



# WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

## Planning Commission Members

James Barnes, Chair  
Sarah Chvilicek, Vice Chair  
Larry Chesney  
Thomas Daly  
Roger Edwards  
Philip Horan  
Greg Prough  
Carl R. Webb, Jr., AICP, Secretary

Tuesday, December 1, 2015  
6:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in a scheduled session on Tuesday, December 1, 2015, 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  
Thomas Daly  
Roger Edwards  
Philip Horan  
Greg Prough

Staff present: William H. Whitney, Director, Planning and Development  
Dwayne Smith, Director, Engineering and Capital Projects  
Trevor Lloyd, Senior Planner, Planning and Development  
Kelly Mullin, Planner, Planning and Development  
Roger D. Pelham, MPA, 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 Daly led the pledge to the flag.

### 3. \*Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

### 4. \*Appeal Procedure

Director Whitney recited the appeal procedure for items heard before the Planning Commission.

## 5. \*Public Comment

Chair Barnes opened the Public Comment period. There was no public comment.

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Vice Chair Chvilicek moved to approve the agenda for the December 1, 2015 meeting as written. Commissioner Daly seconded the motion, which passed unanimously with a vote of seven for, none against.

## 7. Approval of November 3, 2015 Draft Minutes

Commissioner Prough moved to approve the minutes for the November 3, 2015, Planning Commission meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

## 8. Public Hearings

### A. Master Plan Amendment Case No. MPA15-005 and Regulatory Zone Amendment Case No. RZA15-008 – Hearing, discussion, and possible action:

- 1) To adopt by resolution an amendment to change the Master Plan Category on four parcels of land totaling approximately 155 acres from a mix of Rural (R) (139.92 acres) and Suburban Residential (SR) (15.07 acres) to 69.60 acres of Rural (R), 59.20 acres of Rural Residential (RR) and 26.1 acres of Suburban Residential (SR); and
- 2) Subject to final approval of the associated Master Plan changes, to approve a resolution recommending an amendment to the Southwest Truckee Meadows Regulatory Zone Map to change the Regulatory Zone on four parcels of land totaling approximately 155 acres from a mix of General Rural (GR) (139.92 acres) and Low Density Suburban (LDS) (15.07 acres) to 69.60 acres of General Rural (GR), 59.20 acres of High Density Rural (HDR) and 26.1 acres of Low Density Suburban (LDS).

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the Southwest Truckee Meadows Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments.

- Applicant/ Property Owners: The Ridges at Hunter Creek, LLC and Ridges Development Inc.
- Location: South of Woodchuck Circle and Hunters Peak Road and West of Hawken Drive
- Assessor's Parcel No's: 041-671-01, 041-650-02, 041-662-12 & 41-650-03
- Existing Master Plan Category: Rural (R) and Suburban Residential (SR)
- Proposed Master Plan: Rural (R), Suburban Residential (SR) and Rural Residential (RR)
- Existing Regulatory Zone: General Rural (GR) and Low Density Suburban (LDS)
- Proposed Regulatory Zone: General Rural (GR), Low Density Suburban (LDS) and High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows Area Plan
- Citizen Advisory Board: West Truckee Meadows
- TMSA: Inside the TMSA

- Development Code: Article 820, *Amendment of Master Plan*  
Article 821, *Amendment of Regulatory Zone*
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19 & 30, T19N, R19E, MDM,  
Washoe County, NV

Trevor Lloyd provided a brief description of the item.

Chair Barnes asked for ethics or ex parte disclosures. Commissioner Chesney disclosed that he was contacted by a representative of the developer by the phone; no discussion. Commissioner Daly was contacted by the developer, who gave him history on the project; Commissioner Daly had not yet seen the agenda or staff report at that time. Commissioner Edwards was contacted by a representative of the developer; he informed the representative that the representative should talk to Chair Barnes. Commissioner Prough was contacted and was asked if he had questions; Commissioner Prough said, "None." Commissioner Horan was contacted and was offered a tour of the property and answers to any questions; he declined both. Chair Barnes received a phone message on his answering machine, but he did not return the call or speak to anyone. Vice Chair Chvilicek received a voice mail, but she had no opportunity to return the call.

Chair Barnes opened the public hearing. Mr. Lloyd announced that Dwayne Smith from the Division of Engineering and Capital Projects and Chief Charles Moore from the Truckee Meadows Fire Protection District were in the audience. Mr. Lloyd reviewed his staff report.

Melissa Lindell, Wood Rodgers, Inc. provided an applicant presentation. A neighborhood meeting and CAB meeting were held, and the project was discussed with several neighbors. At the meetings they explained that the Master Plan Amendment and the zone change are the first steps in the process. There is currently no project. If approved, they will meet with the neighbors again to work on the details of a tentative map design and to listen to any concerns before bringing a request for a tentative map before the Planning Commission. There is some history to the project site. A portion of the property was included in a previously-approved tentative map, but it expired during the recession. Only part of the lots was developed. The developer put in roads, graded roads, put in all the storm drainage improvements, put in a big TMWA water tank, put in entrance gates, and arranged for emergency access, but homes were not constructed. The property sits behind the gate in an inactive, abandoned state. At this time, the current owner wants to reactivate and finish the project. Part of the original project included 91 acres of adjacent land, which was going to be part of a future phase. The current owner would like to include those acres, which makes this a 155-acre site. This is why they are requesting a higher density. The additional 91 acres would allow for potentially 32 more lots. There would be a total of 50 lots. This would amount to a density of 0.32 homes per acre, or essentially over 3.1 acres per house. Schools, utilities, and public services are all capable of handling 50 lots in the area. They are not yet positive if they will create all 50 lots. If the Master Plan Amendment and zone change are approved, then they will work on lot design and meet with the neighbors to address lot sizes, buffering, and any traffic impacts. Schools are under capacity in the area. Water rights are already arranged with the TMWA water tank.

Chair Barnes opened public comment.

David Cochran, Fire Chief with the City of Reno, brought a matter forward for the record on the project application. He discussed the implication of the proposed amendment on the automatic aid agreement for fire services. The automatic aid agreement dictates that the closest fire apparatus, whether from the Reno Fire Department or from Truckee Meadows Fire Protection

District, will respond to brush and structure fires in defined geographic areas. The project site is one of those defined areas. The automatic aid agreement has a series of maps as Attachment 1. This project area is clearly listed in the maps identified as Caughlin West and Caughlin East. The fire suppression services in this area will be provided first, though not solely, by the Reno Fire Department. This will place a burden on the Reno Fire Department, and that burden is borne by the City of Reno tax payers. Approval of this project and the proposed amendment is a change in the status quo that existed when the automatic aid agreement was adopted. The ability to provide for public safety should be a consideration in any application like this. In this case, part of that public safety service is being provided by the Reno Fire Department. Chief Cochran wanted to put this on the record so that it could be considered by the Planning Commission when reviewing this application and any future applications that have similar implications.

Chair Barnes invited Commission questions.

Vice Chair Chvilicek referred to a letter from NDOW and asked Mr. Lloyd how mitigation factors will be factored in for Mule Deer populations.

Mr. Lloyd replied that the question is difficult to answer at this time, because a project is not in front of them. He said it will be taken very seriously into consideration when there is a proposed tentative map. Conditions can be added that would address that need. He understands the concern, and it will be addressed in the future.

Commissioner Daly mentioned to Chief Cochran that Reno Station 7 would be closest to the community, but the station is closed. He asked who would be the closest City or County station.

Chief Cochran stated that the closest station to the eastern portion of the project would be Reno Station 5 off of Mayberry, and the closest station to the western portion of the project would be Reno Station 11 off of Mae Anne. This is reflected in the run cards, which is the dispatch protocol that dictates who responds.

Commissioner Prough asked Chief Cochran the estimated response time from the existing stations and asked if he could foresee a need to build a subsequent station closer to the area if the project is built.

Chief Cochran said they would not need to build an additional station, especially for a project of this size. The project as a whole, in and of itself, would not justify adding a fire station, but it would be an additional burden on the services that the Reno Fire Department already provides. He estimated response time at four and a half minutes or so from the closest station.

Vice Chair Chvilicek stated that she chaired the Blue Ribbon Commission for Washoe County on regionalization of fire services. With the auto aid agreement, the understanding was that the closest unit responds and that the citizens dictate that they want fire protection services, but this project is entirely within the Washoe County sphere, understanding that the closest units would respond. Right now, with a Master Plan Amendment and Regulatory Zone Amendment, there is no tentative map. She believes it is premature to be talking about fire services.

