



WASHOE COUNTY PLANNING COMMISSION Amended Meeting Minutes

Planning Commission Members

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

Tuesday, April 4, 2017
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, April 4, 2017, in the Washoe County Commission Chambers, Building A, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

Chair Barnes called the meeting to order at 6:31 p.m. The following Commissioners and staff were present:

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

Absent: None

Staff present: Carl R. Webb, Jr., AICP, Secretary
Chad Giesinger, Senior Planner, Planning and Development
Kelly Mullin, Planner, Planning and Development
Eric Young, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Commissioner Chesney led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *Public Comment

Chair Barnes opened public comment. Greg Prough, former Planning Commissioner, addressed the Commission about how honored he had been to serve with them and help move Washoe County forward making it a safe, secure and healthy community. He said the role that they played together was invaluable; listening to the voice of our citizens, taking their complaints and positive input and come out with resolutions. He said the last several years had been some of the greatest times of his life, which he would cherish and never forget.

Chair Barnes closed public comment.

6. Approval of Agenda

Chair Barnes requested to move Agenda Item 9B to the beginning of the meeting. In accordance with the Open Meeting Law, Vice Chair Chvilicek moved to approve the Agenda as amended for the April 4, 2017 meeting. Commissioner Donshick seconded the motion, which carried unanimously.

7. Approval of March 7, 2017 Draft Minutes

On motion by Vice Chair Chvilicek, seconded by Commissioner Donshick, which carried unanimously, it was ordered that the minutes for March 7, 2017 be approved.

8. Planning Items

~~A. Presentation and discussion of the 2017 flood events and summary of Washoe County response – Dwayne # Smith, Director – Engineering and Capital Projects.~~

THIS ITEM WAS NOT HEARD AT THE APRIL 4, 2017 PLANNING COMMISSION MEETING.

9. Public Hearings

B. Abandonment Case Number WAB17-0001 (Ettinger/Church) – Hearing, discussion, and possible action to approve, partially approve or deny the abandonment of three 33-foot-wide government patent access and utility easements along the northern, eastern and southern property lines of 15520 Fawn Lane; and one 33-foot-wide government patent access easement along the southern property line of 15500 Fawn Lane, for the benefit of the applicants.

- Applicant/Property Owner: Stacy and Lesa Ettinger
- Applicant/Property Owner: Jeffrey Church
- Location: 15500 and 15520 Fawn Lane, approximately ½ mile south of Fawn Lane's intersection with Mt. Rose Highway
- Assessor's Parcel Numbers: 150-232-08 and 150-232-09
- Parcel Sizes: ±1.50-acres (APN: 150-232-08) and ±1.496-acres (APN: 150-232-09)
- Master Plan Category: Suburban Residential (both parcels)
- Regulatory Zone: Low Density Suburban (both parcels)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 806, *Vacations and Abandonments of Easements or Streets*
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 36, T18N, R19E, MDM, Washoe County, NV

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

Chair Barnes asked Jeffrey Church to come forward. Mr. Church stated they would like to continue this item to the June 6, 2017 meeting.

Chair Barnes opened public comment. Hearing none, he closed public comment and called for a vote.

On motion by Commissioner Chesney, it was ordered that this item be continued to the June 6, 2017 Planning Commission meeting. Vice Chair Chvilicek seconded the motion, which carried unanimously.

8. Planning Items

B. Possible action to appoint a Member of the Washoe County Planning Commission to serve as an Alternate member on the Washoe County Design Review Committee.

Bob Webb stated this item was for the appointment of a current Planning Commission member as an alternate to the Washoe County Design Review Committee. Currently, the Design Review Committee's primary representative from the Planning Commission was Commissioner Chesney and the position of alternate had been vacant for a while. Commissioner Donshick said she would volunteer to be the alternate.

Chair Barnes opened public comment. Hearing none, he closed public comment and called for a vote.

