



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

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

Tuesday, May 2, 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, May 2, 2017, in the Washoe County Commission Chambers, Building A, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Commissioners present: Sarah Chvilicek, Acting Chair
Larry Chesney
Francine Donshick
Philip Horan

Commissioner absent: James Barnes, Chair

Staff present: Roger Pelham, MPA, Senior Planner, Acting Secretary
Eva M. Krause, AICP, 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 Donshick led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Roger Pelham, Senior Planner, recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

Acting Chair Chvilicek opened public comment. Hearing no response, she closed public comment.

6. Approval of Agenda

Acting Chair Chvilicek requested to move Agenda Item 8B to the beginning of the meeting. In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the Agenda as amended for the May 2, 2017 meeting. Commissioner Donshick seconded the motion, which carried unanimously with Chair Barnes absent.

7. Approval of April 4, 2017 Draft Minutes

On motion by Commissioner Donshick, seconded by Commissioner Chesney, which carried unanimously with Chair Barnes absent, it was ordered that the minutes for April 4, 2017 be approved.

8. Public Hearings

B. Development Code Amendment Case Number WDCA17-0001 – For possible action, hearing, and discussion on an amendment to Chapter 110 of the Washoe County Code (Development Code) within Article 505, Section 505.30 (Electronic Message Display Signs), to allow certain Electronic Message Display (EMD) signs to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information including traffic control and directional information. The planning commission may act to recommend approval of the proposed amendment with or without changes or to deny the proposed amendment. If approval is recommended, the action will be reflected in a resolution recommending approval that will be forwarded on to the county commission for further action.

- Prepared by: Trevor Lloyd, Senior Planner Washoe County Community Services Department Division of Planning and Development
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Acting Chair Chvilicek opened the public hearing and called for any disclosures from the Commission. Hearing none, she called for the Staff Report. Trevor Lloyd, Senior Planner, presented the Staff Report. Acting Chair Chvilicek opened up questions to the Commission. Commissioner Horan asked who would make the determination that it was in the best interest of the public. Mr. Lloyd stated that would be part of the Special Use Permit process and would have to be disclosed at that time of the nature and use of that specific sign. He said the intent would be that it would be utilized on public property by a public agency. Commissioner Horan asked if that was going to be made at the Director level or would it go to the Board of Adjustment. Mr. Lloyd stated the electronic message display sign would go to the Board of Adjustment for their review.

Commissioner Donshick stated this was for a permanent sign versus a temporary sign being used in the event of an emergency situation, traffic issues or road construction. Mr. Lloyd stated this was for permanent signs.

Commissioner Donshick opened public comment. Hearing none, she closed public comment and brought discussion back to the Commission. Commissioner Horan stated this was straight forward and that it was in the public's interest to have something like this. Acting Chair Chvilicek closed the public hearing and called for a motion.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA17-0001, to amend Washoe County Chapter 110 (Development Code) within Article 505 to allow certain Electronic Message Display (EMD) sign to be located closer than the existing minimum 200 foot distance requirement (WCC 110.505.30(d)) between any residentially zoned property and an EMD. The exception would allow an otherwise permitted EMD to be located within 100 feet of residentially zoned property if the sign is (1) operated by a governmental entity, (2) located on property owned or controlled by a governmental entity, and (3) designed to convey public health, safety, and welfare information WDCA17-0001 ARTICLE 505 SIGNS Washoe County Planning Commission Staff Report Date: April 10, 2017 Development Code Amendment Case Number WDCA17-0001 Page 5 of 5 including traffic control and directional information. I further move to authorize the Chair to sign the resolution contained in Attachment 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 County 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) as follows. Commissioner Donshick seconded the motion, which carried unanimously with Chair Barnes absent.

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 Affects. 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.

A. Special Use Permit Case Number WSUP17-0004 (Lake Tahoe School) – For possible action, hearing, and discussion to approve a modification of Special Use Permit SW02-008 which approved the operation of a kindergarten through 9th grade private school May 2, 2017 Washoe County Planning Commission Notice of Meeting and Agenda Page 3 of 4 in an existing commercial building. The modification will permit the construction of a 13,906 square foot multi-purpose building. As proposed the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club, a residential subdivision, from Tahoe Boulevard. The current access is located approximately 725 feet northwest from the intersection of Country Club Boulevard

and Tahoe Boulevard. The access easement is proposed to be relocated approximately 200 feet further to the northwest (the new access will be approximately 925 feet northwest of the same intersection).