Chief Cochran thanked Vice Chair Chvilicek for her comment and said that he was simply stating this for the record. He said that we, as a City and as the Reno Fire Department, do not have an official position. He was not necessarily speaking for or against it. His council will take this up and when they have an official position, they will make their position known. He wanted the Planning Commission to hear from him before a project might come up.

Vice Chair Chvilicek said that she hopes the City of Reno and Truckee Meadows Chiefs are in conversation with one another prior to City Council involvement and Board of County Commissioner involvement.

Commissioner Daly spoke to Chief Moore regarding the fire code and the Wildland Urban Interface code obligations on the developer initially and on the HOA or individual homeowners subsequent to the developer leaving. He asked if there is a defensible space obligation at the perimeter of the community, particularly given the fire history in Caughlin Ranch.

Chief Moore said there is a defensible space required around the perimeter, which would be a maintenance issue for a future home owners' association, and there would be requirements for each individual lot for defensible space. He added that, with these lots, he believes it is likely that each home would be greater than 5,000 square feet. In this case, fire sprinkler and fire alarm requirements would kick in. So the incidence of a severe structure fire happening in one of these homes would be very unlikely.

Chair Barnes closed the public hearing and called for Commission discussion. There was no discussion. Chair Barnes called for a motion.

Commissioner Edwards, after giving reasoned consideration to the record in this case, including but not limited to the information contained in the staff report and the information presented during the hearing on these items, moved to approve Master Plan Amendment Case Number MPA15-005 and Regulatory Zone Amendment Case Number RZA15-008, based on all of the findings as outlined in the staff report. He further moved to certify the resolutions and the proposed Amendments in MPA15-005 and RZA15-008 as set forth in the staff report for submission to the Washoe County Board of Commissioners and authorized the chair to sign the resolutions on behalf of the Planning Commission.

### **Washoe County Development Code Section 110.820.15 (d) Master Plan Amendment Findings**

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Changed Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the Proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services; and,

### **Southwest Truckee Meadows – Findings**

6. Policy SW.20.1 Findings

- a. The amendment will further implement and preserve the Vision and Character Statement.
- b. The amendment conforms to all applicable policies of the SWTM Area Plan and the Washoe County Master Plan, and the Regional Water Management Plan.
- c. The amendment will not conflict with the public's health, safety or welfare.

7. Policy SW.20.3 Findings

- a. The impacts of the amendment are within commonly accepted thresholds of sustainable resource management and the county's ability to manage the conservation of the area's character will not be compromised.
- b. A feasibility study has been conducted, commissioned and paid for by the applicant, relative to municipal water, sewer and storm water that clearly identifies the improvements likely to be required to support the intensification, and those improvements have been determined to be in substantial compliance with all applicable existing facilities and resources plans for SWTM by the Department of Water Resources. The Department of Water Resources will establish and maintain the standards and methodologies for these feasibility studies.
- c. A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the Southwest Truckee Meadows planning area and the improvement likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination.
- d. For amendments that propose new or intensified commercial land use, the scale of the intended use shall be shown to be community serving in nature. Casinos are not appropriate in the Southwest Truckee Meadows planning area.
- e. For residential land use intensifications, the potential increase in residential units will not exceed Washoe County's applicable policy growth level for the SWTM Area Plan, as established under Goal One.
- f. If the proposed intensification will result in a drop below the established policy level of service for transportation (as established by the Regional Transportation Commission and Washoe County) within the Southwest Truckee Meadows planning area, the necessary improvements required to maintain the established level of service are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification. For impacts to regional roads, the Washoe County Planning Commission, upon written request from the Regional Transportation Commission, may waive this finding.

- g. If roadways impacted by the proposed intensification are currently operating below adopted levels of service, the intensification will not require infrastructure improvements beyond those articulated in Washoe County and regional transportation plans AND the necessary improvements are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification.
- h. Proposed amendments shall complement the long range plans of facilities providers for transportation, water resources, schools and parks as reflected in the policy growth level established in Policy 1.2.
- i. If the proposed intensification results in existing public school facilities exceeding design capacity and compromises the Washoe County School District's ability to implement the neighborhood school philosophy for elementary facilities, then there must be a current capital improvement plan or rezoning plan in place that would enable the District to absorb the additional enrollment. The Washoe County Planning Commission, upon request of the Washoe County Board of Trustees, may waive this finding.
- j. Any existing development in the Southwest Truckee Meadows planning area, the South Valleys planning area, the Forest planning area, or the Southeast Truckee Meadows planning area which is subject to the conditions of a special use permit will not experience undue hardship in its ability to continue to comply with the conditions of the special use permit or otherwise to continue operation of its permitted activities.

**Washoe County Development Code Section 110.821.15 (d) Regulatory Zone Amendment Findings**

1. Consistency with Master Plan The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and Regulatory Zone Map.
2. Compatible Land Uses The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities There are, or are planned to be, adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. Master Plan Policies and Action Programs The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. Desired Pattern of Growth The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Commissioner Prough seconded the motion, which passed unanimously with a vote of seven for, none against.

**B. Master Plan Amendment Case Number MPA15-003 and Regulatory Zone Amendment Case Number RZA15-005 (Blackstone Estates) – Hearing, discussion and possible action:**

- 1) To adopt an amendment to the Washoe County Master Plan, Spanish Springs Area Plan to change the Master Plan Category on one parcel of ± 58.49 acres from a mix of Suburban Residential (SR), Industrial (I) and Commercial (C) to Suburban Residential (SR); and
- 2) Subject to final approval of the associated Master Plan change, to recommend adoption of an amendment to the Spanish Springs Regulatory Zone Map, changing the Regulatory Zone from a mix of Low Density Suburban (LDS), Open Space (OS), Industrial (I) and Neighborhood Commercial (NC) to Medium Density Suburban (MDS).

- Applicant: SP58, LLC, 439 W. Plumb Lane, Reno, NV 89509
- Property Owner: Jacie, LLC c/o Douglass Properties, LLC
- Location: On the north side of Calle De La Plata, approximately 650 feet east of its intersection with Pyramid Highway.
- Parcel Size: ± 58.49 acres
- Assessor's Parcel Number: 534-571-01
- Previous Master Plan: Suburban Residential (SR), Industrial (I) and Commercial (C)
- Proposed Master Plan: Suburban Residential (SR)
- Existing Regulatory Zone: Low Density Suburban (LDS), Open Space (OS), Industrial (I) and Neighborhood Commercial (NC)
- Proposed Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 820, *Amendment of Master Plan*  
Article 821, *Amendment of Regulatory Zone*
- Commission District: 4 - Commissioner Hartung
- Section/Township/Range: Section 23, Township 21N, Range 20E, MDM, Washoe County, NV

Director Whitney provided a brief description of the item, at the request of Chair Barnes.

Chair Barnes asked for ethics or ex parte disclosures. Commissioner Prough disclosed that he lives in the area. The project is on the side of which Commissioner Prough is a part, but this will not affect him one way or another.

DDA Edwards asked Commissioner Prough where his property is in relation to the application being considered.

Commissioner Prough answered that his property is approximately three miles from the location in the Spanish Springs Valley Ranches.

DDA Edwards stated that this is not a project specific application, but rather a Master Plan Amendment and Regulatory Zone Amendment case. He said that as a property owner, Commissioner Prough is qualified to give an opinion on the value of his property. He asked Commissioner Prough if he believed this would have any pecuniary effect on the value of his property.

Commissioner Prough answered, "No."

DDA Edwards confirmed that Commissioner Prough had already stated that this would not interfere with his independence of judgment.

Commissioner Prough affirmed DDA Edwards' statement.

Chair Barnes opened the public hearing. Kelly Mullin reviewed her staff report, dated November 5, 2015.

