map be explored through fault exploration trenching and field mapping, have the State Geologist review

that work to assure they were compatible with normal standards and that this work be performed by a qualified engineering geologist with experience in fault identification. He believed this project should not proceed to the next step without first having that information in hand.

The Callahan neighbors stated the biggest problem they had was fire. They stated their homes were surrounded by fuel and all of them had acres or more. The whole hillside was fuel and the areas the developer would leave as wild, was full of fuel. If the prevailing winds were 20mph in Reno, they were 40mph in their neighborhood. When the fire came it would come very fast. They testified this was a very fire prone area and the only two exits were Callahan Ranch Road and Fawn Lane. The Applicant was asking to put an additional 225 homes behind them, which was 225 more fire sources. They thought those homes would not burn down because they were built with sprinkler systems, but the people might get burned trying to get out because it would come so fast. He reiterated their major concern was there were no new emergency exits planned.

Ken Taylor, 15435 Fawn Lane, stated staff felt the application was consistent with the Forest Area Plan; however, he felt the public had a different interpretation. He said the Forest Area Plan said there had to be an acceptable amount of grading, but it did not say what the acceptable amount was; that was a judgement call. He went on to explain the Forest Area Plan said the rural character of the area had to be maintained and they had to blend new development with existing development, but it did not address how to do that. He discussed staff's interpretation of material fill, storm water dumping, 2,500 proposed vehicle trips and loss of scenic views. He did not think that was correct or consistent with the rural character; those were judgement calls. He stated if there was an issue that a number could be put on, then the Commission should listen to staff, but if it was a matter of a judgement call and how someone interpreted the values that were in the Forest Area Plan, he felt the Commission should listen to the public. He hoped the Commission would listen to the public. He said for those Commissioners who would vote in favor of this project, he requested that each of them explain to the public the reasons why they would go against the overwhelming and fact-based views of the community; go against strong public opposition and why it was so inconsistent with the interpretation they had of the Forest Area Plan.

Kim Sigler, 15625 Fawn Lane, stated Fawn Lane did not have a park or any ballfields and the kids in the area all learned to ride in strollers, bicycles and scooters and then moved to their dirt bikes, quads and horses. He said he lived right in the middle of Fawn Lane where the road went in to the foothills to the east and that was the kids' playground. He said they went up and down Fawn Lane and into those hills, all day, all weekend and all summer. He said if the sidewalks got installed those would handle the strollers and some of the bicycles, but the kids would still be out there on the dirt bikes, their quads, and horses. He worked on an ambulance crew as a medic for many years and a kid getting hit by automobiles was not hypothetical to him; he had seen it, held them, and it was one of the worst calls a medic could get. One of the things he noticed was that so many of the accidents were because of mistakes made by the kids. He said the Commission had a duty to protect them, because they would still do what kids did. He said it was called Fawn Lane, not Fawn Road or Fawn Highway; it was just a little country lane. He said if anyone lived on a spot like he did, they would not want this on the end of their street. This entire project was not going to be worth the livelihood, the well-being or the life of one child.

Joan Brick, 15425 Cherrywood Drive, said after hearing all the speakers, she wanted to tell the Commission what the area meant to her. She said she had lived there for 31 years, was a retired teacher, had seen people grow and learn, raised her children, walked down Cherrywood Drive and felt at peace looking at the mountains. She said it was explained how

Codes had been ignored or violated and the Commission heard the emotional appeal of a lot of people. She said the area meant a lot to her and she would hate to see it jeopardized.

Lynn Cieszko, 5555 Goldenrod Drive, stated the Mt. Rose Scenic Corridor Management Plan spoke to safety and traffic issues. In the Plan it mentioned there were icy and snow conditions that existed during the winter. She said the depth of snow and blowing snow could make it very challenging for drivers and NDOT snow removal crew. She said snow further impacted the roads because they had snow berms that would narrow the roads further, and they were only able to plow one-way on some of the roads. She said their Plan showed the cul-de-sacs would have homes built all the way around, wherein the Galena Estates had no homes at the end of the cul-de-sac to allow them to push the snow there. She thought that should be addressed by NDOT so it would be safe for snow removal in the areas. She said in the Plan it talked about deceleration lanes at Callahan; right now there was a two-car deceleration lane to exit Callahan but there were none on Fawn Lane or Edmonton. She noted her concerns regarding Edmonton, the high school and traffic going in and out. She said the Area Management Plan talked about a collector road that could reduce the number of intersections and driveways turning on to the Highway, especially between Wedge and Callahan Ranch Road. She urged the Commission to go beyond this Plan and assure more things were addressed.

