



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

James Barnes, Chair
Sarah Chvilicek, Vice Chair
Thomas B. Bruce
Larry Chesney
Francine Donshick
Philip Horan
Michael W. Lawson
Carl R. Webb, Jr., AICP, Secretary

Tuesday, July 5, 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, July 5, 2017, 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
Thomas B. Bruce
Larry Chesney
Francine Donshick
Philip Horan
Michael W. Lawson

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

2. *Pledge of Allegiance

Commissioner Chvilicek led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures. He noted the Legislature added a forth category to the Ethics Procedure, which included disclosure if a Commissioner provided representation or counseling that was reasonably related to the matter being considered to a person or entity for compensation before another agency within the immediately preceding year. He explained if a Commissioner served as a consultant for a

developer on a project and helped them get a permit in front of another entity within the previous year and was paid to do it, then it would be something a Commissioner should disclose.

4. *Appeal Procedure

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

5. *Public Comment

Chair Barnes opened the Public Comment period. There were no requests to speak.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the July 5, 2017 meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of June 6, 2017 Draft Minutes

Commissioner Chesney moved to approve the minutes for the June 6, 2017, Planning Commission meeting as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Planning Items

Items 8.A. and 8.B. are continued from the June 6, 2017 Planning Commission meeting.

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

- Applicant: Manke Family Trust
- Property Owner: Wood Rodgers, Inc.
- Location: 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 Service Department
Division of Planning and Building
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Chair Barnes opened the public hearing. Kelly Mullin, Planner, presented the Staff Report. Chair Barnes opened up questions to the Commission. Commissioner Horan asked if the Board of County Commissioners (BCC) had made any changes to the application the Commissioners reviewed and denied. Ms. Mullin stated the BCC did not.

Commissioner Chvilicek stated the request was to amend the Plan and if it went through, irrespective of what this commission had done, this type of project would be allowed on every area of pink on the map by Special Use Permit to the Board of Adjustment. Ms. Mullin responded it would potentially allow for someone to come in and request a Special Use Permit for that use on their property.

Chair Barnes called for the applicant to come forward. The applicant stated they had nothing to report.

Chair Barnes opened public comment. Gordon Astrom, 200 Horizon Ridge, stated he was present last month when the applicant made their presentation, but one of the things that struck him was a comment from the Commissioners that they were required to go by certain guidelines and procedures when making a decision. He said the Master Plan called for personal storage to be in a facility defined by personal storage guidelines. He noted Table C3 stated that personal storage could be in Neighborhood Commercial/Office (NC) zone or in Industrial, but that operable vehicles could only be located in Industrial zones, which allowed for personal storage in two places and operable vehicles in only one. That meant that industrial storage was going to have to be in an area zoned as Industrial. The verbiage within the Code called for an 18-foot tall RV awning to go into an Industrial area. He further stated if someone wanted to put it in an NC zone they could, but they could not put an RV under it. In Spanish Springs, allowed uses in certain land designations varied from what was allowed in the normal Code. He said that was done because they wanted to keep their neighborhood a certain way. Specifically, it stated that all other uses were prohibited and that was what he wanted this Commission to stay with.

Francie Astrom, 200 Horizon Ridge, stated she was against the change proposed in the land zoning. She said when the Commission thought about making this change she requested they think about the fact that they would not only impact this one intersection on Pyramid Highway. It would impact three different sections. She said one of those intersections was in front of the subdivision where she lived and the other two were in subdivisions where there were a lot of people. She recommended the Commission not change this current zoning and that if the individuals who would like to make this area into an operable vehicle storage facility, they come back to this Commission and ask for the one area to be re-zoned for their use and then it would be up to this Commission and the BCC to decide. She thought to change three separate areas to make them allowable for this type of storage, was in her mind inappropriate. She thought the Commission should look at the impact it would have on where people currently lived. She said Spanish Springs was an area they were trying very hard to develop into a strong neighborhood and by putting an operable vehicle storage facility at a very important intersection was inappropriate.