- Applicant: Lake Tahoe School
- Property Owner: Lake Tahoe School
- Location: 955 Tahoe Boulevard
- Assessor's Parcel Numbers: 127-581-01 and 127-030-21
- Parcel Size: 4.11 acres (total)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Tourist Commercial
- Area Plan: Incline Village Tourist Commercial
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 1- Commissioner Berkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM, Washoe County, NV

- Prepared by: Eva M. Krause - AICP, Planner Washoe County Community Services Department Division of Planning and Development

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Acting Chair Chvilicek opened the public hearing and called for any disclosures from the Commission. Commissioner Horan stated he was a Trustee for the Incline Village General Improvement District (IVGID) and there were some conditions attached to this by IVGID regarding water and sewer; however, he had nothing to do with that and he believed he did not have a conflict. Acting Chair Chvilicek informed the public this hearing would be held with decorum and respect and she asked for patience regarding this item.

Eva Krause, Planner, presented the Staff Report. Acting Chair Chvilicek opened up questions to the Commission. Hearing none, she called the Applicant forward. Nick Exline, Senior Planner, Midkiff and Associates, Inc., stated he was present on behalf of the Lake Tahoe School (LTS). He presented a PowerPoint presentation, which was placed on file with the Clerk. Ruth Glass, Head of School, said she had been the Head of School for the last six years and she had become increasingly concerned with the safety and security issues created by the bi-section of their campus. She said she planned to present a few photographs of the school's current safety concerns and then talk more broadly about the school's need to improve the security of the campus. She explained she greeted students every morning and her office overlooked the driveway and she had frequently identified and communicated her concerns about the blatant disregard for safety that was exhibited by many drivers coming from the Tahoe Racquet Club (TRC). She said there was a stop sign at the cross walk and the average number who just blew through the stop sign everyday was 20 to 25.

Mr. Exline continued going through his PowerPoint presentation. Acting Chair Chvilicek opened up questions to the Commission. Commissioner Horan said the TRC's HOA concerns did not reflect its resident's concerns. He wondered what his basis was for stating that. Mr. Exline said the public outreach process they went through. He noted Ms. Krause was receiving letters outlining various issues so he started calling as many members of the TRC as he could to see what their concerns were, how to address them and mitigate them before they got to this point. He said parking was one of the most voiced concerns. He said a member of the school board was talking to the HOA and said they were not in the parking business anymore; when all

the residents said they had parking concerns. He said they were willing to entertain a parking agreement with the TRC.

Acting Chair Chvilicek opened public comment. Roger and Zoe Hill, Tahoe Racquet Club (TRC) resident, presented an aerial photograph (Exhibit D) and talked about 150 single-family homes affected by the project, overflow parking, the proposed size of the new building and seating, large stage to go with large events, only 65 parking spots, when parking lot full have to have diversion on Highway 28 to let people know where to park, traffic slow in right-hand lane, u turns on Highway 28, heavily traveled two-lane highway, pedestrians walking across, concerns regarding Country Club Drive and Incline Way, unsafe activity on State Highway 28, inappropriate parking, trespassing, how this project with fit into the overall environment of Incline Village, all commercial buildings required certain setbacks from roadways and were surrounded by plants and trees, Highway 431, Lake Tahoe School (LTS) zoned commercial, a multi-use building located next to Highway 28. One of their main concerns was that this project would change the character of surrounding area and what would happen in the future if the LTS decided the campus was too small and they had to move on; what would the building be used for by some other commercial company. They said they were against granting Special Use Permit and modifications should be made regarding the size and location of the building.

William Baker, 9468 Double R Boulevard, Attorney, said the property for the LTS had a roadway leading to the TRC which was the only access. He thought they should change the access because the new proposed roadway ran to back of the property and he thought it would turn into a drag strip. His concerns were the project would impact the Deer Creek neighborhood and questioned how people would be allowed through the gate. He said the engineer presented alternative paths into the TRC, which gained no traction; there was no give in the proposal. He noted the only access to the TRC would be allowed to expire and may have to go through judicial intervention. He noted the NDOT's and Fire Department's recommendations expressed in the staff report regarding increased traffic (82 cars per day) and one-way traffic, which he did not think accounted for peaks hours for the LTS. He discussed the 2002 Special Use Permit application, which applied to 995 Tahoe Boulevard and adjoining properties acquired by the LTS did not make them part of the school. He was also concerned that the LTS could choose to house, staff or lease professional space that was not part of the school.