On motion by Commissioner Chesney, seconded by Vice Chair Chvilicek, it was ordered to nominate Commissioner Donshick as the alternate to the Washoe County Design Review Committee and authorize the Chair to sign the letter of appointment.

C. For possible action and review to authorize transmittal of the 2016 Washoe County Regional Plan Annual Report. (as amended, if required to incorporate Planning Commission comments) to the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board on behalf of the Washoe County Planning Commission (per *NRS 278.0286*), including any action taken within the previous calendar year which furthers or assists in carrying out the policies or programs contained in the comprehensive regional plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year. The report will track the format of the comprehensive regional plan by addressing information relevant to major components of that plan, including (1) Regional Form and Pattern: regional form, cooperative plans and planning, and affordable housing; (2) Natural Resource Management: development constraints areas, open space & greenway plans, and the regional water management plan; (3) Public Services and Facilities: regional transportation planning, wastewater services & facilities, and local government/affected entities facilities plans; (4) General Review of the 2012 Truckee Meadows Comprehensive Regional Plan: 2017 regional plan update; and (5) Planned Policies or Projects in 2017 that will further or assist in carrying out the regional plan. – Chad Giesinger, Senior Planner, Planning and Development.

Chad Giesinger, Senior Planner, discussed the components of the guidelines associated with the Annual Report including the submission, deadlines, jurisdictional progress, proposed work, approval, actions, implementation, format and responsibilities.

Mr. Giesinger presented the Annual Report and PowerPoint presentation to the Commission. Chair Barnes opened up discussion to the Commission. Commissioner Chesney asked what the WC-1 funding consisted of. Mr. Giesinger stated it was a tax measure that passed in 2001 to provide funding to the Parks and Recreation facilities, which had been used over the years to build new trails.

Vice Chair Chvilicek asked why the City of Reno and the City of Sparks were well underway in their plan updates and there were areas in the Washoe County Plan that were woefully lax in terms of the regional level regarding infrastructure and waste treatment. She said the recommendation was to wait until the 2017 Plan from Regional was prepared and then we would start to work on areas that needed to come into compliance. She wondered if there was any appetite to be proactive to start on Plan updates on the areas that were inadequate.

Mr. Webb said there was a mandate that once the Regional Plan was updated as it happened in 2012, there would be a review of all of the jurisdiction's Master Plans and Report by Regional about where there needed to be steps for conformance. He said the County did all of their conformance review except for the Public Services and Facilities element. He noted there were only certain components of that element that required updating and those had to do with concurrency management. He stated what Reno and Sparks had done was their Master Plans were found in conformance after updates a couple of years ago. They launched separate initiatives to update their Plans in several areas, which were not connected to the Regional Plan update. He said the County could devote time and effort to update the Public Services and Facilities element based on the 2012 Regional Plan, but in his view it was better to have those allocated resources work on the 2017 update in coordination with not only the Director but also the County Commissioners, the Regional Planning Commissioners, Regional Planning staff and the other two jurisdictions to become fully involved with the Regional Plan update process. He said after the 2017 Plan was adopted, they would go through the same process and staff would have to work their way through all of the elements to make sure that the County was in conformance.

Mr. Webb stated the second part of this had to do with updates specific to the Area Plans, which would have to be discussed at staff level regarding resources as they began to move forward and the timing of any updates separate from the Regional Plan conformance of those Area Plans. Vice Chair Chvilicek asked him to give those points to the representatives of the Regional Planning Commission. Mr. Webb said the team was reaching out to the Board of County Commissioners (BCC) because it was important to get their policy direction to staff and at the right time. He noted the Director had committed the entire Planning Commission and the Regional Planning Commission would receive that policy direction and discussion so the Planning Commission would be able to carry that conversation forward in their meetings through the update process.

Chair Barnes opened public comment. Hearing none, he closed public comment and called for a motion.

