



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, June 7, 2016
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, June 7, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Roger Edwards
Philip Horan
Greg Prough

Commissioner absent: Thomas Daly

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
Kelly Mullin, Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Development
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development

2. *Pledge of Allegiance

Commissioner Edwards led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

He noted that Items 8A and 8B were the only appealable items. Item 8A would only be appealable if the Planning Commission chose to deny the application.

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 June 7, 2016, meeting as written. Commissioner Horan seconded the motion, which passed with a vote of six for, none against.

7. Approval of May 3, 2016 Draft Minutes

Commissioner Edwards moved to approve the minutes for the May 3, 2016, Planning Commission meeting. Commissioner Prough seconded the motion, which passed with a vote of six for, none against.

8. Public Hearings

A. Development Code Amendment Case Number DCA16-002 – Hearing, discussion, and possible action to amend Washoe County Code Chapter 110 (Development Code) to clarify when an accessory structure or use may be constructed on a parcel without a main structure or use. The amendment focuses on circumstances where the subject parcel is adjacent to a parcel with an established main structure or use and when both parcels are under the same ownership. The amendment includes updates to the following sections of the Development Code:

- Article 306, Accessory Uses and Structures, Section 110.306.15, *Main Structures Required* – to identify the circumstances under which an accessory structure or use may be established on a parcel without an existing main structure or use.
- Article 410, Parking and Loading, Section 110.410.20, *Location of Required Parking Spaces* – to clarify that a dwelling's required garage may only be located on an adjoining lot if it also meets the requirements of Section 110.306.15.
- Article 902, Definitions, Section 110.902.15, *General Definitions* – to update definitions for "Detached accessory structure," "Lot" and "Parcel of land" to better reflect the clarifications identified above.

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

Mr. Webb provided a description of the item.

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

Chair Barnes opened the public hearing.

Kelly Mullin presented her staff report, dated May 23, 2016.

Chair Barnes called for public comment. There was none.

Chair Barnes called for Commission questions.

Commissioner Horan asked Ms. Mullin the motivation for making the change.

Ms. Mullin replied that the main issue is to help reduce the potential for nonconformance in the future. If a member of the public puts an accessory structure on a property that is adjacent to the one where they have their home and they later sell one of those properties, then it would result in nonconformance or a potential violation of the code. When those parcels are no longer under the same ownership, there would suddenly be an accessory structure without a main structure on the property.

Commissioner Horan asked if they can currently place an accessory building on attached land.

Mr. Mullin confirmed that they can.

Commissioner Prough asked if there is a lot of that to motivate this action.

Ms. Mullin did not know the specific numbers. She asked Mr. Webb for input on numbers that have been seen in the past.

Mr. Webb replied that they run into code compliance cases with this situation. There have been approximately 10 to 15 over the last couple of years. It becomes problematic for the owner when there has been a property transfer and the new owner ends up with a property of land with an accessory structure without an existing use. Then it must be sorted out on the back end. There have not been hundreds of these cases, but enough to warrant attention. Also, this provision exists in an interpretation. With all interpretations it is best to take them out of an interpretation and actually place them into code so that you have the policy decision discussion not only by the Planning Commission, but also by the Board of County Commissioners to make sure we are in line with the interpretation as we move forward. That will help set the record straight through this public exchange to get this interpretation codified and a part of code.

Commissioner Prough asked for clarification that prior to the sale of a parcel with a structure on it there has to be some sort of resolution before the County will allow a seller to sell to the buyer.

Ms. Mullin answered that if this development code amendment were to be approved, for properties where a deed restriction was put into place, it would require that any potential for nonconformance be resolved before any of the subject properties were sold. There are many potential options by which a property owner could resolve that nonconformance, whether it be a boundary line adjustment, reversion to acreage, or bonding for potential removal of the structure if a main structure is not established within a certain timeframe. The deed restriction would stay in place unless that potential for nonconformance was resolved. The details of the deed restriction and a potential subsequent document to be recorded to remove or cancel out that deed restriction will be determined later in discussions with the District Attorney's Office. That would be the method for removing the deed restriction at a later date.

Commissioner Prough asked if the County would go through all of the parcels to determine where a deed restriction needs to be added. He said that a title report would not say anything about a deed restriction and he wondered how that would be identified so that there is no issue in the transferring of the property.

Ms. Mullin said that this would be applicable to new structures going onto properties. When someone comes in for a building permit, then the County would have the opportunity. For existing ones, this requirement would not be applicable.

Commissioner Chesney asked if this has any restriction as to zoning. He provided a scenario with land zoned rural agricultural: If there were two adjoining 40-acre parcels, with neither being used as a residence, but rather they were being used agriculturally for something like running cattle. The owner needed to put up a structure to cover hay. He asked if there is an exception in the zoning for this.

Ms. Mullin answered that there is not necessarily an exception in the zoning, but there is another section of code that would potentially apply to the situation, related to establishing agricultural buildings as a main use.

Chair Barnes closed the public hearing and brought it back to the Commission for discussion.

Commissioner Horan said that the presentation outlined it and he would go with a motion to approve.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA16-002, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 410 and 902 as identified in Exhibit A-1. He further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

- 1) Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
- 2) Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
- 3) Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
- 4) No Adverse Effects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Commissioner Edwards seconded the motion, which passed with a vote of six for, none against.