Blane Johnson, 989 Tahoe Boulevard, said he purchased his residence many years ago when there was a commercial development where the LTS was now, and Deer Creek did not exist, the Rec Center was not there and Sierra College was not there. He said LTS cleaned up the homeless community, but it was only after the LTS was built that the problem began. They agreed that the continued use of the access road the way it was with children crossing from the parking lot to the school was a safety hazard, which should have been recognized by the developers and authorities when the school was first allowed. He felt the decisions made then should not be allowed to detrimentally affect homeowners now who had been there years before the school. He stated expansion was anticipated; however, the current proposal did not describe future expansion plans. His comments included: the project was incompatible with the surrounding area, no room for growth, insufficient parking and access, safety for the students, potential abandonment of the buildings, long-term plans, contributors pulling their support, and incremental additions to come up with a 20-year plan.

Heidi-Lynn Tayler, 989 Tahoe Boulevard, gave a copy of her comments to the Clerk. She said her husband was a Science teacher at LTS. She offered some suggestions as to how the LTS site could be renovated so that the changes would benefit the LTS and the area for its neighbors. Two members of the LTS Board of Trustees held meetings about the plans with the LTS teachers in January and they made it clear that the site plan was set in stone. She shared many of the same concerns regarding lost space for the TRC parking, snow removal, entering

their property through someone else's parking lot, maneuvering around cars and children, and noise during construction. She thought the LTS should repaint the crosswalks and place a stop sign at the crosswalk for cars coming from the TRC and not going to the TRC. She wondered why there were no posted speed limits, a crossing guard and a camera to catch people driving too fast or running the stop sign. She was also concerned about a large gymnasium for a school that had no plans to grow beyond 200 students.

Tim Kerrigan, 282 Deer Court; was present on behalf of the Deer Creek HOA Board of Directors as their secretary/treasurer. He characterized many of the actions of the LTS Board as intimidation. He said speed bumps would not be allowed because it was a fire road; a long straight road with a very sharp left-turn with cars going too fast. He pointed out the easement would expire but he felt that would be a good idea because then the Incline Village General Improvement District (IVGID) would be forced to deal with an access road through the recreation department where other homes and residents would not be affected. He said the Staff Report found the project would not be detrimental to any other properties and he and others strongly disagreed with that. He reported most of the residences were two-story and had great views, but with the new building that would be all they could see from their second story. He said his concerns were: noise from traffic, exhaust from cars, air pollution, devaluation of their property values, student safety and a previous contract whereby the LTS rented out their parking lot.

Tim Heying, 989 Tahoe Boulevard, said he was a retired fireman. He observed that the school had a secondary access for emergency vehicles; however, the proposal eliminated that. He was concerned about an emergency at the school and there only being one way in and one way out. He said the only way to provide the secondary emergency access would be through the TRC, but no one had contacted them about securing a right-of-way. He stated the proposal would move the current access road away from the complex, thus cutting off access to both fire trucks and patrol cars. He reported there was a water retention pond between the apartments and the loop road and a year-round stream. He thought a fireman would have to pull hoses across the stream down a hill to access a burning apartment and paramedics would have to reach a patient in the same manner. He thought that was not a feasible option and why the Fire Marshal voiced objections.

Michael Thiele, 989 Tahoe Boulevard, said his concern was the density with Deer Creek, Sierra College, the LTS and the TRC. He stated that whenever they tried to negotiate with the LTS they brought up the easement and threatened to take away the easement and he would like the Commission to force them to negotiate with TRC in good faith without that issue.

Debi Moore, 989 Tahoe Boulevard, said when the LTS wanted to move to the neighborhood, they met and they had no objections to them being there because they thought their usage would be an improvement over what was there before. However, she felt things were going downhill. She said she also had concerns with density, limited parking, negative impacts to the adjacent properties, input from adjacent property owners was not requested, the new road did not align with the existing entrance, and the ability for fire trucks to turn around.