Commissioner Chesney moved that based on testimony and comments received during the meeting, discussion and review of this matter by the Planning Commission, and consistency with the adopted annual reporting procedures and state law, the Washoe County Planning Commission directs staff to submit the Washoe County 2016 Regional Plan Annual Report, included as Attachment A to the staff report accompanying this item, with the following changes

(insert directed changes), to the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board on behalf of the Washoe County Planning Commission. Vice Chair Chvilicek seconded the motion, which carried unanimously.

9. Public Hearings

A. Master Plan Amendment Case Number WMPA17-0001 – For possible action, hearing, and discussion to approve a text amendment to Table C-3, Allowed Uses (Commercial Use Types) in the Spanish Springs Area Plan to allow “Storage of Operable Vehicles” in the Neighborhood Commercial (NC) Regulatory Zone, subject to the issuance of a Board of Adjustment approved Special Use Permit. As part of this possible action, staff recommends that (1) the Personal Storage Guidelines of Appendix A of the Spanish Springs Area Plan (Western Theme Design Guidelines) also be updated to reflect the allowance of the Storage of Operable Vehicles commercial use type in the NC Regulatory Zone; and (2) to clarify that these design guidelines are applicable to this commercial use type throughout the NC Regulatory Zone in the Spanish Springs planning area.

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

Mr. Webb read the item into the record. Chair Barnes called for any disclosures. Commissioner Horan stated he received a few emails but nothing he felt that needed to be disclosed. Chair Barnes stated he also received those emails.

Chair Barnes opened the public hearing. Kelly Mullin, Planner, presented the Staff Report and noted staff’s recommendation was that if the change was made that any storage of operable vehicles in the Neighborhood Commercial (NC) zone in Spanish Springs be required to adhere to the personal storage guidelines that were in Appendix A, and that those guidelines be updated to reflect that requirement (Exhibit A1).

Chair Barnes opened up questions to the Commission. Commissioner Horan said early in the Staff Report Ms. Mullin referenced the fact that the question of RV facilities was “kind of” mentioned but not mentioned in the Table, and he wondered if that was intentional. Ms. Mullin stated they found it interesting that it was specifically mentioned in conjunction with personal storage facilities in the NC zone in Spanish Springs and then it was suggested that it was contemplated as a compatible potential use. She said that was one of the reasons they were present at this meeting to see if the Planning Commission concurred.

Chair Barnes opened up discussion to the Applicant. Derek Kirkland, Wood Rodgers, stated some of the comments and questions at the public meeting centered around where Mr. Manke’s property was located. He spoke with the Applicant and he was willing to share where

the property was located. He said the Applicant owned a portion of the southeast corner of Pyramid Highway and La Posada, 9.6 acres, zoned NC. He noted that personal storage ~~is was~~ ~~not~~ an allowed use and they were not looking to change that portion. He said they would like to potentially put in a car wash facility towards the corner in the front and some personal storage within the site. He said access was tough on this parcel and lots were much smaller in the Sparks area to park their RVs. He thought as development continued this was a good location with limited access for people who would like to park their RVs. He said they were looking at some enclosed RV parking also.

Mr. Kirkland stated after they looked at the Code they wondered how to include RV storage. They thought they could get a Special Use Permit, bring a project forward to the community and try to meet the guidelines. He highlighted that personal storage ~~is was~~ ~~not~~ an allowed use in the Neighborhood Commercial zone and they were looking to change storage of operable vehicles (RV) on their parcel. He said they understood it might not be appropriate for every NC parcel within the Spanish Springs Area Plan, so by adding it with the Special Use Permit they would bring forward a project and meet all the standards. He noted storage of operable vehicles was consistent with other uses and some of those in the Table you could go straight to building permit included auto repair, auto cleaning, car wash, and gasoline services and sales. He noted on that particular corner there were two gas stations across the street, so he thought it made sense for these types of uses because some were already occurring there.

Mr. Kirkland stated some of the other comments were very project specific. He thought the personal storage guidelines already did a nice job of describing how they would have to design the facility. One of those was to construct walls to enclose the facility and screen it from surrounding properties. Personal storage facilities already had those guidelines so it made sense to have RV storage within those closed facilities. The guidelines were there and the Applicant was asking to come forward with a Special Use Permit and prove that this location made sense.