Mike Railey, with Rubicon Design Group, present on behalf of Blackstone Development, provided an applicant presentation. He explained that this is the first step in developing a tentative map for the project. There is currently no project that will be brought forward. They are pursuing three dwelling units per acre density on the site. He noted that this site is within the Suburban Character Management Area identified in the Area Plan. He said that this does not require any change to the Character Management Statement identified in the Area Plan. The existing zoning designations, Neighborhood Commercial and Industrial, have the lowest compatibility with the existing surrounding uses. What the applicant is proposing with MDS has either high compatibility or medium compatibility, so they believe they are improving the compatibility per the County's own standards. The northern half of the property is already Master Plan Suburban Residential; they'd like to extend this to the south. They had a neighborhood meeting, at which they received good input. A big concern at the meeting was the rural character of the area. Mr. Railey stated that this is a down zone in terms of land use intensification. MDS is a lower intensity designation than Industrial and Neighborhood Commercial. Some of the uses that could be allowed by Industrial would generate truck traffic, potentially noise, lighting, etc., adjacent to the rural area, which would not create a rural feel under the existing regulations. This is reflected in the traffic report based on build out of the existing zoning designations. It would be a 42% reduction in traffic compared to what could be built under the existing Commercial and Industrial designations. The next concern is the Calle De La Plata-Pyramid Highway intersection. With the forthcoming tentative map, they are agreeable to conditions to make improvements to that intersection. NDOT issued a memo saying that should the Planning Commission approve the project adjoining to theirs, the signal warrants would be met to potentially get the intersection signalized. Mr. Railey said they would be more than happy to participate in that during the tentative map process. In terms of water, they have gone through the TMWA discovery process. They are eligible for annexation into TMWA's service territory; they will dedicate water rights with their tentative map and be served by TMWA through TMWA's existing system. They will pay for all of the improvements and upgrades to connect to TMWA's system, same with sewer. This is the first step; very specific conditions can be placed on a tentative map. They have met with potentially the most impacted

resident of the development: Dan Herman, who lives to the west and whose property adjoins their property. They have agreed to some provisions in the forthcoming tentative map with Mr. Herman and have committed to those in writing. He believes that Mr. Herman is not opposed to the project.

Chair Barnes opened public comment.

DDA Edwards mentioned that the overhead timer was broken and stated that time was still being kept by the clerks. The time limits set in the agenda apply.

Larry Thomas, who lives on Calle De La Plata, expressed concern that the 750-foot radius for notification of the residents isn't adequate in an area with ten-acre parcels. He believes that residents farther east on Calle De La Plata should have been notified, because anyone who hits the stop sign on Pyramid highway will be impacted. He doesn't believe that the people present for the meeting were representative of everyone's opinion on the project. His second concern was the water and the impact on the current residents' wells. He stated that TMWA supplements their water rights in Spanish Springs with the Truckee River water rights, so he believes it could impact the residents' wells. He reiterated his concern with the traffic on Calle De La Plata. He believes it is not legitimate to approve this project and the neighboring project simply to trip the NDOT requirements for a traffic light to be installed. It is not only open space to the south of this project. Mr. Thomas is concerned about the quality of life, because they moved out there for a specific lifestyle without neighbors across the street. He is worried that new residents will complain about the animals and smells from the currently-existing property owners; he doesn't want to lose those things. He feels this should be discussed again with more extensive notification (beyond 750 feet) of surrounding property owners.

Merl K. Jessop II lives to the east of this project. He did not receive notification that the zoning was going to change to one-third acre lots. He moved from a one-third acre lot to get away from one-third acre lots and to live a more rural lifestyle. He believes it does not make sense to put one-third acre lots further north at Calle De La Plata when there is plenty of open land around the Desert Springs subdivision. Mr. Jessop asked Commissioner Prough if, as a homeowner, he was notified of this project. All summer Mr. Jessop has been worried about having enough water in his well to feed his animals, and he will be more concerned if the subdivision is approved on one-third acre lots. He feels they will be impacted if TMWA has to drill into their aquifer to get more water. He currently knows of one house without water. The traffic impact is a big consideration for Mr. Jessop. His daily commute is already lengthy, and he anticipates the traffic becoming worse for homeowners with a residential zoning. He believes that with Industrial/Commercial, traffic patterns would be the opposite. He moved to the area to have animals and doesn't believe animals can be owned on one-third acre lots.

Ann Sweder believes there are too many factors not in place to allow the zone change to medium density, three units per acre. In addition to the roads, traffic, fire, and police, Ms. Sweder believes the schools must be considered. Of the six elementary schools in the area, four are over capacity and two are close to capacity, even with additional portable buildings to expand the schools. Shaw Middle School has two portables and is at 98 percent capacity. With all of the current housing being built, Ms. Sweder stated that they'll soon be over capacity.

Spanish Springs High School has ten portables and is still over capacity by 104 percent. Ms. Sweder took these capacities from the Washoe County School website. She is concerned about busing students to schools that aren't at capacity, because looking at the whole area, there really aren't any. All the schools are at capacity or over. She feels that all these homes would push the schools way over, and she would like to know where the money is coming from to pay for additional schools. She stated that the School District does not have the money to make the repairs on the schools that we have. Ms. Sweder believes we should fix the problems in the area before we pile on more housing. She urged the Planning Commission not to approve the rezoning of the property.

Chair Barnes called for Commission questions.

Commissioner Edwards spoke to Ms. Mullin. He mentioned the danger of the Pyramid and Calle De La Plata intersection. He said that this is determined after the building occurs and after certain levels are reached. He believes we don't have the requirements in changing a master plan amendment and zone amendment when we know it is going to import a significant amount of traffic to an area that is already bad. The report indicates that the intersection is already at Level F. Commissioner Edwards acknowledged that they did not have a project plan in front of them to indicate actual densities, but said that 174 lots on 58 acres is right at the 0.33 before taking out roads, easements, setbacks, etc. He asked Ms. Mullin if, in the planning process, there is some way to adjust the final plan when it exists. He'd like to know, if the Planning Commission approves this with three per acre, if it will end up four per acre once they take out roads, curbs, and other items. He asked if there is a plan for this.

Ms. Mullin said that maximum density speaks to the maximum number of dwelling units that can be placed on a property. For Medium Density Suburban, the number is three dwelling units per acre. There are also minimum lot sizes in the regulatory and development standards. This is 12,000 square feet. There is generally a bit of a difference between the minimum lot size and the maximum number of dwellings that are allowed on a property. There's a little bit of give that might take into consideration roads and other things that might be included.

Commissioner Edwards asked if the final result might not be 174, because you need to make the minimum lot size.

Ms. Mullin said that the maximum number of homes on this property, if it was zoned Medium Density Suburban, would be 175. The minimum lot sizes are usually going to be a little bit smaller than three per acre. Ms. Mullin invited Roger Pelham, Senior Planner, to the front to share additional details.

Commissioner Edwards said they run into this all the time on these projects. He said it seems that when they come back to the Planning Commission as a final project, it's not at all what they thought they were going to approve. When Master Plan Amendments are made, it impacts the whole area. He said they're supposed to be the ones looking forward when making the Master Plan Amendments so that these things are considered. There are not many areas of the County in which we can expand, and Commissioner Edwards believes we need to expand. He intends to vote for these things, but wants to know if there is a process.

Mr. Pelham noted that he and Ms. Mullin worked on this project and the adjacent project in conjunction. He offered the question, "Do we have a way to look forward for how development is going to take place?" He answered, yes, in the Spanish Springs Area Plan, that development has been identified to be within the Suburban Character Management Area. This is within the Suburban Character Management Area. They're seeking Suburban Residential Master Plan and Medium Density Suburban zoning. To address the actual difference between development potential and lot size, three dwelling units per acre, a third of an acre, is about 14,000-and-change square feet. The minimum lot size is 12,000. That leaves you 2,000-and-change square feet per dwelling unit to account for all of the necessary infrastructure like roads, sidewalks, and the infrastructure that goes underneath.

Vice Chair Chvilicek asked Ms. Mullin about the supplemental reports, Exhibit M, Exhibit O, and Exhibit N. She is concerned about the Washoe County Community Services Engineering and Capital Projects letter, which reads: "On conclusion the CSD is currently preparing a facility plan for the Spanish Springs area. This document identifies the potential for significant offsite sewer improvements that the applicant would need to construct in order to obtain service from the Community Services Department." Vice Chair Chvilicek believes this is a red flag. She also highlighted the Washoe Storey Conservation District letter, Items 6, 7, and 8, with the report that the applicant did not provide significant information regarding water rights issues. These are big concerns for her with sewage and water.

Ms. Mullin addressed the Washoe Storey Conservation District memo. Regarding information on water rights, there is a memo that was received from the Truckee Meadows Water Authority. This memo from TMWA was provided after the initial application came in, so it is not necessarily something the Washoe Storey Conservation District would have seen. Exhibit O-1 is a memo from TMWA that discusses infrastructure requirements for water service. They discuss a little bit regarding water rights that would need to be dedicated to TMWA for future development. That is something that would come later. She referred this to Dwayne Smith for how the process works. John Enloe from TMWA was also present for questions.

Vice Chair Chvilicek asked to hear about Engineering and offsite sewage improvements and then water.

Dwayne Smith, Community Services Department Engineering and Capital Projects, stated the philosophy that new development pays for development. Any required offsite sewer improvements, be they improvements to existing infrastructure or new infrastructure, would be on the developer, ultimately when the project is developed. It would be on the developer to pay and construct, provide easements, etc., and offer those for dedication to Washoe County for the operation and maintenance.