Joe McGinley, McGinley and Associates, stated he would be giving the Commission an overview of the lead soil sampling program that his firm conducted on the Ascenté property. He went through his PowerPoint presentation highlighting their contract to perform a screening level site assessment. He said when they evaluated sites for contamination, it was an intense process. He reported those samples were taken based on concerns from the surrounding community even though it was not required by NDEP, Washoe County Health Department or EPA. The results in their report dated October 3, 2016, had been reviewed by John Beech, and several other entities. He gave an overview of the study and the results. The results indicated no significant contamination levels. He said the EPA published screening levels for lead in residential soils for 400 parts per million. He said that was what they used for other lead contaminant sites as well. The value of 80mg per kg referenced by Mr. Beech could not be located in any NDEP or EPA documents. He said they took 440 samples that were composited into 88 discreet samples. The highest they found was 18.4mg per kg, which was less than 5 percent of the EPA screening level.

Jeffrey Church, 15520 Fawn Lane, said Fawn Lane was a non-collector road and on page B13 of the Forest Area Plan it memorialized the intended Thomas Creek access. He noted all developments were subject to all State laws, County Code, NDOT requirements and national standards, and they could not wait for feedback from the Washoe County Health Department, NDEP or NDOT. He said Fawn Lane could be a collector because it did not have a center lane and no sidewalks, but the path that was proposed was gravel and dirt, it was not paved, it was not bike or stroller friendly. More growth on Fawn Lane was predicted because there was proposed development on the Spittler property, the Olson property and dozens of US Forest Service plots they wanted to get rid of. He noted two of which had been identified or deeded as possible future schools. He said failure to comply would result in litigation and he suggested the Commission ask their legal expert his opinion on whether or not it was compliant with the Forest Area Plan. He said there was a road on Ascenté's map shown as County Road 49, which was another option they could use and not come down Fawn Lane. He reminded the Commission that if they were not compliant with so much as one single requirement, then the Commission must reject the project.

Dan Grathan, 16415 Callahan Ranch, stated Washoe County-1 passed to help build new schools, not for people to populate them. He said he had children at the school and it was

horrible to get out of the parking lot at an event. He stated the additional homes down the road by Galena would only increase the difficulty of the parents trying to get in and out. He noted they recently had two bus accidents, one on Arrow Creek and one on a school trip coming back. He testified he was a former professional engineer and had been involved in several projects in town and had the pleasure of telling wonderful half-truths to people to get the projects approved. One of his favorites was rock walls. Ascenté had 10-foot rock walls; he said no one in their right mind would put in a 10-foot rock wall. Using a wall that high that was not structurally sound and there was any seismic activity would result in what happened in Somerset and Damonte Ranch. He reported any time the ground moved the walls would fall down. They were currently monitoring the ground in Somerset because the walls had fallen and the homes were sliding in to the valley. Ascenté was very similar to Somerset with their excessive slopes. He said he grew up on Cedarwood Lane, bought his first home on Tannerwood and was building a home on Callahan Ranch Road. He would like his children to have the same benefits growing up that he did with low traffic and this proposed development did not meet any of his expectations.