Chair Barnes opened up questions to the Commission. Vice Chair Chvilicek stated Mr. Kirkland kept referring to personal storage, but what she was hearing him say it was a commercial venture to store other people's RVs. Mr. Kirkland stated that was correct, but he was not sure if she saw the mini-storages. He said people rented spaces such as a typical mini-storage or mini-garage that stored people's personal stuff. He said in the personal storage guidelines they allowed up to 18 feet in height; this would be larger personal storage units. He said they were looking to do something similar to what everyone saw around town, this was just asking for a Special Use Permit so they could come back and show how they would meet the existing commercial use of personal storage.

Mr. Webb said if the Applicant wished to put in mini-warehouses and wished to store RVs, they would have to evaluate that as two different use types and look to their use tables and determine what use types were allowed or not allowed, or permitted with a Special Use Permit/Administrative Permit depending upon whatever zone or planning area they were in.

Vice Chair Chvilicek stated this Commission had heard this specific piece of property before. It was a park and Washoe County wanted to abandon it and revert it to commercial use. Mr. Webb stated that was correct, but he was not sure who the previous owner was. He said it was a Washoe County Park and the access problems were still there. He thought it was more hazardous for small children in the playground. He said there was a whole process done to move it to NC zoning because of its location at the intersection and he felt it made sense to be zoned commercial.

Chair Barnes opened up public comment. Gordon Astrom, 200 Horizon Ridge Road; Diana Christensen, 11825 Paradise View Drive; Don Christensen, 11825 Paradise View Drive; Brian Reiners, 320 Hyacinth Street; Dan Gearhart, 5331 Energy Stone Drive; Dan Herman, Campo Rico Lane; and, Jon Stieber, 11765 Paradise View Drive, all voiced their concerns. Those concerns were summarized as follows: preferred residential support services such as restaurants, medical, dental, banks and retailers as opposed to RV parking; if one part was changed all of the area would have to be changed; the effects and impacts of a “walled-in” area with mini-warehouses and RVs; an industrial area already located across the street which had an RV parking area and mini-storage; the Shadow Ridge housing development; a possible storage area with a car wash; the recently approved 2,500 new homes to go in the area; Special Use Permit process; Neighborhood Commercial (NC) zoning; the loss of views of the mountains; Mr. Manke’s location on Longley Lane with a gas station and mini-mart; access would be all hours of the day and night; loss of ability to walk dogs, hike and run; flood lights and security lighting in the middle of the night; water runoff; possible loss of property values; changing the laws and the allowed use tables; Spanish Springs Area Plan; landscape guidelines; and, the fact that RV storage was intentionally omitted and not included in this particular zoning.

Chair Barnes closed public comment and brought questions back to the Commission. Hearing none, he closed the public hearing and brought it back to the Commission for discussion. Commissioner Chesney said the Applicant had one little small piece of the pie of this entire zoning area. He stated the affect of allowing this type of zoning on all of the other pieces of property should be addressed one at a time. He said this piece of property that was a park sat across the street from “the” shopping center in Spanish Springs and traffic was horrendous. He said as the Commission fought their way through all of these amendments and uses, traffic was paramount and he could not support it.

Vice Chair Chvilicek concurred that this could be inferred that the absence of RV storage was applicable to an un-allowed use. She said to imply that it was supposed to be there was not sufficient. She stated she believed Area Plans trumped everything else.

Commissioner Horan reminded the audience it was zoned NC and there would be commercial development; there may not be RV parking but there would be commercial. He said he did not support the project.

Commissioner Donshick stated she believed that if it was not put in the zone use previously, it was not an oversight, it was not supposed to be there and she did not support this project.