Vice Chair Chvilicek quoted Mr. Simpson's letter regarding the potential for significant offsite sewer improvements. She said the other factor is that sewer improvements need to go to a plant. Plants, if not now, then are soon to reach capacity. She asked how that is going to be addressed. There are this Master Plan Amendment and this Regulatory Zone Amendment, but

this project and the next are side by side, so we need to think about them in a larger perspective in terms of impact to sewage, water, traffic, and all those factors.

Mr. Smith spoke to the infrastructure necessity. As part of Washoe County's preparedness for new development, facility planning has been initiated in all sewer service areas, including Spanish Springs. Through facility planning work which is currently underway, the need for some enlarged pipes has been identified on the west side of Calle De La Plata. Those improvements are taken into consideration any time they look at new developments, including this development, the neighboring development, and other developments in the area. That part of the process is already underway, and it is the responsibility of us to make sure we're planning appropriately and increasing and constructing those facilities as necessary. The costs will be borne by the new development. Mr. Smith said that Vice Chair Chvilicek's second issue was more of a regional question regarding overall sewer capacity. At this time, there are no limitations associated with adding this development into the overall mix of available capacity. The Spanish Springs area is serviced by unincorporated Washoe County, but all of the municipal sewer flows are conveyed through Washoe County interceptors and the City of Sparks interceptors, which are then conveyed to the TMWA facility. That facility is jointly owned by the City of Reno and the City of Sparks and operated by the City of Sparks. Our capacity within that facility and within the interceptors is identified under a 2005 agreement between Washoe County and the City of Sparks. There is a maximum limitation of ERU connections under that agreement; currently less than half of those have been utilized. We still have significant numbers remaining, and this project, as well as the next project, will fall within that. We don't have any current limitations anticipated through that.

Commissioner Prough addressed Ms. Mullin. He said that traffic, water, schools, and fire came to his mind while reviewing the packet. Assuming that the zoning change is made and the developer wants to build three units per acre and increase the homes in the area, Commissioner Prough asked if the existing fire station by the Save Mart would be able to handle the increased capacity. He asked if more engines, a ladder truck, and/or a bigger station would be needed and who would pay for it.

Ms. Mullin referenced a memo from Truckee Meadows Fire Protection District which was included as Exhibit J. They did not specifically mention any negative impacts to that fire station. If a development proposal was to come through in the future, then Truckee Meadows Fire would again have the opportunity to provide comments and voice any concerns. Ms. Mullin mentioned two letters from the Fire Marshall in Exhibit J regarding this project with comments that would be related to future development.

Commissioner Prough stated that they only address the general regulations for clearance around the properties, the HOA, etc. He is more concerned about the number of units and the demands this would put on the one engine that is currently located there. He asked Ms. Mullin to get back to the Planning Commission with this information.

Ms. Mullin thanked Commissioner Prough for the opportunity. She did not currently have an answer, but could research and get back to them.

Commissioner Prough addressed water. He lives on the other side and has a private well. There are some wells that have gone dry in the area. He was not notified, but it was not required to be notified that far out. He asked if there is any scenario in which the private water table will be molested and cause a reduction in the potential of private water in this change. He asked if there is any scenario where they could drill wells into the private area and sap off the aquifer.

Ms. Mullin referred Commissioner Prough's question to the Truckee Meadows Water Authority expert, John Enloe.

John Enloe said that water rights issues had come up. He said that there are Truckee River water rights available to allow this development and other developments to proceed. TMWA has a bank of water rights, approximately 7,000 acre feet of water held by TMWA that is available for new development. That is roughly enough water for seven years of development throughout the entire region. Two significant events have occurred recently which have greatly improved this region's water supply. One is the merger of the Washoe County water utilities into TMWA. The second is the implementation of the Truckee River Operating Agreement. The merger with Washoe County has allowed TMWA to operate the system much more efficiently. For example, today, almost all of the wells in the system are off, where those areas can be reached with Truckee River water. So they are able to reduce our reliance on the pumping of ground water wells. Only when surface water is not available, wells are pumped in the summer to help meet peak demands. This is referred to as conjunctive use operation. This type of operation reduces the pumping of ground water wells. Water level rises have been seen, particularly on the western side of the valley in Spanish Springs with the ground water tables. With the merger and the conjunctive use operation, the pumping on the wells will be reduced. They are actually actively recharging many of the wells in Spanish Springs. The recharge starts tomorrow for this year and will go all winter long, probably until about April or so. They are doing everything they can to bolster the ground water table in those areas. They cannot guarantee that domestic well owners in certain locations won't have problems. There are many domestic well owners located up on the fringe of the valley; TMWA's wells are nowhere near those domestic wells. They are located in fractured ground water aquifers, and they may have a problem, not necessarily associated with TMWA's pumping, probably more associated with the ongoing drought. Mr. Enloe said that he is a domestic well owner himself and understands the issues. The second thing is the implementation of TROA, the Truckee River Operating Agreement. It has been a negotiated, ongoing process in this community for over twenty years. As of December 1, 2015, they are actively storing water in upstream reservoirs, which they've never been able to do before. The operation of the river has changed. It's a huge benefit for this community, and it will greatly improve TMWA's ability to provide a drought supply to the community.

Commissioner Prough restated his original question to Mr. Enloe. He asked about any potential scenario on the east side of Pyramid, at Calle De La Plata, with this many units going in, that could cause additional drawing of the water from that aquifer that would affect the community there?

Mr. Enloe replied not from what they are doing to provide water service to that area.

Commissioner Prough asked Ms. Mullin a question regarding one of the comments from the community that was at the Spanish Springs Citizen Advisory Board. The comment was from Mr. Herman. Per Mr. Herman, the Spanish Springs Area Plan calls for a transition zone that is not being applied to these residential upzoning requests, and the Spanish Springs Area Plan Character Statement, paragraphs two and three, address this issue. Commissioner Prough asked Ms. Mullin to explain the transition zone and whether or not it was applied.

Ms. Mullin explained that the Character Statement does include a number of descriptives as far as the current state of the Suburban Character Management Area. In speaking with Director Whitney, the Planning and Development Director, and with Planner Eric Young, who helped put together the update to the Spanish Springs Area Plan, they indicated that many of the descriptions were meant to be descriptive, not necessarily requirements for future development.

Director Whitney requested that the Character Statement be displayed on the overhead.

Commissioner Prough referred to a portion of the Character Statement: "Outside the suburban core, a transition to a more rural character occurs." He asked if the portion stating "to the...east, the transition to rural stretches out into the valley and includes lower density" is being fulfilled because one parcel is currently zoned that way. Does that mean they are all encompassed that way?

Director Whitney said the general take on the text, which can be interpreted differently, is that the suburban core is along the Pyramid Highway. The Character Statement says that the transition to more rural character occurs on the east side, and it does. This is a change in density. It's going to be much denser on the east side close to Pyramid Highway. Director Whitney looked at the Character Statement very closely from many angles, and he did not feel that the Character Statement needed to be amended. He feels it is flexible enough and allows enough flexibility that this MPA could go forward without the need to amend the Character Statement. He affirmed that you could look at and interpret the Character Statement in different ways.

Commissioner Prough asked if the rights of the existing homeowners will suffer if the smells from their parcels, where animals can be kept, cross over into the new area under discussion and complaints are filed. He asked if there are any protections for the public or if they get cited to get rid of the smells.

Ms. Mullin responded that the rights of the existing homeowners in terms of keeping animals on their property shouldn't be affected by or change as a result of a project such as this or a change in zoning at this location. There are requirements regarding the number of animals that can be kept on a property. The Health District and Animal Services both have regulations regarding the keeping of those animals; that wouldn't change for a project like this. It is possible that more complaints might come in, but the regulations and requirements would not be effected.

Commissioner Prough is concerned about the possibility of a large number of new neighbors complaining about smells from one person's property. What are that person's rights? If that person is complying with all of the code, will he be held responsible for eliminating the smell?

Ms. Mullin answered that if he is in compliance with Washoe County regulations, then he is in compliance and would not be cited.

Vice Chair Chvilicek returned to the Washoe County Storey Conservation District letter, dated September 29, 2015, for clarification. She was referred to the Truckee Meadows Water Authority letter, dated May 7, 2015. She wanted to clarify her understanding that the Conservation District might not have had access to the TMWA letter. She asked what process is put into place when concerns are put into the report. How are they addressed, and how does follow up occur? She is still concerned about water rights.