Max Peterson, 7919 Creation Court, stated making this change to the Sparks Master Plan was going in the wrong direction. He said this change would open the door for a lot of changes in three other locations. He did not see that particular intersection as the right place for this type of storage.

Chair Barnes closed public comment and called for questions from the Commission. Hearing none, he brought discussion and comments back to the Commission. Commissioner Chesney stated regardless of what the BCC did, the reason he voted against this was that Spanish Springs was a future growth hub for the County and when it came to revising the Master Plan

for one applicant he found that to be very irresponsible. He did not agree with blanketing the uses as Neighborhood Commercial so someone could put in a storage unit and car wash. He believed the public's comments and how people would be impacted was more of a concern. He thought these broad brush Master Plan Amendments should not be proposed in growth hubs until there was a Master Plan update. He said that way the entire community could participate on the process. He stated there were plenty of industrial spaces zoned for this type of use in the current Plan and that was where they should stay. He stated because Spanish Springs was in a growth phase right now, he thought Spanish Springs was lacking in the type of businesses that really belonged in NC zoning, such as dentists and doctors. He did not support the BCC's decision.

Commissioner Lawson stated he was not a Commissioner when this matter came before the Commission; however, he reviewed it extensively and he listened to the testimony from the public. He wanted to let everyone know that he would have voted the way the Commission did when it was first heard and was not in favor of the request.

Commissioner Horan agreed with the other Commissioners. He stated he respected the BCC's authority to make their decision; however, he thought this Commission did a thorough review at the time it was presented and he still felt it should have been denied.

Chair Barnes stated he agreed and he believed the Commission's decision was correct at the time.

Commissioner Chvilicek said that the Spanish Springs Area Plan had special text and the Commission addressed that special text for personal storage and storage of operable vehicles in the spirit for which it was written. She stated when the applicant said in their appeal that it was to amend the original intent, she believed the way Table C3 was written was the original intent of the community and she stood by that.

Commissioner Donshick felt the Commission performed due diligence and went through everything. She said not being allowed was not an oversight; it was the community's wish because the community was involved in writing their Master Plan and Area Plan and this was what Spanish Springs wanted as part of their Plan. She stood behind their decision not to allow the Special Use Permit.

Commissioner Bruce said he was new to the Commission and he only had the material to review and he was in agreement with what had been said. He had found nothing in the information he went over that indicated the Commission's decision was not the right decision.

Chair Barnes called for a motion.

Commissioner Lawson moved that after giving reasoned consideration to the information contained in the staff report and information received during the hearing, the Washoe County Planning Commission provide a report to the Washoe County Board of Commissioners regarding Master Plan Amendment Case Number WMPA17-001 containing the comments provided by the Planning Commission as delineated in the minutes from this conversation. Commissioner Chesney seconded the motion, which carried unanimously with a vote of seven for, none against.

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

Secretary Webb read the item into the record. He said this item was continued from the June 6, 2017 meeting. He noted this item dealt with the Planning Commission meeting from May where there were many different speakers claiming to be representatives of a group causing the acting chair consternation in trying to discern who might actually be the representative of the group, thereby allocating them five minutes to speak. The Rules, Policies and Procedures were pretty clear that there was the ability to provide five minutes to a group, but also only one individual would be awarded that opportunity for a five-minute time limit. He said the time limitation appeared on the first page of the Planning Commission's agenda. He noted it was staff's recommendation to bring back to this Commission proposed amendments for consideration to remove the five minute time limit and bring the public comment time limit in line with the BCC. He said action from the Commission would be to direct staff to draft those amendments and bring them back to the Commission for decision in August.