Chair Barnes closed public comment and opened up questions to the Commission. Commissioner Donshick said she had a question regarding blasting and the noise. Kent Gasch said there had been plenty of studies done by the US Bureau of Mines and they set standards that determined what vibration levels were considered damaging or destructive. Normally, what they did around construction sites was to limit blasting to two inches per second. He liked to bring that down further to one inch per second, which was a conservative level and allowed them to work with blasting without damaging anyone around the site. He said most people were concerned about the term "blasting;" blasting itself by the sound of the name or the definition was concerning to people. He said it shouldn't be because it was a very good tool for breaking rock for excavation. He stated people brought up the idea of doing chemical blasting, but that was not possible unless the rock was removed from the ground. He stated he had done several jobs in the Reno/Sparks area, right next to I-80 at the intersection of Gregg Street, less than 40 feet from a high pressure gas line, and it was not a problem. He said it could be done safely, but had to be done correctly. He explained it was not mining blasting and the pictures shown earlier were close up pictures of blasting at a mine and they blasted hundreds of thousands of pounds of rock. Commissioner Donshick asked about the noise levels. Mr. Gasch stated they would design the blasts in order to meet criteria to work for the project. He said blasting mats worked well for keeping noise down, so did watering the sites prior to blasting, which would minimize dust. As far as noise in general, they tried to design shots so that they would aim towards the direction where they did not want energy.

Commissioner Lawson stated there was a concern expressed by the citizens regarding placement of the traffic counters and he wondered about the reasoning behind the placement. Loren Chilson stated they located those counters at the location that represented the highest volume of segments of road. At Tannerwood Drive they located the counter immediately adjacent to Callahan. The same thing occurred on Shawna Lane; they counted at the curve right before Goldenrod Drive where the traffic would split. He said that meant the volumes represented the highest number that would occur on that segment. He noted if they went 10 houses down the street the volume would drop; 10 more houses the volume would drop again.

Commissioner Lawson said he noticed they put a lot of traffic on Fawn Lane then he noticed that for part of the mitigation they indicated the use of traffic calming device; he assumed those were speed bumps. He said having lived in a rural community like this he knew that when he encountered traffic calming devices, he would take an alternate route. He asked if they accounted for the potential diversion to the collector road. Mr. Chilson said the calming devices were bulb outs with a crosswalk; they were not a speed hump, because that was not permitted by Code. He said those were not expected to divert traffic and were consistent with a 25mph route. He said for they would not divert traffic to another route, it was not a diversionary

type of traffic calming device. Commissioner Lawson stated that seemed contrary to the purpose of a traffic calming device if it did not function to make him want to take a different route. Mr. Chilson stated the purpose was to reduce speed and keep traffic at 25mph. He said the traffic assignment was calculated in this case; rarely did they calculate travel times from multiple points in a subdivision to define the distribution. They did that in this case to be certain and to provide a certain degree to reviewing agencies.

Commissioner Lawson said with respect to the level of service "F", what would they use for distribution in turns, did they do an existing count and then redistribute the future turns, based on that. Did they use the ITE trip table to develop trip estimates on Fawn Lane. Mr. Chilson stated trip generations based on the IT Manual Standard Rates distribution was based on existing traffic volumes and the demand of the region (90 percent towards town). He noted that caused a lot of right-turn traffic out of the subdivision, which should be expected and why the acceleration lane was proposed on Fawn Lane. He said they counted all the study intersections with school in session to make sure they covered that traffic. They discussed each of the locations on the highway system with NDOT at length and had correspondence from them on a number of topics until they reached the conclusion that signals and roundabouts were not an appropriate control at this time, but the acceleration lane was.

Vice Chair Chvilicek asked how long the project site had been private property. Ms. Fuss said since 1903. Vice Chair Chvilicek said it was not fenced and people accessed it as if it was open space. Ms. Fuss said the 632 acres were not fenced and people accessed it; there was no penalty for doing that now because the current owner chose not to. Vice Chair Chvilicek stated there were two references for geologists going on to the property and trenching and working in trenched faults. Ms. Fuss stated during the preliminary geotechnical report that information was taken from USGS maps and available data. She said they also sent out a separate exploration geologist to go out and he spent three days walking the site, looking for any evidence. She noted when they got to the Final Map stage part of the requirement would be the final geotechnical report. Vice Chair Chvilicek stated what she heard was somebody went to the property and trenched the property. Ms. Fuss stated she thought someone from the audience stated that, but that was not part of Ascenté or the development, and it may have been in reference to surrounding property. Vice Chair Chvilicek said there was reference to a prior owner doing some grading that was found illegal, but had there been any activity on the property that would change drainage. Ms. Fuss stated there had not been any.