Ms. Mullin discussed the difference in the dates. The memo from Truckee Meadows Water Authority very likely was created on the date stated by Vice Chair Chvilicek, but was not received by Ms. Mullin until later. A request was submitted to the applicant for additional information. The applicant has already submitted a subsequent application related to this project, which is on hold right now, but did have information on water from TMWA. So that was included as an exhibit with this staff report, because it is pertinent information. It wasn't necessarily with the original packet that went to the different agencies for review, but it was included with this packet because of its relevance.

Commissioner Prough asked Ms. Mullin about Exhibit G, Points 5 and 6, on the Department of Transportation letter. The letter states that SR 445, Pyramid Highway, has a posted speed of 55 miles per hour through the project limits. A deceleration/right turn lane will be required from northbound SR 445 to eastbound Calle De La Plata. Left turn/deceleration lanes will be required on southbound SR 445 to eastbound Calle De La Plata. Commissioner Prough asked whether he was correct that approval of this change, without looking at the other project, that these are requirements that have been put in place.

Ms. Mullin explained that the comments received from Nevada Department of Transportation, as well as from a number of the other reviewing agencies, are requirements that would be placed potentially on future development on the property. If a tentative map was submitted, then requirements such as that might be placed at time of development. When it comes to Master Plan Amendments or Regulatory Zone Amendments, they are either approved or denied. There is not an opportunity to condition those.

Chair Barnes closed the public hearing and called for any discussion from the Commission.

Commissioner Chesney mentioned that every time they address development in this area, three things are brought up repeatedly – traffic, water, and sewer. He's not sure what can be done about the traffic, because RTC has no plans until 2025 or 2035. He believes this needs to be addressed now. The water and sewer is on the developer, but the traffic is a public safety issue. For the record, Commissioner Chesney said that on whatever level, it needs to be dealt with starting now, because that kind of timeframe is not acceptable.

Commissioner Horan mentioned the other consideration they always hear is schools, which is never answered. He works in some of these schools and doesn't know of any elementary school without trailers.

Commissioner Prough said that he cannot get behind this as it stands now. The discussion is three units per acre. The schools will be overtaxed. He does not believe it is in the best interest of the community. He believes that keeping LDS, with one unit per acre, would allow development and would allow us to avoid heavily taxing the area with the current resources. The traffic, which is always an unknown, concerns him with three units per acre.

Commissioner Edwards stated that he is in favor of development in Spanish Springs. He would also prefer to see LDS. He can vote for the project, because the Planning Commission is not voting on a project; they are voting on a Master Plan Amendment and a zoning amendment. When the project comes before them, they can take another look at it. Of course, it will come before them with 174 units. He's concerned about the impact on the neighborhood. There has been an ongoing discussion about having Industrial and Commercial there to bring traffic back to the neighborhood, not out from neighborhood. He believes they need the development, but wonders why it must be more and more homes. He stated that they just approved 475 more homes on the other side of the road less than a year ago.

Commissioner Prough clarified that he is not against development either, but he believes it needs to be intelligent development. He's all for the development of homes in the area, but he believes that one per acre is more applicable.

Vice Chair Chvilicek referred to the Spanish Springs Area Plan. She shared points in the introduction: respect the rural heritage of the area by encouraging a rustic appearance and preserving scenic quality, respect private property rights, provide a range of low density housing opportunities, provide open space and recreational opportunities, provide local service and employment opportunities, and ensure that growth is kept in balance with resources and infrastructure. She believes it's very important for the Commission to keep this in mind, with the last point being the most pertinent.

Chair Barnes called for motions and findings of fact.

Vice Chair Chvilicek clarified that they had a Master Plan Amendment and a Regulatory Zone Amendment before them. The Commission has been very vocal about the concerns, particularly for Pyramid Highway and Spanish Springs. Road condition is already at F, which can't get worse. Vice Chair Chvilicek believes that the Planning Commission, to do their due diligence, has a responsibility to look at the bigger picture when they see these projects, even though they have the MPA and RZA in front of them. They need to take the concerns of community members into consideration. She said that the reluctance to put forth a motion on the MPA and the RZA speaks volumes.

Commissioner Edwards asked DDA Edwards about the process for making an amendment to a proposal in front of the Planning Commission. He asked if they need to first make a motion and then amend that motion, or if they can make a motion with an amendment before.

DDA Edwards asked Commissioner Edwards if he was pondering doing a motion with a reduced density potential.

Commissioner Edwards answered DDA Edwards' question in the affirmative.

DDA Edwards explained that the agenda drives what the Planning Commission could take action on that night. He heard discussion about LDS instead of MDS. The agenda is for the Master Plan Amendment and the associated zoning change that would increase it to three per acre. The Planning Commission was not agendized to take action on a one per acre change in zoning that night. This does not mean that it couldn't be brought back down the road at another meeting.

Commissioner Edwards asked about the process that night. He wanted to know if they should make a motion on the item before them, and if it were denied by vote, then it would simply be denied and would have to come back.

DDA Edwards said this was correct. He said that if it were denied, then an additional question would be whether it was denied with or without prejudice. With prejudice means a one-year wait on coming back. Without prejudice means there is not a one-year wait to bring it back before the Planning Commission.

Commissioner Edwards asked when this would occur, specifically if it would occur when there was a denial vote.

DDA Edwards answered DDA Edwards' question in the affirmative.

Commissioner Edwards, after giving reasoned consideration to the record in this case, including but not limited to the information contained in the staff report and the information presented during the hearing on these items, moved to approve Master Plan Amendment Case Number MPA15-003 and Regulatory Zone Amendment Case Number RZA15-005, based on all of the findings as outlined in the staff report. He further moved to certify the resolutions and the proposed Amendments in MPA15-003 and RZA15-005 as set forth in the staff report for submission to the Washoe County Board of Commissioners and authorized the chair to sign the resolutions on behalf of the Planning Commission.

### **Washoe County Development Code Section 110.820.15(d) Master Plan Amendment Findings**

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

### **Spanish Springs Area Plan Findings - Policy SS.17.1 (a part of the Master Plan)**

- a. The amendment will further implement and preserve the Vision and Character Statement.
- b. The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.
- c. The amendment will not conflict with the public's health, safety or welfare.

### **Washoe County Development Code Section 110.821.15(d) Regulatory Zone Amendment Findings**

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions; more desirable use. The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

### **Spanish Springs Area Plan Findings - Policy SS.17.2 (a part of the Master Plan)**

- a. A feasibility study has been conducted, commissioned and paid for by the applicant, relative to municipal water, sewer and storm water that clearly identifies the improvements likely to be required to support the intensification, and those improvements have been determined to be in substantial compliance with all applicable existing facilities and resource plans for Spanish Springs by the Department of Water Resources. The Department of Water Resources will establish and maintain the standards and methodologies for these feasibility studies.
- b. A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the [unincorporated] Spanish Springs Hydrographic Basin and the improvements likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination.

- c. **(NOT APPLICABLE)** For commercial and industrial land use intensifications, the overall percentage of commercial and industrial regulatory zone acreage will not exceed 9.86 percent of the Suburban Character Management Area.
- d. For residential land use intensifications, the potential increase in residential units will not exceed Washoe County's policy growth level for the Spanish Springs Area Plan, as established in Policy SS.1.2.
- e. If the proposed intensification will result in a drop below the established policy level of service for transportation (as established by the Regional Transportation Commission and Washoe County) within the Spanish Springs Hydrographic Basin, the necessary improvements required to maintain the established level of service are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification. For impacts to regional roads, this finding may be waived by the Washoe County Planning Commission upon written request from the Regional Transportation Commission.
- f. If roadways impacted by the proposed intensification are currently operating below adopted levels of service, the intensification will not require infrastructure improvements beyond those articulated in Washoe County and Regional transportation plans AND the necessary improvements are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification.
- g. Washoe County will work to ensure that the long range plans of facilities providers for transportation, water resources, schools and parks reflect the policy growth level established in Policy SS.1.2.
- h. If the proposed intensification results in existing facilities exceeding design capacity and compromises the Washoe County School District's ability to implement the neighborhood school philosophy for elementary facilities, then there must be a current capital improvement plan or rezoning plan in place that would enable the District to absorb the additional enrollment. This finding may be waived by the Washoe County Planning Commission upon request of the Washoe County Board of Trustees.
- i. Any existing development in the Spanish Springs planning area, the Sun Valley planning area, the Warm Springs planning area, or the City of Sparks, which is subject to the conditions of a special use permit will not experience undue hardship in the ability to continue to comply with the conditions of the special use permit or otherwise to continue operation of its permitted activities.

Commissioner Chesney seconded the motion.

Chair Barnes called for discussion.

Commissioner Prough disagreed with the finding that the amendment will not conflict with the public's health, safety or welfare. He believes that it will conflict with all of those and cannot be passed. He also isn't certain about the transition zone. He urged a no vote.