Chair Barnes opened public comment. Hearing none, he opened up questions to the Commission. Commissioner Chesney asked if they removed the five minute time limit, would that allow the speaker to request any amount of time they wanted. Secretary Webb stated the draft amendments would simply remove the one provision allowing five minutes. He explained it would still state 15 minutes for staff's presentation, 15 minutes for the applicant's presentation and three minutes for everyone thereafter. He said the Chair always had the ability to modify those time limits based on the meeting.

Commissioner Bruce said if someone was present representing a group of people he would like them to have more time. He wondered if the Chair would have the discretion to make that call. He had appeared many times representing groups before the BCC and he had needed more time.

Commissioner Horan supported going back to being consistent with the BCC and leaving the discretion up to the Chair if more time was needed for a speaker.

Chair Barnes called for a motion.

Commissioner Horan moved that the Planning Commission delegate the Chair to work with staff to modify the time limits allowed for public comment as contained in the Rules, Policies and Procedures for consideration and possible adoption at the August meeting. DDA Edwards stated the agenda was written for the Commission to remove the five minute time limit for speakers representing a group and he asked Commissioner Horan if that was his intent. Commissioner Horan stated that was his intention. Commissioner Chesney seconded the motion, which carried unanimously with a vote of seven for, none against.

C. Presentation and possible discussion of the Nevada Chapter of the American Planning Association's (NVAPA) 2017 Nevada Planning Guide. Presentation will include an overview of the Nevada Leadership Program at the University Center of Economic Development at the University of Nevada, Reno. Julie Hunter, NVAPA Planning Official Development Officer and Frederick Steinman, NVAPA Chapter Secretary.

Secretary Webb read the item into the record. Chair Barnes called the presenter forward. Fred Steinman, Assistant Research Professor University Center for Economic Development at the University of Nevada, Reno and Chapter Secretary for the Nevada Chapter of the American Planning Association, said he was giving each Commissioner a copy of the February 2017 Nevada Planning Guide as recently published by both the University Center for Economic Development and the NVAPA. He said as part of the mission of both the NVAPA and UCED and specifically the Nevada Leadership Program, which was part of the UCED, their primary mission was to reach out to elected and appointed officials, government executives, staff and

interested members of the public and assist in the development of, and education and understanding of, planning issues relevant to local communities throughout the State. As part of that mission, they worked over the last two years to revise the existing Planning Guide for the Chapter that was initially published in 1994. He said since a lot had changed since 1994, it felt right to update the Planning Guide and distribute a free copy to all the planning commissions, city councils and county commissions throughout the State. He said copies could be obtained electronically, also.

Chair Barnes opened up questions to the Commission. Commissioner Horan asked what their relationship was with EDAWN. Mr. Steinman stated he worked very closely with staff from EDAWN on various economic impact studies and economic assessments. That was work they did at the Center, not only with EDAWN but also groups like Northern Nevada Development Authority (NNDA), Western Nevada Development District (WNDD) and other economic development groups around the State. The NVAPA did not necessarily have a direct relationship with EDAWN or any specific economic development group in the State; however, many of their Chapter members were staff, employees or Board members of groups such as EDAWN and others throughout the State. Commissioner Horan asked if that meant he was not working hand-in-glove with other agencies on projects. Mr. Steinman stated they had in the past, but there was no direct formal relationship where there was recurring work. He said most recently the EDAWN supported in both 2015 and 2016 the Nevada Economic Development conference, which the University hosted jointly with the WNDD and the NVAPA. Commissioner Horan said Nevada was in a good place right now as far as bringing people in and he thought it was critical for all these economic development pieces to work together to make it happen.

Chair Barnes called for public comment. Hearing none, he opened up discussion to the Commission. Commissioner Horan said he thought it was interesting we had all of these resources available and he hoped they were all working together.

Commissioner Donschick stated she read the original version and this new version. She felt they did a terrific job and it contained a lot of good information. She hoped the document would be readily available to the public so they could understand the processes that guided this Commission and others.

Chair Barnes closed the hearing. There was no action taken.