Chair Barnes called for a motion.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Master Plan Amendment Case Number WMPA17-0001 to amend the Spanish Springs Area Plan within Table C-3 of the Spanish Springs Area Plan to allow for “Storage of Operable Vehicles” in the Neighborhood Commercial (NC) Regulatory Zone based on the following findings. Vice Chair Chvilicek seconded the motion, which carried unanimously.

1. Consistency with Master Plan. The proposed amendment was found not to be in substantial compliance with the policies and action programs of the Master Plan.

2. Compatible Land Uses. The proposed amendment did not fit with compatible land uses because RV storage was not an allowed use; the area had been heavily impacted and development of common space and open space subdivisions.

3. Response to Changed Conditions. The proposed amendment was zoned NC but there were other options available to the community for personal and RV storage;

5. Desired Pattern of Growth. The proposed amendment did not fit with the desired growth pattern.

C. Development Code Amendment Case Number WDCA16-0001 (Wholesaling, Storage and Distribution - Heavy)

– For possible hearing, action and discussion to recommend approval of an amendment to the Washoe County Code at Chapter 110 (Development Code), Article 302, Table of Uses 110.302.05.4 (Industrial Use Types) to allow the Wholesaling, Storage and Distribution (Heavy) Industrial Use Type from WCC Section 110.304.30 in the General Rural (GR) regulatory zone, with a Board of Adjustment approved Special Use Permit. The discussion may include a determination whether to require a minimum lot size; and, if approved, to authorize the chair to sign an updated resolution reflecting these amendments. This case was originally heard and approved by the Planning Commission on March 7, 2017; however, the adopting resolution and draft ordinance did not accurately reflect the proposed amendments as recommended for approval by the Planning Commission. Those issues have been corrected for this second appearance before the Planning Commission. The Wholesaling, Storage and Distribution (Heavy) industrial use type is defined in WCC Section 110.304.30(l) and generally refers to businesses or establishments primarily engaged in wholesaling, storage, and bulk sale distribution including but not limited to open-air handling of material and equipment other than live animals and plants; Heavy refers to distribution and handling of materials and equipment and typical uses include monument sales, stone yards, and open storage yards.

- Applicant: Gail Willey
- Location: All of unincorporated Washoe County
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: All
- Citizen Advisory Board: All
- Development Code: Article 818, Amendment of Development Code
- Commission District: All
- Prepared by: Eric Young, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3613
- E-Mail: eyoung@washoecounty.us

Chair Barnes called for any disclosures from the Commission. Hearing none, he opened discussion to staff. Eric Young, Senior Planner, presented the Staff Report.

Commissioner Donshick said he talked about the Resolution stated General Rural (GR) but she went through all her documents and wondered where it mentioned General Rural Agriculture (GRA). Mr. Young stated it was clearly his error. He explained there was a Resolution in the packet and attached to that Resolution was a draft ordinance. The Resolution stated the Commission was recommending approval of the ordinance. The Resolution was correct and said the proposed change was to allow the change in GR. In the introductory

paragraph of the draft ordinance, it said GRA and so the ordinance and the Resolution did not match, which was his error. That was why this was being brought back to the Planning Commission; to make sure the two documents said the same thing word for word.

Vice Chair Chvilicek said in the allowed Tables of Uses, (page 2 of 4), was it correct to state that the only allowance that required a 40 acre minimum was in the wholesale storage and distribution under heavy; none of those other uses required a 40-acre minimum under the GR classification. Mr. Young stated that was correct; in the Development Code they used that 40-acre minimum three times and it was all for Division 300. He said one of the exceptions was someone had to have 40 acres to get the exception for building an accessory structure larger than their home. Vice Chair Chvilicek said some of these other allowed uses in GR that required a Special Use Permit but did not have acreage requirements were much heavier use and would have a heavier impact and to single out one entity requiring 40 acres baffled her.