Vice Chair Chvilicek feels that the amendment will not further implement and preserve the Vision and Character Statement of the Area Plan. She addressed Director Whitney with her other question regarding how the Planning Commission can compartmentalize this when they're just looking at an MPA and an RZA, knowing there is a much bigger picture.

Director Whitney told the Planning Commission to look at and weigh all of the information that was presented to them and to make the decision, if appropriate, to change the Master Plan and the zoning. He said that it's impossible to really compartmentalize. They must focus that they are changing the color on the Master Plan and the color on the zoning map; that is what their vote is about. But at the same time, the staff report provides much information about the particulars that go along with it, and he can't tell them to ignore the information. The information is provided so that the Planning Commission can make the best call and the best judgment.

Chair Barnes called for a vote on the motion. The motion was denied with a vote of two for (Commissioners Edwards and Horan), five against (Chair Barnes, Vice Chair Chvilicek, and Commissioners Chesney, Prough, and Daly).

DDA Edwards stated that pursuant to their rules, having failed to receive the required number of votes for passage, there is an opportunity for a second motion to determine whether it is denied with or without prejudice. Without prejudice frees them to come back without the time constraints. With prejudice means they would have to wait until the time period is over.

Commissioner Prough made a motion to allow them to come back without prejudice. Commissioner Daly seconded the motion, which passed unanimously with a vote of seven for, none against.

Director Whitney initiated discussion on whether a separate vote was needed for the RZA. He explained that a zone amendment cannot be passed without first passing the Master Plan Amendment. He wanted to confer with counsel regarding the appropriate procedure.

DDA Edwards asked for clarification regarding whether or not Commissioner Edwards' motion included both the MPA and the RZA.

The Planning Commission confirmed that Commissioner Edwards' motion did include both the MPA and the RZA, so no further action was needed.

**C. Master Plan Amendment Case Number MPA15-004 and Regulatory Zone Amendment Case Number RZA15-006 (Sugarloaf Ranch Estates) – Hearing, discussion and possible action:**

- 1) **To adopt an amendment to the Washoe County Master Plan, Spanish Springs Area Plan** to change the Master Plan Category on one parcel of ± 39.84 acres from a mix of Industrial (I) Commercial (C) and Open Space (OS) to Suburban Residential (SR). and
- 2) Subject to final approval of the associated Master Plan change, to recommend adoption of an amendment to the regulatory zone on one parcel of ±39.84 acres from a mix of Open Space (OS), Industrial (I) and Neighborhood Commercial (NC) to Medium Density Suburban (MDS).

- Applicant: Lewis Roca Rothgerber, LLP, 50 West Liberty Street, Suite 410, Reno, NV 89501
- Property Owner: Sugarloaf Peak, LLC, 2777 Northtowne Lane, Reno, NV 89512
- Location: On the north side of Calle De La Plata, approximately 2/10 of a mile east of its intersection with Pyramid Highway.
- Parcel Size: ± 39.84 acres
- Assessor's Parcel No: 534-562-07
- Existing Master Plan: Industrial (I), Commercial (C) and Open Space (OS)
- Proposed Master Plan: Suburban Residential (SR)
- Existing Regulatory Zone: Open Space (OS), Industrial (I) and Neighborhood Commercial (NC)
- Proposed Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 820, *Amendment of Master Plan*  
Article 821, *Amendment of Regulatory Zone*
- Commission District: 4 - Commissioner Hartung
- Section/Township/Range: Section 23, Township 21N, Range 20E, MDM, Washoe County, NV

Director Whitney identified the general nature of the proceeding. He stated that the property is adjacent to the property with which they just dealt.

Chair Barnes called for ethics or ex-parte communications from the Commissioners. Commissioner Prough disclosed the same information as the previous item.

DDA Edwards guided Commissioner Prough through several questions. Commissioner Prough affirmed that he owns property approximately three miles from the area of the application, he has a well on that property, and as a property owner, he does not believe that approval or denial of this item will have a pecuniary effect on the value of that property. Commissioner Prough also affirmed that it would not materially affect the independence of his judgment one way or another in considering this item.

Vice Chair Chvilicek disclosed that she attended Spanish Springs Citizen Advisory Board when this was heard by the CAB.

Commissioner Edwards asked if a subject like this or like the last one comes up and there is no vote and no motion, what happens?

DDA Edwards explained that in the Planning Commission rules, Rule 17 of Rules, Policies, and Procedures, when a motion is made, if a motion to approve an adjudicative matter does not

receive the required number of votes, it is deemed denied. If there is no second or no action taken, then there are no votes required to approve an item, and it would be deemed denied. At that point, the Planning Commission would have a separate motion, to determine whether it is with or without prejudice.

Commissioner Edwards asked what would happen if no motion at all was made on an item.

DDA Edwards said that the item, in his view, would be deemed denied.

Chair Barnes opened the public hearing.

Roger Pelham reviewed his staff report, dated November 5, 2015.

Garrett Gordon, from the law firm of Lewis Roca Rothgerber, LLP, provided the applicant presentation. He mentioned that many of the questions on the previous agenda item are applicable to this agenda item. He endorses every answer that was given to this body. He reminded everyone present of the legal standard for approving the applications. The question he broached was, "Has there been substantial evidence presented on the record to make the findings?" When he was before this body asking for 360 units on this property, he was told that they have educated, trained, professional planning staff drafting staff reports. When the staff was recommending denial of 360 units, part of this body's motion was because staff is recommending denial. They expressed the need to rely upon the staff. He believes that the staff report submitted for this item was very important, because it made a very good record of all of the concerns by the CAB and all of the concerns from this body in the prior history. He believes the document provides substantial evidence that all of the findings can be made. He stated that on the last go around, they were told that their experts were biased. The traffic engineer, here, is referring to 43 percent fewer trips. They had other experts paid for by the applicant. What they did this time was take a different approach. TMWA came and answered every question the Planning Commission asked about water, and specifically, would there be an impact? The answer was no. The Planning Commission asked about sewer, and their own staff, a professional engineer, said there was not a problem; capacity is available. This is substantial evidence. Mr. Gordon stated that nothing in the record this night has shown that there will not be sewer capacity, and there will not be traffic issues or water issues. When Mr. Gordon's client was proposing 360 units, the room was full of 50, 60, 70 people. Many of them said that if you don't change the Character Statement, if you live within the plan, we won't come out, we won't oppose it. He said that now they are not asking to change the Character Statement. MDS is currently allowed, and they are asking for MDS. He stated that they have experts in the field who have answered all of the Planning Commission's questions. He said that out of all of the reviewing agencies in the staff report, which was 20 or 30 agencies, including fire and schools, not one of them recommended denial or said that it should be less dense. Out of every piece of evidence in the staff report and every witness heard that night, nothing said that the health, safety, or welfare would be impacted whatsoever. He asked for the Planning Commission's support. He said that they have worked on this for years and are now asking for what is allowed in the plan.

Chair Barnes opened public comment.

Larry Thomas believes that all answers were not rectified by the professionals. He stated that health and welfare is common sense. We know that's a death trap waiting to happen, and health and welfare would be directly impacted. He said that 42 percent fewer trips if it was an industrial project – two wrongs don't make a right. This being less than another wrong doesn't make it right. He said that we know from past projects everywhere that property rights don't mean anything when there are enough complaints. They can be in compliance with every County regulation, but if enough people complain, then he believes they will lose. They wouldn't want to have to fight every complaint. Infrastructure should be put in before this is approved.

Merl K. Jessop II stated that Mr. Gordon did a good job of representing his client, but he doesn't think that Mr. Gordon lives in the area or will be impacted by the amount of traffic generated by this number of homes. This project is further to the east, and he wonders how much more time will be taken before we keep going further east, eliminating the 40-acre parcels. He's worried about homeowners who already have 10-acre and 40-acre parcels giving up due to complaints from homeowners about animal smells. He's concerned about this going three more miles up the road where he lives. This project should be denied just like the last project on the wisdom of the Commission. He agrees that the County has good staff and that the County believes in positive growth within the community. He doesn't believe that positive growth will happen with this project. It should happen closer to the city limits where infrastructures are already in place. He asked the County Commissioners to deny this request.

Ann Sweder is opposed to this property being medium density with three units per acre. Adding more homes would mean over 300 homes between the two properties. The schools cannot handle it; they are at capacity and over capacity. Only two elementary schools are close to capacity. The other four are over capacity. The high school is over capacity by 700 students. Adding another 300 homes would push this way over. She believes we need to fix the problems before adding more weight to what we already have, which is broken. She urged the Planning Commission not to rezone the property.