Peter Sferrazza, TRC resident; said foremost no one from the LTS had tried to contact him or gain any input from the TRC residents. He bought his unit before the school was built and over time, the Planning Commissioners and the County Commissioners had allowed this encroachment to take place and surround the TRC with non-conforming uses, even though they were within the correct zoning. He noted the prior owner reserved an easement, but he did not know how they could relocate it without permission of the TRC, which could land lock them if they did not go along with it. He discussed the legalities of the prescriptive and legal easement, the owner's responsibility to reserve parking and possible legal action.

Amulia Thomson, 989 Tahoe Boulevard, asked the Commission to delay their decision until alternate solutions could be heard.

Denise Rydman, 989 Tahoe Boulevard, said her issues were the safety of the children and all the additional traffic and people this would bring to the area.

Jack Leske, 989 Tahoe Boulevard, said he was new to the area. He thought it was a reasonable desire for the LTS to implement a gym for recreational use; however, he had reservations about the secrecy surrounding the proposal which he felt was being forced on neighboring communities. He hoped his fellow neighbors proved there were alternative solutions to sustain a safer infrastructure versus forcing the TRC residents to utilize a 90-degree turn ingress/egress.

Sallie Leske, 989 Tahoe Boulevard, said she felt like they were being attacked by the LTS and the TRC was something that wasn't wanted. She realized Incline Village was full of million dollar homes, but not everyone could afford those types of properties. She was sure the school had anti-bullying policies and should adhere to them regarding this proposal. She brought up a concern regarding the 35mph zone and asked why it was not zoned 15mph as most schools were. She reported the LTS had put up a sign regarding enrollment for the next year, which blocked the view for oncoming traffic and created a safety hazard.

Nathan Robison, 846 Victorian Avenue, said he was a civil engineer and usually on the applicant's side. He noted he was retained by the Deer Creek subdivision and the TRC to advise them, but his opinions were his own. He recommended some considerations for the Commission; add an engineered acceleration/deceleration lane to increase safety on Highway 28; obtain an emergency egress route through the IVGID parking lot; deny the application on technical ground; additional parking spaces; design a road that did not encourage speeding; design a parking lot to cause slower traffic; crossing the creek could be reduced to one time instead of twice; and, backup could be improved by a drop off route through a parking lot.

Margie Laparja, 989 Tahoe Boulevard, asked that the Commission modify the roadway with no blind turns. She noted Section 110.10.30 (B) that stated the proposed improvements were properly related to existing proposed roadways; however, her daughter had been hit crossing in a parking lot when someone came around a blind 90-degree turn. She requested the Commission consider further study of the design because she found it odd they would put their children at risk by the proposed design. She was a member of the TRC Board Directors and said they had always been open to discussing options and being a good neighbor and she believed there were good intentions on the part of the LTS and the TRC.

Michael Erikson, Incline Village; said he was present to speak in support of the LTS expansion. He thought the LTS had been nothing but accommodating and dedicated to the wellbeing of the children. He did agree that there were close calls to being hit by cars; however, he thought that could be solved by cars slowing down. He said turning sharply into the units at the TRC would cause them to slow down. He stated the new design would take the cars over by the school where drop offs would occur leaving the lane open for the residents to get back and forth to their units. He said events at the LTS would not happen all the time and he did not think the density would be every day, so the density would not increase.

Shawn Scherer, Incline Village, said he had been involved in a number of meetings at the LTS and there had been a lot of thought and effort put into trying to accommodate the other neighbors in the area. He said a majority of the units in the TRC were rented and the owners did not have control over what they were doing. He noted there were people driving on the wrong

side of the road to pass through a very long line at the school and they had numerous staff trying to monitor the situation to make sure the children were safe. He believed there were numerous opportunities for overflow parking that did not involve trespassing on anyone's property. He referred to the fact that the number of students would not increase; therefore, the increase in traffic really would not occur.

Donald Reyes, 4217 Conte Drive, was not present to speak.

Lisa Hill, 1975 Peavine Road, said she endorsed the concerns about parking for events, the ingress/egress for both of the constituents, and possibly delaying approval of the proposal for more input from the surrounding neighbors. She said she was a citizen's activist and had attended a lot of meetings like this and felt this could be a great project if everyone slowed down and took more time to study it further.