9. Public Hearings

A. Abandonment Case Number WAB17-0003 (Lurie Ln) – For possible action, hearing, and discussion to approve the abandonment of an unused 20 foot emergency access easement that traverses the 3 parcels that are the subject of this request. The easement proposed for abandonment stems from Lurie Lane and only provides access to the 3 subject parcels and no other surrounding or connected parcels have an interest in the easements.

- Property Owners: Jason and Jennifer Lurie Living Trust, 2012 Becker Family Trust, Lurie-Vogelsong Living Trust, Arthur J and Cary Lurie
- Applicant: Jason Lurie, 4 Patrick Lane, Orinda, CA 94563
- Location: 20 Lurie Lane, approximately 1/3 mile west of Lakeside Drive off of Faretto Lane
- Assessor's Parcel Numbers: 222-060-29, 222-060-30 and 222-060-31
- Parcel Sizes: All 3 parcels are 2.5-acres
- Master Plan Category: Rural Residential (all 3 parcels)
- Regulatory Zone: High Density Rural (all 3 parcels)

- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows/Washoe Valley
- Development Code: Article 806, *Vacations and Abandonments of Easements or Streets*
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 2, T18N, R19E, MDM, Washoe County, NV
- Prepared by: Chad Giesinger, Senior Planner
Washoe County Community Services Department
Division of Planning and Building
- Phone: 775.328.3626
- E-Mail: cgiesinger@washoecounty.us

Secretary Webb read the item into the record. Chair Barnes called for any disclosures. Hearing none, he opened the Public Hearing. Chad Giesinger, Senior Planner, presented the Staff Report.

Chair Barnes opened up questions to the Commission. Commissioner Horan said he noticed the improvement on the middle property appeared to infringe on setbacks that might be required. He wondered if that parcel was ever sold, would it be grandfathered in. Mr. Giesinger stated he brought that up to the applicant's representative. He said as the structure currently sat, it was within the setback for that parcel on the side yard. It would be considered an existing, legal non-conforming use because it was properly permitted and at some point the line was moved and it was not caught. The parcels were under the same ownership, which wasn't an issue for them, but if they sold it, it would be an encumbrance they would have to deal with. He explained they could do a boundary line adjustment and to make it contingent upon a sale.

Chair Barnes called for the applicant's presentation. John Krmpotic, Representative, said he felt Mr. Giesinger did a thorough presentation. He noted they were in complete agreement with the Staff Report and the conditions as written. He said the basis of this was they had something that was created 40 years ago and the easement was not functional in its current state; it had never been improved. He said it would impose a legal encumbrance on the property and there was an interest in selling the property; therefore, this needed to be worked out. He felt it was important to go through the findings, which would be found by the Commission. In terms of Mr. Giesinger's comments towards the end, about 100 versus 50, that was nothing more than an honest typo. He pointed that out to the Fire Marshal and she was in complete agreement, because they were using the same geometry and moving it up to the current driveway as it sat.

Mr. Krmpotic showed his PowerPoint presentation to the Commission explaining the new easement and how it would serve access to the properties and development of the third parcel.

Chair Barnes opened public comment. Hearing none, he brought discussion and questions back to the Commission. There were none by the Commission, and Chair Barnes closed the public hearing.

Commissioner Horan said based on staff's presentation, as well as the applicant's presentation, he did not see any issues moving this forward.

Chair Barnes called for a motion.

Commissioner Horan moved that after giving reasoned consideration to the information contained in the staff report and information received during the hearing, the Washoe County

Planning Commission approve with the conditions included as Exhibit A in the staff report Abandonment Case Number WAB17-0003 for Jason Lurie, having made all three findings in accordance with Washoe County Code Section 110.806.20, which includes changing in the wording from radius to diameter specific to Condition 3A. Commissioner Chesney seconded the motion, which carried unanimously with a vote of seven for, none against.