Ralph H. C. Theiss said that the 750-foot notification, even if it was in the Reno Gazette, covers only one to two properties at the most in this area. He believes that something should be done about the notification laws in the outer areas. Water is still a problem, because TMWA would still pull from their area wells, because they need to supply their immediate facilities. There are still no guarantees that all of these infrastructure needs will be met, regardless of the planning. Five years ago, Gordon and Jim Haas met with Mr. Theiss' family several times, and they came to an agreement after a couple of months that 120 houses on that 40 acre, give or take a couple, was fine. Then he came back with the industrial change and the Master Plan change. Now it's going back to the 120 houses again. In the past five and a half years, with this going back and forth, other developers have stepped in. Another guy is looking at 175 houses. Mr. Theiss didn't realize this five years ago when he met with Gordon and his boss and said, okay, we'll go for your 120 houses. That philosophy of his has changed, because now we have one guy going for it and the next guy going for it. He believes it needs to be stopped. 360 apartments went away a few months ago, and he's glad that's gone. He said the infrastructure out there can't handle any more homes than are already there. He didn't move there to have

125 or 175 houses next door; currently his son is the only dividing line between the developments and his property. He asked the Planning Commission to turn this down.

Cindy Thomas said she opposes this. She just moved into the neighborhood in March. They had to wait for their property to become Residential, because her property and several others were once Residential and were then made into Industrial. She is surrounded by Industrial. They're trying to do this across the street from her, to the north. Both properties are directly across from her 10-acre parcel. She opposes it, because in their information, they stated that there was only going to be one entrance for each development. She believes this is a problem, because there is only one way in and one way out. Fire, congestion at the front of Calle De La Plata, and her ability to get out will be problems. She thinks the low density is a better idea; it would still add 90 homes. But the system needs to be updated before bringing in any of these houses. She said it's behind the times. There is an F rating for the highway, and there aren't lights. She believes it will cause more problems. She hopes that more people up the road on Calle De La Plata are notified. Her community mailbox was knocked over, so no one has been able to get their mail for almost four weeks. She thinks that more people would be present if they had been able to get their mail and had been notified.

Maria Volte lives right next to this property. Three miles up the mountain, she is affected by the water. She is also worried about her safety. With so many homes being built, she wonders who will protect her. She asked the Planning Commission not to approve the project. She is eighty-six years old, and she is afraid of almost 200 houses next door.

Dan Herman said that he has been very vocal for the last 15 years. He helped write the Area Plan. The Area Plan clearly states that the suburban core together with a transition zone will be known as the Suburban Character Management Area. Where is the transition zone? Mr. Herman said it's not there. The Donovan Ranch actually had a transition zone of one-acre parcels, where they butt up to the other large-acreage parcels. They did a transition zone even though there are one-third acre parcels there. They also did 360 dwelling units on 360 acres. They donated open space for Sugarloaf Peak. The houses there are all on a minimum of one-third acre. Mr. Herman said there need to be transition zones for all property owners. The developer before with Blackstone heard Mr. Herman's concerns and gave him a transition zone, which is why he didn't speak on that project. That should be required for everyone. There is a big problem with the water rights. There's probably water out there. The problem is the summertime, four months of the year, in the high-use area where half the water is provided by the Truckee River and the other half of the ground water is pumped. He doesn't know if this will affect the private wells. In the CAB meeting, Mr. Gordon said they were not going to pump any ground water; he said it would all be Truckee River water. Mr. Herman said this is not true: ask TMWA. The number of residents who get noticed on this is ridiculous, especially the people who live up the hill on large-acre parcels on wells. They didn't know about this. He applauded the Commissioners for their comments on the last project and believes they're all applicable to this project, as well. He would like to see the lots stay at a full acre if this area is developed, as was anticipated in the Area Plan. He said that you can find this in the Area Plan, but the developers are using a clause that says "predominately" to go to three units per acre on the east side. It was designed to have the east side of the property remain in the rural type of property.

Chair Barnes asked for Commission questions.

Vice Chair Chvilicek addressed Mr. Pelham about the Spanish Springs Area Plan. This subject property is adjacent to the other subject property, but also to ten-acre parcels and such. As it speaks in the Area Plan of transition zone or feathering, how would that be addressed? This project is abutting larger lots.

Mr. Pelham's evaluation is that when you look at the plan in its entirety and you look at the density and the resultant probability of lot sizes of around a third of an acre and smaller, going from that third acre zoning near Pyramid Highway to the 10-acre parcels and then feathering out into the 40-acre parcels. He believes the transition is, on a plan-wide basis, being implemented.

Vice Chair Chvilicek acknowledged that a Master Plan Amendment and a Regulatory Zone Amendment are before them this evening. If this project were to move forward, or when it moves forward, she'd like the applicant to take into consideration those featherings. She has been involved with other projects where the developer and the affected property owners met and came up with a plan that was palatable to everyone. People came with an open mind, and it was extremely helpful and empowering to the community to not oppose growth, but to request a reasoned approach.

Mr. Pelham agreed that is an ideal situation. He emphasized her comment about when a project comes forward. He said they were a little bit hamstrung, because they were not currently talking about parcels on a piece of land. They were talking about the color, the allowable density. He agreed that there is absolutely a time when it is 100 percent appropriate, and that is primarily at the tentative map phase.

Vice Chair Chvilicek said that even though they are looking at a Regulatory Zone Amendment and a Master Plan Amendment, through both the staff report and the collaboration with the developer, they also see what the planned development is, even without a tentative map. The Planning Commission is given dwelling units and all of that information. It becomes extremely convoluted and very complicated to be able to come to those reasoned decisions when you see the future.

Mr. Pelham agreed with Vice Chair Chvilicek. He said that if these were simple things, then they would not be in front of the Commission. He said it is the Planning Commission's collective wisdom that is applied to make these decisions. They have the task to project forward this evening and see what is a likely outcome, what is a beneficial outcome, and then use their best reasoned consideration to make your decisions.

Vice Chair Chvilicek complimented Mr. Gordon and his client for listening to what happened prior and making an attempt to come forward with the more reasoned proposal.

Mr. Gordon appreciated Vice Chair Chvilicek's comments. He said that much hard work, time and effort has gone into this. He added that when this property was rezoned from General Rural to Industrial Commercial, they sat down with the families and put together an agreement dealing with the transition issues. They agreed on a berm, agreed to put up trees, agreed on

number of trees, and limited their height to preserve their view shed of the mountains. It was a package deal for Industrial Commercial. They were dealing with a specific plan at the time, so they had the ability to make some commitments. He said it was not applicable that night, but if the Commission approved the application, he gave his word on behalf of the developer that they would again sit down with these families and try to come up with some transition elements when they came before the Commission with a tentative map. They have been dealing with Commercial Industrial, parking, and industrial lighting. With Residential, there are probably different ways to transition for them to help mitigate their concerns.

Commissioner Prough addressed Mr. Gordon and Mr. Pelham. He acknowledged that they cannot condition things, but he feels as though they're saying that this needs to be passed in order to see what's in it. Commissioner Prough is uncomfortable with that approach. He said that when they voted down the other one, it still did not meet health and safety issues, even though Mr. Gordon said that with all of the reports, no one was against it. Commissioner Prough said that in the reports, the Commissioners were allowed reasoning. The Washoe Schools didn't say not to do it, but they did say that they were at capacity or over. The expectation is that this would make them all over capacity. Commissioner Prough was offended at Mr. Gordon's remarks and felt that he was implying that the Commissioners were stupid. Commissioner Prough said that he was using his reasoning with what he was given in the reports, and even though the agencies did not go against the project in the reports, he doesn't see merits in this structure.

Mr. Gordon said that he appreciates Commissioner Prough's passion about this, as Commissioner Prough and his neighbors live out there. Mr. Gordon said that this is the process. You approve a Master Plan and a zone change. They get up to three units per acre. That doesn't mean they will come in with three; it is likely, but roads and other considerations will be included. Maybe they come with two and a half, maybe one, but those considerations are at tentative map. Commissioner Prough would have, in his wisdom, the ability to deny a tentative map based on the actual number of homes, the actual transition/buffering, the actual access issues, the actual traffic impacts of how much RTC fees they need to pay or not pay. He wishes that he had a better answer of what the plan is, but tonight it's just changing the colors on a map, and they'll have to come back with what the plan will actually be.