Chair Barnes closed the public hearing and brought discussion back to the Commission. Commissioner Lawson stated he would like to thank the public for coming out and spending their time expressing their concerns. He said the Commission also had a responsibility to the Applicant and to staff and the listen to what they said. He stated there was a gentleman that made a comment he really took to heart about a lot of these gray areas that required judgement. He respected staff's position based on the information they had. He concluded staff was not privy to a lot of the information that was presented to the Commission. He found the testimony compelling especially with respect to the Thomas Creek access road as a condition of the Forest Area Plan. He visited the site and to think there might be 2,000 cars on that road a day seemed significant. He understood the characteristics of the neighborhood; he went out to see what the environment looked like to understand the neighbors' concerns; he drove the roads to see what they looked like and he saw the neighbors out talking with one another. He said he would open mindedly try to accommodate growth as long as the rural lifestyles were maintained. He stated he had concerns about conformity with the Forest Area Plan and the Mt. Rose Scenic Byway Plan not being met and issues with public health and safety and not having reasonable fire relief.

Commissioner Donshick stated when she looked at all the data, she had to remind herself she was given special guidelines and Codes she had to follow; she could not use her feelings. She felt the County did an excellent job preparing this and put in a lot of conditions and this was only the tentative map and not the final stage.

Commissioner Chesney stated at least 22 agencies had reviewed this rough draft and they came up with a litany of conditions the developer would have to meet before a final map could be accepted. He said even if the Commission approved the Tentative Subdivision Map, it would not guarantee the approval of Final Subdivision Map. He said the job of the Commission was to determine if this met the minimum acceptable Codes and Standards of the County and could the County service this development. He stated based on the information in the Staff Report and based on what the Commission's job was, he had to support the project.

Vice Chair Chvilicek stated Thomas Creek was noted as a future collector. She stated the Staff Report factored in the Area Plan that contributed to this specific project. She emphasized to the community this would move on to the BCC. She said the Commission was appointed and they turned to the planning staff if they had questions. The BCC probably did not know the Codes as well as the Planning Commission did and it was those Codes that drove their decision making. She said elected officials could deviate from the Codes, but the Planning Commission could not. She stated they all lived in Washoe County and had all been impacted by development. She said this year they had all been impacted by profound weather and there was still a community they could not get into and small businesses were being impacted because of a weather event no one anticipated.

Chair Barnes called for a motion.

Commissioner Chesney moved 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 TM16-009, with the conditions of approval included as Exhibit A to this matter, and Special Use Permit Case Number SW16-003, with the conditions of approval included as Exhibit B for this matter, for Ascenté, having made all findings in accordance with Washoe County Code Sections 110.608.25 and 110.810.30, and the Forest Area Plan. Commissioner Donshick seconded the motion.

Commissioner Horan stated he concurred with the other Commissioners, but he thought the Commission had been given the absolute minimum amount of data and if the project went further there had to be a lot more information and answers to the questions brought up by the participants in the audience. Commissioner Lawson provided comments which were inaudible. Vice Chair Chvilicek stated this was the first step in a very long process, the Commission would see final maps and multiple iterations. She said she was pleased that staff included, in addition to this tentative subdivision and the special use permit findings, specific references in the Forest Area Plan. She noted F.2.13 stated mitigation had to be present at all times to mitigate any negative impacts.

Chair Barnes called for a vote. On call for the vote, the motion passed five to one with Commissioner Lawson voting nay.

Tentative Subdivision Map Findings (WCC Section 110.608.25)

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;

- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- 3) Type of Development. That the site is physically suited for the type of development proposed;
- 4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- 8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- 10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Special Use Permit Findings (WCC Section 110.810.30)

- a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;
- b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;
- d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
- e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Forest Area Plan Findings (for Special Use Permits)

F.12.3 No significant degradation of air quality will occur as a result of the permit.

F.2.13 The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Mr. Webb said the rules, policies and procedures stated a meeting should not extend beyond 11:00 pm and the Chair had the ability to continue items if he chose. Chair Barnes recommended the remaining items be continued to the next meeting. DDA Edwards stated the

Chair could continue items in this situation, but the agenda also provided items could be moved to another agenda at a later meeting.