Chair Barnes asked the Commission how much of a presentation they would want from Mr. Young. Hearing none, he asked if the Commission had any further questions. Hearing none, he opened up the presentation for the Applicant. Mr. Young stated the Applicant was not present; however, he said he had heard from quite a few community members. He said another part of the discussion last month was that the Applicant had a particular property in mind for this use, but staff did not look at the property. Staff actively tried to stay away from that. He said it was a little bit different from the Spanish Springs situation they just saw where it was limited to just a small area and they could identify all of the different areas where it would happen. In this instance, the change would allow this use with a Special Use Permit on every single GR parcel anywhere in the County of many different sizes and character neighborhoods.

Chair Barnes opened public comment. Delia Greenhalgh, 140 Andrew Lane; Lani Wilkes, 5475 Tana Wood Drive and 136 Andrew Lane; Paul Howard, 145 Andrew Lane; Tim Milton, 130 Andrew Lane; Cynthia Albright, 4495 Interlaken Court; Richard Mahoney, 625 Rhodes Road; Kevin Huffer, 300 Andrew Lane; Jeff Cates, 165 Andrew Lane; Carol Huffer, 300 Andrew Lane; Scott Jordan, 605 Chance Lane; Marcy Jordan, 605 Chance Lane; Marijke Bekken, 132 Andrew Lane; William Naylor, 1005 Dunbar Drive; Hershel Rosenbaum, 132 Andrew Lane; and, Dan Herman, Campo Rico Drive, all voice their concerns. Those concerns were summarized as follows: industrial use types (heavy) in the GR zone and an amendment to the minimum parcel size of 40 acres; large amount of the 35 acres was unbuildable due to flood plains; inconsistent with the surrounding area; lifestyle and safety; Andrew Lane as their access to the nursery; small dirt road off of Andrew Lane to transport nursery supplies; road was inadequate to meet the demands of heavy vehicles; industrial-sized vehicles, noise pollution effects on people, animals and the natural habitat; safety concerns for school busses and students; dust, air and gas emissions; original purpose for the Development Code; uniqueness of the region that they lived in; meteorological and topological aspects; bridge safety; high velocity wind zone; Special Use Permit application process; driveway easements on the side of this property; Steamboat Creek; flooding; water over the bridge on Andrew Lane and its effects on several homes down the dirt driveway; notification to surrounding property owners; Washoe County goals; minimum parcel size; Big Ditch Water Board; fragile ecological site; water quality, wildlife access; open air storage site; rural environment; wholesale storage and distribution; higher acreage usage; property values; rural development; Rhodes Road; Damonte Ranch; 100-year flood plain; soft, meadow grassland; 10-year flood plain; fertilizers; non-native soils; potential hazmat material; water systems; previous denial of SPB11-19-97 heard in 1998; pasture land for livestock; not accessible for fire trucks; wild horses; domestic horses; color rock; toxic materials; not consistent with South Valleys Area Plan; increased traffic; Conservation Area; public health, safety and welfare; and, dangerous conditions on the narrow dirt road.

Chair Barnes closed public comment and opened up questions to the Commission. Commissioner Chesney asked if a public workshop had been held. Mr. Young replied they had; however, there was very little attendance. Commissioner Chesney asked what the notification requirements were to the public for this type of amendment. Mr. Young stated they were required to notice Community Advisory Boards (CAB) and use the c-mail used by the County. Mr. Webb stated the Development Code itself required notice in the newspaper and CABs for Development Code Amendments only. He said the Department had a policy and it also held an all CAB/Public Workshop in addition to what the Code required and as Mr. Young pointed out, they took the extra step to notify all on the c-mail blast.

Mr. Young stated there was zero attendance from all the CAB noticing. Vice Chair Chvilicek stated but there was no specific CAB meeting held. Mr. Young stated that was correct; it was not actually an official CAB meeting. They published a notice of possible quorum in case they ended up with a quorum, but it was more like an open public workshop. Mr. Webb stated the previous Development Code Amendment heard for cellular on GRA was only toward Warm Springs, so that was specific and offered to the Warm Springs CAB. As a county-wide Development Code Amendment affecting all GR regulatory zones throughout the County, they did not go out and visit each of the CABs, they noticed all the CAB members and asked them to participate in the workshop to discuss and answer questions.