B. Tentative Map Case Number TM16-003 (Incline Creek Estates Phase 2) – Hearing, discussion, and possible action to approve a common open space subdivision with zero lot line setbacks that will include dividing a ±1.68 acre parcel into 10 single family lots and one common open space lot.

- Applicant/ Property Owner: NCP/ICP, LLC.
- Location: 800 College Drive
- Assessor's Parcel Numbers: 129-280-21; 129-290-02
- Parcel Size: 1.68
- Master Plan Category: Urban Residential (UR)
- Regulatory Zone: Low Density Urban (LDU)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 608 (Tentative Subdivision Maps) and Article 408 (Common Open Space Development)
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 10, T16N, R18E, MDM, Washoe County, NV
- Prepared by: Trevor Lloyd, Senior Planner
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Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures of ethics or ex-parte communications. Commissioner Edwards received one email, no response. Chair Barnes received an email. Vice Chair Chvilicek received an email, but did not respond.

Trevor Lloyd presented his staff report, dated May 17, 2016.

Brian Helm represented the project applicant. He currently lives in Seattle, Washington. He used to be a resident of Incline Village, and he now splits his time between Lake Tahoe and Seattle. He did not prepare a presentation, but he offered to share his CAB presentation with the Planning Commission if they would find it helpful.

The Planning Commission determined that an applicant presentation was not necessary.

Chair Barnes called for public comment. There was none.

Chair Barnes called for Commission questions.

Commissioner Horan acknowledged that Incline Village Improvement District does respond to these applications, and he is a trustee on the IVGID board. However he has nothing to do with any of these responses to these applications, so he does not believe it interferes. He commented that this is a very upscale development in Incline where the college used to be. The lots being developed now have also been designed to include elevators if they are so desired by purchasers. This is already a gated community. There will be another ingress/egress that will also be gated. It is a very nice community and development. The same people are doing the development at the Biltmore on Boulder Bay on Stateline.

Vice Chair Chvilicek spoke to Mr. Lloyd and mentioned a reference to the home landscaping guide for Lake Tahoe and vicinity. She asked about the defensible space plan and fuels reduction.

Mr. Lloyd asked if she had received the comments from the North Lake Tahoe Fire Protection District. He apologized and said that their criteria are different than Truckee Meadows. No conditions were received, as such. A fire hydrant and a Knox box will be added.

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

Chair Barnes called for a motion.

Commissioner Edwards moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number TM16-003 for Incline Creek Estates Phase 2 with conditions of approval included as Exhibit A in the staff report for this item, having made all ten findings in accordance with Washoe County Development Code Section 110.608.25:

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

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

9. Planning Items

A. Discussion and possible action to review and confirm the following order of alternates selected to represent the Washoe County Planning Commission (PC) on the Truckee Meadows Regional Planning Commission (RPC) in the event the regularly appointed PC members are unavailable to serve: First Alternate, Phillip Horan; Second Alternate, Gregory Prough; Third Alternate, Thomas Daly; and Fourth Alternate, Francine Donshick; and further, to direct the Planning Commission Secretary to transmit the list of confirmed

alternates to the Washoe County Board of Commissioners (Board) and to the Executive Director of the Truckee Meadows Regional Planning Agency (TMRPA).

Mr. Webb provided a brief description of the item.

Mr. Webb presented the staff report, dated May 5, 2016.

Chair Barnes called for Commission questions or discussion. There were none.

Chair Barnes called for public comment. There was no public comment.

Chair Barnes called for a motion.

Vice Chair Chvilicek moved to confirm the order of alternates to the Regional Planning Commission as staff read through. She further moved to direct the Planning Commission Secretary to transmit the confirmed list of alternates to the Washoe County Board of Commissioners and to the Executive Director of the Truckee Meadows Regional Planning Agency.

Commissioner Edwards seconded the motion, which passed with a vote of six for, none against.

B. Possible action to approve a resolution of Appreciation of Service for Roger Edwards and to authorize the chair to sign the resolution on behalf of the Planning Commission.

Chair Barnes shared his appreciation of Commissioner Edwards' service on the Planning Commission.

Mr. Webb read the resolution of Appreciation of Service for Roger Edwards.

The members of the Commission and Mr. Webb shared comments of appreciation for Commissioner Edwards.

Commissioner Edwards expressed his personal motivations and concerns for his community during his time on the Planning Commission. He added praise for the current members of the Planning Commission and for their genuine commitment to the residents of their neighborhoods.

Chair Barnes opened public comment.

Bill Whitney, Director of Planning and Development, thanked Commissioner Edwards for his outstanding service to his community.

Commissioner Horan moved to accept the resolution as read.

Commissioner Chesney seconded the motion, which passed with a vote of six for, none against.

10. Chair and Commission Items

***A.** Future agenda items

None

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

None

11. Director's and Legal Counsel's Items

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

Mr. Webb said that the Special Use Permit for the power pole was approved by the Regional Planning Commission. The Regulatory Zone Amendment for Black Rock was approved by the Board of County Commissioners. The Development Code Amendment on wineries will appear on the August Planning Commission agenda.

***B Legal information and updates**

None

12. *General Public Comment

There was no public comment.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:14 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on July 5, 2016.

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