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan; and
2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

10. Planning Items

A. For possible action and discussion to review and determine and/or confirm the order of alternates selected to represent the Washoe County Planning Commission (PC) on the Truckee Meadows Regional Planning Commissioner (RPC) in the event the regularly appointed PC members are unavailable to serve. The currently proposed order is as follows: First Alternate, Phillip Horan; Second Alternate, Francine Donshick; Third Alternate, Michael Lawson; and Fourth Alternate, Thomas Bruce. If confirmed and/or determined, 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).

Secretary Webb read the item and the staff report into the record. Chair Barnes opened public comment. Hearing none, he opened discussion for the Commission. There was no discussion. Chair Barnes called for a motion.

Commissioner Chesney moved to confirm the order of alternates to the Regional Planning Commission as follows: Philip Horan, first alternate; Francine Donshick, second alternate; Michael Lawson, third alternate; and, Thomas Bruce, fourth alternate. He 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 Horan seconded the motion, which carried unanimously with a vote of seven for, none against.

11. Chair and Commission Items

***A.** For possible action and discussion to elect officers, chair, and vice chair.

Chair Barnes stated he had served two consecutive terms and under the Rules, Policies and Procedures he was limited to two terms. He asked if someone would like to make a recommendation for Chairman for the next year. Commissioner Chesney nominated Commissioner Chvilicek. Commissioner Donshick seconded the nomination. Chair Barnes closed the nominations and called for a vote. The vote carried unanimously with seven for, none against.

Chair Barnes turned the gavel over to Chair Chvilicek. She called for nominations for vice chair. Commissioner Horan nominated Commissioner Chesney. Commissioner Donshick

seconded the nomination. Chair Chvilicek closed the nomination and called for a vote. The vote carried unanimously with seven for, none against.

Chair Chvilicek called for public comment. There was none.

***B. Future agenda items.**

Chair Chvilicek stated she was not able to attend the Board of County Commissioners meeting wherein they discussed the Citizen Advisory Boards. She wondered if it was possible to get a report on the outcome of that discussion. Secretary Webb stated he would make the request to the Manager's Office.

Commissioner Horan stated the presentation was interesting from the Economic Development. He asked if the Planning Department had any coordination with economic development and the requirements of what the regulations and rules were regarding development in the different areas. Secretary Webb stated yes in a tangible way. He explained they had a business facilitator position that was currently vacant. He said that position was to serve as a lead for economic development questions and initiatives, specific to the planning and building arena. He went on to explain the other duties specific to that position. Commissioner Horan said he thought that was important because they saw different applications and people had different ideas about what was possible.

Commissioner Lawson said he had concerns about having to make decisions after hours of presentation in a short period of time. He said he recognized that stemmed from the Nevada Revised Statutes; however, he would like to have a discussion about what they would need to do in an open forum to allow them to defer decisions to a future meeting. DDA Edwards said he could work independently with his legislative representatives. He stated any change requests would need to come from the Board of County Commissioners.

***C. Requests for information from staff.**

Vice Chair Chesney said at the last meeting they had an unruly crowd and he would appreciate it in the future if they had a Sheriff's Deputy present for controversial items. Secretary Webb stated staff evaluates the need for law enforcement closely and will call for a representative from the Sheriff's Department when warranted.

12. Director's and Legal Counsel's Items

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

Secretary Webb stated Tentative Map TM16-009 and Special Use Permit SW16-003 were appealed to the Board of County Commissioners (BCC) and would be heard August 8, 2017.

Commissioner Horan stated he heard there was another item that had been appealed to the BCC. Secretary Webb stated the item regarding the Lake Tahoe School was on the June 27, 2017 BCC meeting, but it was continued to the July 11, 2017 meeting. He understood the two parties were in negotiations, which may negate the need for the appeal.

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

DDA Edwards stated he had nothing to add.

13. *General Public Comment

Chair Chvilicek opened public comment. There were no requests to speak.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:41 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on August 1, 2017.

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