DDA Edwards said that he believed there had been a blending of some terminology about the idea of transition area versus what might be considered buffering, which would come along at a project specific level. For example, if this were approved, then the Planning Commission would have the opportunity, as the condition of a tentative map, to require buffering around the edges of the property. That is somewhat different, though there may be some overlap, from the idea of the transition area. The suburban core and the transition area are not the same. The transition area is the area outside the suburban core. This is out of the Character Statement in the Spanish Springs Area Plan. The suburban core is the area concentrated along the Pyramid Highway. The transition area is the area outside the suburban core. If you decide that this is the suburban core, then the transition area is a separate area from what we're talking about tonight. Even if you decide that this is suburban core and it is not transition area, that doesn't mean that if and when a project came along, you wouldn't be able to include conditions like buffering. DDA Edwards wanted to make this clear as the Planning Commission moved forward

to make a motion. He believes it is an important distinction. Suburban core is not a blend with the transition area; there is suburban core and then transition area. He believes it is a fair question whether this fits exactly within suburban core or not. The standard in the Character Statement is “concentrated along Pyramid Highway”. If the Planning Commission considers this concentrated along Pyramid Highway and suburban core, then they are not talking about transition area.

Chair Barnes closed the public hearing and called for discussion among the Commissioners.

Commissioner Chesney stated that the developers and owners of the property have the right to develop this property one way or another. He told the neighbors that, as much as they protest the development for one reason or another, sooner or later it will be developed. He brought up the choke point of the traffic situation. He believes Mr. Gordon made it clear that they have some grip on the water and the sewer. They can see by all of the studies that the schools are overloaded; he doesn't know if this is temporary or not, because people eventually graduate. These properties are going to be developed. He wanted the developers to know that he is not antidevelopment in the area. He believes there are some issues beyond the developers' control because of the immensity of the issues. These issues need to be mitigated to keep the public safe out there. He lives in Palomino Valley and drives in there every day, and Calle De La Plata intersection is a crapshoot every day, and someone is going to be killed there soon. The intersection is a big deal to him, and he approaches it very carefully.

Vice Chair Chvilicek spoke to Mr. Pelham, Director Whitney, or DDA Edwards. In terms of the Area Plan, as noted with the suburban core being Pyramid Highway, what defines the boundaries of that core for this project? This project is significantly removed from Pyramid Highway and moves east.

Director Whitney answered that there are not boundaries drawn on the map in the Area Plan to define the suburban core. It is described, and that is where you get differences of opinion. He looked at the Character Statement every way he could, analyzed it, and felt there was significant flexibility so that these increased densities still met the intent of the Character Statement. Colors on the map show different zoning. Boundaries on maps show the Truckee Meadows service area where growth is supposed to be concentrated per the Regional Plan, but there is not a boundary to answer what Vice Chair Chvilicek is asking.

Vice Chair Chvilicek said it is distinct that suburban core is and will continue to be concentrated along Pyramid Highway. That's interpretive, but for her, along Pyramid Highway means directly along Pyramid Highway, not however many acres away from Pyramid Highway.

DDA Edwards told Vice Chair Chvilicek that he believed she was engaging in reasoned analysis. There is fluidity built into the way that this would be applied. As he understands, Eric Young was one of the chief writers of this plan. That is the idea of a Master Plan – to allow some level of fluidity, rather than a rigid straightjacket. He believes that her interpretation and analysis is appropriate, as long as it is based on facts and information in the record. If they decide suburban core, then it's not part of the transition area. He believes that Vice Chair Chvilicek is engaging in the right form of analysis to determine if it is or is not.

Commissioner Edwards has been to this property many times. It is a great piece of property, and it is too bad that it doesn't sit farther to the east. It is clearly in the area that Commissioner Edwards would determine as transition area. If a developer wanted to go to a one acre, Low Density Suburban, or something like that, then he would not have any problem supporting it. He doesn't believe that the density in the project is correct for the neighborhood. He supposes that it does come down to health and safety with the traffic and whatnot. He is satisfied with the water. He understands about the wells going dry, but they're talking about importing water to this area. If they import water, then you will get recharged. They did in Golden Valley. He can't support it by opening the door to three parcels per acre.

Commissioner Horan believes that one thing with which boards struggle is pressure on infrastructure across the board in all areas – schools, police, fire, roads. Too many times, this Commission and others are faced with, "Well, the schools say they will bus them." That is not an answer. We need to do a better job with our infrastructure. We cannot continue kicking the can down the road on the infrastructure. That is Commissioner Horan's problem with this.

Commissioner Prough apologized to Mr. Gordon for losing his temper. He told the developer that he is not against development. He is against the rezoning that would put three units on one acre. He would support one unit on an acre. He believes that would be more appropriate to the area.

Chair Barnes called for motions and findings of fact.

Commissioner Prough asked DDA Edwards if it is possible to reword this motion in the negative.

DDA Edwards said that would be appropriate if a few things were tweaked.

Commissioner Prough, after giving reasoned consideration to the record in this case, including but not limited to the information contained in the staff report and the information presented during the hearing on these items, moved to deny Master Plan Amendment Case Number MPA15-004 and Regulatory Zone Amendment Case Number RZA15-006, based on all of the findings as outlined in the staff report. He further moved to deny the resolutions and the proposed Amendments in MPA15-004 and RZA15-006 as set forth in the staff report for submission to the Washoe County Board of Commissioners and authorized the chair to sign the denial on behalf of the Planning Commission.

Commissioner Prough believes that the following findings are not met:

**Washoe County Development Code Section 110.820.15(d) Master Plan Amendment Findings**

3. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

### **Spanish Springs Area Plan Findings - Policy SS.17.1 (a part of the Master Plan)**

- a. The amendment will further implement and preserve the Vision and Character Statement.
- c. The amendment will not conflict with the public's health, safety or welfare.

### **Washoe County Development Code Section 110.821.15(d) Regulatory Zone Amendment Findings**

- 4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.
- 5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
- 6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

DDA Edwards asked Commissioner Prough if the motion for denial was without prejudice or with.

Commissioner Prough stated that the motion was without prejudice.

Commissioner Chesney seconded the motion.

Chair Barnes called for any discussion.

Vice Chair Chvilicek referenced the Spanish Springs Area Plan and concurred with Commissioner Edwards that this is in a transition zone. As plans are developed this needs to be addressed. She submitted to the developer that through her earlier reference to collaboration, consensus, and meeting with property owners, transition can be included that as this property abuts larger properties, that maybe zoning can be one dwelling unit per acre and then intensified within up to the three units per acre as you go into a project. Having been a property owner who was part of that kind of collaboration, they came up with something agreeable. She also supports that this plan does not preserve the vision and Character Statement of the Spanish Springs Area Plan.

Chair Barnes called for a vote on the motion for denial without prejudice, which passed unanimously, with a vote of seven for, none against.

### **9. Chair and Commission Items**

**\*A. Future agenda items**

Commissioner Edwards asked if the Golden Valley Pit Special Use Permit could be put on the next month's agenda. Director Whitney said that a Planning staff member and two Engineers are going on an inspection of the pit on Wednesday, December 2, 2015. They agreed that the item will be on the February 2016 agenda.

Commissioner Prough asked if the sign ordinance would be coming back before the Planning Commission. Director Whitney answered that staff is working on how to best change the ordinance to follow the recommendations of the Board of County Commissioners. The Planning Commission should see it within the next few months.

Commissioner Horan asked if staff can do "more than the bare minimum" on notifications of cases to surrounding properties, at least on controversial issues. Director Whitney said the Division may need to re-look at notification in the larger lot rural areas.

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

Vice Chair Chvilicek said it would be helpful if all of the plans they receive have directional arrows (north arrows). Director Whitney said some of the plans come from the applicants and that staff will do their best to add directional arrows.

Commissioner Horan said that Director Whitney's staff did a very good job in their presentation of the material.

Vice Chair Chvilicek mentioned to staff that the process is very difficult for the Commissioners when they have to look at the big picture.

Director Whitney commended the Commissioners on their public service during this difficult process.

**10. Director's and Legal Counsel's Items**

**\*A. Report on previous Planning Commission items**

Director Whitney let the Commission know that there is an application coming into the City of Reno to amend the Reno/Stead Corridor Joint Plan, which is in the North Valleys. The application is called Sky Vista, and it is a Master Plan Amendment to that Corridor Joint Plan. There will be a joint meeting of the Planning Commissions from the City of Reno and Washoe County, followed by a joint meeting of the Reno City Council and the Board of County Commissioners. Mr. Whitney will email the Planning Commissioners with a couple of possible dates in February for the joint meeting.

**\*B. Legal information and updates**

None

**11. \*General Public Comment**

Chair Barnes opened general public comment.

Dan Herman thanked the Planning Commission and said, "You guys got it right tonight."

**12. Adjournment**

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:28 p.m.

Respectfully submitted,

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Kathy Emerson, Recording Secretary

Approved by Commission in session on November 3, 2015.

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