Chuck Weinberger, 1059 Tiller Drive, said he was a Board Member of the LTS and reported they would be pursuing the site work project for safety even if there was no multi-use building. He noted the safety improvements alone would make this project essential for the LTS. He stated there was no way the Washoe County School District would allow a road to bi-sect the middle of a campus. He commented that the snow removal operation removed the paint from the sidewalks and speed bumps each year. He said they did not have a crossing guard because they had very strict policies regarding how kids crossed the parking lot. He believed the campus was a controlled environment where teachers and parents took an active role. He further explained that the TRC was responsible for the snow removal; not the LTS.

Dana Kirkland, Incline Village, said she was a Board Member of the LTS. She knew change was hard and it could be difficult to see; but she thought this was a fantastic proposal. She said it would create a lovely campus and provide an access that would be safer by eliminating the backup they had now and eliminate TRC folks from going against the traffic to get into their units.

Todd Lankenau, 9444 Double R Boulevard, Architect, said they hoped to reduce the slope - of the original entrance and create spots for cars to stack at the top of the hill as they entered Highway 28 to make it safer and not slide back down the hill. He said they were increasing the width of that to three lanes, rather than two and dedicate a right-turn lane and a left-turn lane. Separating all of the traffic from the buses was one of the key elements towards the safety of the students. The loop they had now was a one-way driveway, so they did not have two directional traffic which would make it safer for the children. He said there would be a 15mph speed zone. He noted the fire department did not have any problem with the site design and had checked all the turning radius.

John Munson, 530 E Plumb Lane, said he agreed with Mr. Lankenau's comments. He noted the 90-degree turn at the end of the parking lot had always been 15mph and he reported there was complete visibility of all of the 11 parking spaces. He said that the turn would slow people down, because there was a long stretch of straightaway and then a sign stating "curve ahead." He stated the TRC residents voiced concerns about having to turn another 90-degree turn, but they were completely stopped at the stop sign and could make the decision which way they needed to go to their unit. He informed the Commission there were 50+ parking spaces in the underground parking garage at the school for employees and teachers. The site plan showed a driveway off the inter-loop that provided parking, so the 43 spaces were in addition to the parking for staff. He noted there were two exit lanes and the inbound lane for emergency vehicles was 12 foot wide and should always remain open.

Acting Chair Chvilicek closed public comment and opened discussion to the Commission.

Commissioner Donshick stated everyone had been talking about the granted easement between A & R Corporation and Tahoe Sierra Development Company. She said it was in effect until May 2021 or it could be changed from time to time without the consent of any of the owners (TRC) and she wondered how that worked. DDA Edwards stated he could not give the Commission any history of how that came about; however, he spoke with Roger Pelham, Senior Planner, and they found the easement was prescribed to expire in 2021. He thought that was surprising to have a sunset date on an easement. He said with regard to the location, it was determinable by the LTS and could be located within the property as long as it provided access to the TRC as required under the easement agreement.

Commissioner Donshick asked where the secondary emergency vehicle access would be and if the North Lake Tahoe Fire Protection District (NLTFPD) had any problems with the Plan regarding the four issues that were brought up. Ms. Krause answered there are three abutting property owners that the School could work with to provide secondary access across their property. It will be up to the School to create a secondary access to the satisfaction of the Fire Marshal before the multipurpose building is constructed.

Acting Chair Chvilicek asked if all four points from the NLTFPD were added to the Conditions of Approval. Ms. Krause stated yes, all the Fire's conditions are included in the Conditions of Approval.

Acting Chair Chvilicek asked if Ms. Krause would review the notification process and how many properties were notified. Ms. Krause stated that courtesy notices and public hearing notices were sent out for the Board of Adjustment meeting because the last permit that was issued was the Amendment of Conditions done by the Director of Planning. It was accidentally assigned a "SB" Case Number instead of an "SW" Case Number, so she assumed it was going to the Board of Adjustment. She noticed 96 property owners informing them this would be heard at the Board of Adjustment level, which meant they got a courtesy notice. She explained the courtesy notice was mailed before the CAB meeting in Incline Village; it was noticed for the Board of Adjustment and right before the Board of Adjustment meeting she was notified that it should have been noticed for the Planning Commission. She then emailed all those who had emailed comments for the Board of Adjustment, to notify them of the change. She sent out notices to the same 96 property owners 10 days prior to this meeting.