Chair Barnes decided to continue items 9A and 9B to the next meeting.

9. Planning Items

A. Master Plan Amendment Case Number WMPA17-0001 – For possible action and discussion to send a report to the Washoe County Board of Commissioners regarding their action to reverse the Planning Commission’s original denial regarding a text amendment to Table C-3, Allowed Uses (Commercial Use Types) in the Spanish Springs Area Plan to allow “Storage of Operable Vehicles” in the Neighborhood Commercial (NC) Regulatory Zone, subject to the issuance of a Board of Adjustment approved Special Use Permit. If the applicant’s request is approved, staff recommends that (1) the Personal Storage Guidelines of Appendix A of the Spanish Springs Area Plan (Western Theme Design Guidelines) also be updated to reflect the allowance of the Storage of Operable Vehicles commercial use type in the NC Regulatory Zone; and (2) to clarify that these design guidelines are applicable to this commercial use type throughout the NC Regulatory Zone in the Spanish Springs planning area.

- Applicant: Manke Family Trust
- Consultant: Wood Rodgers, Inc.
- Locations: Properties with a Neighborhood Commercial Regulatory Zone within the boundaries of the Spanish Springs Area Plan
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 820, *Amendment of Master Plan*
- Commission District: 4– Commissioner Hartung
- Prepared by: Kelly Mullin, Planner, Washoe County Community Services Department Division of Planning and Development
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

B. For possible action and discussion to direct staff to draft amendments to the Planning Commission’s Rules, Policies and Procedures to remove the public comment time limit rule of five minutes for a speaker representing a group and other matters as appropriate.

10. Chair and Commission Items

***A.** Future agenda items.

There were no future agenda items.

***B.** Requests for information from staff.

Vice Chair Chvilicek stated she did not receive items 9A and 9B in her packet and she requested that the approved but not yet built information be included in her packet for the next meeting. Chair Barnes stated there was a Commissioner who served eight years on the Commission and several years as chairman, Bob Doxey, who recently passed away.

11. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items.

Bob Webb stated the Lake Tahoe School, which was a Special Use Permit, was appealed to the Board of County Commissioners and would be heard on June 27, 2017. He reported the electronic sign Code Amendment, which this commission also approved, would have a first reading on July 11, 2017 and a second reading on July 25, 2017. He said for the BCC meeting of June 13, 2017 there were two items specific to the Planning Commission; an item to reappoint Vice Chair Chvilicek to the Regional Planning Commission and an item to appoint Thomas Bruce as the seventh Planning Commission member.

*B Legal information and updates.

DDA Edwards stated he had no information or updates to share with the Commission.

12. *General Public Comment

Chair Barnes opened public comment. Gordon Astrom, 200 Horizon Ridge Road, stated he had concerns regarding 9A, which was a reiteration of something the Commission voted on before. He explained the Washoe County Master Plan was to control and guide the existing community and improve the community as it developed. The Master Plan was created with community input to define what the community wanted to be as it grew. For land use, for developing in existing communities, and the Commissioner's job was to approve the application only if it met and was compatible with the existing Master Plan. He said the Spanish Springs Area Master Plan responded to the citizens and to identify and preserve the community's character. He said "we as the community" did not want downtown to be an industrial residential mix match. That was the reason for planning, the planning had been done and the Commission should honor that planning. This was what they had for downtown (slide) it was what they had today it was a retail area, churches, auto zones, restaurants and on the left was what there was now where they wanted to put storage of operable vehicles. He said Neighborhood Commercial (NC) zoning allowed certain uses and if requested uses did not conform to the Master Plan, they could not put it there. He showed some RV's behind an 8-foot wall and according to Nevada law, an RV could be 4-feet taller than the wall. He noted those RVs would be visible from the retail stores and the restaurants and he said the Spanish Springs community did not want that.

13. Adjournment

11:29 p.m. Commissioner Horan moved to adjourn the meeting, seconded by Commissioner Chesney, which carried unanimously.

Respectfully submitted,


Jaime Dellera, Independent Contractor

Approved by Commission in session on July 5, 2017.


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