Vice Chair Chvilicek stated what had been originally presented was a change for industrial to wholesale storage and distribution, which would allow this in the GR zone, not just the 40 acres. Mr. Young stated that was correct. Vice Chair Chvilicek stated so what was being asked of the Commission was to not only allow it in GR, but to ask for a 40-acre minimum. Mr. Young stated that was staff's recommendation; however, the Applicant's request was to allow it in GR with no minimum acreage. Vice Chair Chvilicek stated the Commission could approve it without minimum acreage, approve it with minimum acreage, or deny wholesale. Mr. Young said that was correct.

Vice Chair Chvilicek thought the process was skewed and people were not being notified, other than the all-CAB workshop. She said she was on the c-mail but had been mysteriously dropped from all email notifications, so she understood that this process was hard to follow. She said she was in favor of denying the amendment.

Mr. Webb stated this was a conundrum they faced because this Commission could only recommend; the actual policy decision would be made by the BCC. He said the same conundrum applied to the BCC when they considered any Code Amendment; they were only required to notice those hearings in the newspaper. A change to the Code required a notice to the CABs and the newspaper; however, staff took that further to do the c-mail. He said there would be no measurable or affordable way to notice every property owner who owned a GR property inside Washoe County. He said the first question this Commission had to ask was if an industrial use type of wholesale, storage and distribution heavy was appropriate in GR. Then once that determination was made, the next question was should there be a minimum acreage. Staff's recommendation was 40 acres minimum, or the Commission could say no. Also, the Commission could say right from the start that they did not believe it was an appropriate use in the GR zone.

Vice Chair Chvilicek stated she thought the minimum acreage was always 40 acres for the GR zone. Mr. Webb stated they went from an old zoning system to a one-map system in the 1990s and then back to a two-map system. He said because of that the GR zone was initially developed as a holding area; it could be for lands that had some sort of a constraint such as wetlands, steep slopes or flood plains, or they could be areas that there was no planned development. Mr. Webb continued to explain the different types of zoning over the years, what

qualified in the zone areas and the various reasons why certain properties fell within the current categories when they went to the Master Plan. He said what Mr. Young was portraying in the Staff Report was staff's professional opinion that they should not attempt to perpetuate the use of the non-conforming smaller lots, but that was the Planning Commission's discussion, consideration and recommendation.

DDA Edwards stated last month the Planning Commission voted in favor of the Amendment with the 40-acre limitation.

Chair Barnes closed the public hearing and brought discussion back to the Commission. Commissioner Horan stated what the Commission had seen tonight was a little bit of the law of unintended consequences when an amendment was driven by a single applicant. Vice Chair Chvilicek concurred and said Area Plans trumped everything. Chair Barnes closed discussion and called for a motion.

Vice Chair Chvilicek made a motion that after given reasoned consideration to the information contained in the Staff Report and information received during the public hearing that the Washoe County Planning Commission deny WDCA16-0001 and the finding was that it was not consistent with the Master Plan because it was not included in the Area Plan, that promotes the purpose of the Development Code, there was an industrial allowance and that this type of use was already allowed in industrial zoning and could not make any of the findings based on what she already stated. Commissioner Chesney seconded the motion, which carried unanimously.

10. Chair and Commission Items

***A.** Future agenda items.

There were no future agenda items.

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

There were no requests for information from Staff.

11. Director's and Legal Counsel's Items

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

There were no reports to be given.

***B** Legal information and updates.

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

12. *General Public Comment

There was no response to the call for public comment.

13. Adjournment

9:34 p.m. Commissioner Donshick moved to adjourn the meeting, seconded by Commissioner Chesney, which carried unanimously.

Respectfully submitted,

Jaime Deller, Independent Contractor

Approved by Commission in session on June 6, 2017.

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

DRAFT