Acting Chair Chvilicek asked what Exhibit J encompassed. Ms. Krause explained Exhibit J showed the surrounding property owners and neighbors on Deer Creek, Glen Way, and the TRC who were notified, as well as the Sierra Nevada College, the church across the street and all the IVGID surrounding properties.

Acting Chair Chvilicek said they received questions regarding density and the Planning Commission understood density differently, so she asked Ms. Krause to offer clarification. Ms. Krause said they were not proposing to increase any density. She said there would be bigger buildings on the property, but it would not increase the enrollment, but there would be opportunities to use the building after school hours.

Commissioner Donshick asked for clarification of the timeframe and usage of the multi-purpose building because at one point it looked like it would be for school activities only. Ms. Krause stated it could not be used as a meeting or convention facility or rented out to the public. If the school wanted to hold extracurricular activities for the parents and the students, they could.

Acting Chair Chvilicek closed the public hearing and brought it back to the Commission for discussion and or motion. Commissioner Horan said he heard lots of different topics and he thought one thing they had to keep in mind was the Commission was subject to other departments setting conditions and they relied on their expertise to make their decisions. He stated the different things that were brought up regarding the Fire Department, the Department of Transportation (Highway 28), compliance with setbacks and access, were things the Commission relied on to make sure were met before the Applicant could proceed. He stated there was a lot of emotion and someone brought up legal issues, but he did not believe that was for the Planning Commission to determine. He said it appeared the LTS had the authority to relocate the access.

Commissioner Chesney said this was an application for a Conditional Use Permit; it was just an application. He noted the conditions that were set forth for the Applicant had to be met. He said this was the beginning of a long process for the Applicant. He said no one liked change in their backyard but the LTS owned the property and they explained what their position was. Based on the conditions set forth by all the parties he could not do anything but look at this in a positive sense and approve it.

Commissioner Donshick said she agreed with the other Commissioners. This Commission had to follow a lot of guidelines and rules and had to base their decision on the facts and guidelines they were given.

DDA Edwards stated Mr. Sferrazza raised a point regarding parking. He said he was provided with a copy of the lease agreement regarding the TRC to use the tennis courts on the LTS property. He noted it was entered into in 2015 and would expire June 30, 2018. He said if the construction was approved as provided, then it would eliminate that parking area. That would not cause a problem if the lease was expired by then or if it was terminated, but if it was not terminated before the time construction began then that could be a potential legal problem. He recommended, in order to address that, an additional condition under Exhibit A, page 2, be added as B1. He recited the language: "Prior to obtaining a building permit, the Applicant shall demonstrate that the property subject to the July 1, 2015 lease agreement, between LTS and TRC Condominium Association was unencumbered by the lease agreement and was available for construction under this permit by LTS. Demonstration shall be made by proof of a court order terminating the lease, proof of the expiration of the lease, or proof of agreement to terminate the lease between LTS and TRC Condominium Association."

Acting Chair Chvilicek called for a motion. Commissioner Chesney moved that after giving reasoned consideration to the information contained in the Staff Report and information received during the public hearing, the Washoe County Planning Commission approve the Special Use Permit Case Number WSUP17-0004 for the Lake Tahoe School with the Conditions of Approval included as Exhibit A in this matter, having made all the findings in accordance with Washoe County Code Section 110.810.30, with the additional condition as read by counsel. Commissioner Donshick seconded the motion. Commissioner Horan said it was a difficult process to hear tonight; however, he said the Planning Commission had to rely on the other specific authorities that were attaching conditions to the application. On call for the vote, the motion carried unanimously with Chair Barnes absent.

1. Consistency That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Incline Village Tourist Commercial Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed

improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for kindergarten through ninth grade private school, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and,
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

9. 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.

10. 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.

11. *General Public Comment

There was no response to the call for public comment.

12. Adjournment

8:47 p.m. Commissioner Horan moved to adjourn the meeting, seconded by Commissioner Chesney, which carried unanimously with Chair Barnes absent

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