



WASHOE COUNTY PLANNING COMMISSION 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

Wednesday, November 16, 2016
5:30 p.m.

Washoe County Health District, Bldg B
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Wednesday, November 16, 2016, at the Washoe County Administration Complex, Health District, Building B, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Barnes called the meeting to order at 5:30 p.m. The following Commissioners and staff were present:

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Francine Donshick
Greg Prough

Commissioners absent: Philip Horan

Staff present: Bob Webb, AICP, Secretary
Nate Edwards, Washoe County Deputy District Attorney
Dwayne Smith, Director, Engineering and Capital Projects
Kelly Mullin, Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Kathy Emerson, Admin Secretary Supervisor, Planning and Development
Donna Fagan, Recording Secretary

2. *Pledge of Allegiance

Commissioner Prough led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *Public Comment

Chair Barnes opened the Public Comment period. Hearing none, Chair Barnes closed the Public Comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the agenda for the November 16, 2016 meeting as written. Commissioner Donshick seconded the motion, which passed unanimously.

7. Public Hearings

A. Master Plan Amendment Case Number MPA16-001 and Regulatory Zone Amendment Case Number RZA16-002 (USA Parkway Industrial) – Hearing, discussion and possible action:

(1) To adopt an amendment to the Washoe County Master Plan, Truckee Canyon Area Plan to change the Master Plan Category on one ±60.22-acre parcel from Rural to a mix of Industrial and Open Space; and

(2) Subject to final approval of the associated Master Plan change, to recommend adoption of an amendment to the Truckee Canyon Area Plan Regulatory Zone Map, changing the Regulatory Zone from General Rural to a mix of Industrial and Open Space.

- Applicant/Property Owner: Stan Lucas
2850 Temple Ave.
Long Beach, CA 90806
- Location: 22560 Interstate 80 East, approximately ½ mile west of USA Parkway
- Assessor's Parcel Number: 084-120-26
- Parcel Size: ±60.22 acres
- Current Master Plan Category: Rural
- Proposed Master Plan Category: Industrial (±37.34 acres) and Open Space (±22.88 acres)
- Current Regulatory Zone: General Rural
- Proposed Regulatory Zone: Industrial (±37.34 acres) and Open Space (±22.88 acres)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Article 820, *Amendment of Master Plan* and Article 821, *Amendment of Regulatory Zone*
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Portions of Section 27 and Section 34, T20N, R22E, MDM, Washoe County, NV
- Prepared by: Kelly Mullin, Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Mr. Webb gave a brief summary of the case.

Chair Barnes asked if there were any ethics or ex-parte disclosures from the Commissioners. Hearing none, he opened the public hearing.

Kelly Mullin, Planner, presented her staff report. Ms. Mullin pointed out that the motion on the screen for the Master Plan Amendment is different than the one in the staff report, as the one shown on the screen lists all five findings. Ms. Mullin said the applicant is available for questions as is Dwayne Smith, County Engineer, if there are questions specific to traffic.

Commissioner Donshick asked for clarification on the portion of open space designated as being in a flood plain, Exhibit D1 shows the site plan showing the flood plain map is inaccurate. Ms. Mullin clarified that the delineation of that area was finalized after receipt of notification from Engineering staff. What is shown on the open space portion on the map reflects accurate flood zone boundaries. There would be no development within that area.

Commissioner Chvilicek said there is reference in Exhibit D10, making recommendations to insure best management practices (BMP's) because there will be flow into the Truckee River. As the project moves forward, she hopes that the BMP's will be managed. Ms. Mullin replied yes, and also that Article 222 of the Development Code speaks specifically to all development that occurs within a mile of the Truckee River so there will be additional requirements. A water quality report will have to be provided to the County as well as showing that there will be no increase or negative impact on the Truckee River's water quality.

Commissioner Chvilicek noted that Regional Parks and Open Space asked for trail easement. Ms. Mullin said that they cannot condition a Master Plan Amendment but the request was passed along to the applicant.

Derek Wilson with Rubicon Design Group, the applicant's representative, said the goal is to allow for a business to operate on site that provides construction equipment to the tri-center and to USA Parkway construction. He thinks it is a very logical place to put it, they have road access already and are close to a freeway off-ramp. Additionally, with the industrial zoning they are requesting, they would be bringing zoning in conformance with the historic use of the property. In the past, it has been a gravel pit, an equipment yard and a trucking center. As for the open space, County staff felt that additional open space was warranted to further protect some of the areas in the site which are wetland and flood areas. It's no problem to make that open space. The site is large enough that they do not need to encroach on the open space areas. They are in full agreement with Staff's presentation.

Commissioner Chvilicek had a comment to be passed on to the property owner. She was appreciative and thanked the applicant for maintaining open space along a sensitive river.

Chair Barnes opened the public comment period, seeing none, he closed the public comment period.

Seeing no additional questions for staff, the applicant or the public, Chair Barnes closed the public hearing and called for discussion by the Commission. Seeing no discussion, 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 Planning Commission adopt Master Plan Amendment Case Number MPA16-001 having made the

following findings in accordance with Washoe County Code Section 110.820.15(d). He further moved to certify the resolution and the proposed Master Plan Amendment in MPA16-001 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution included as Exhibit A for this matter on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Changed Conditions. The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.

Mr. Webb clarified that this included all five findings as noted in the presentation:

4. Availability of Facilities
5. Desired Pattern of Growth

Commissioner Chesney said the motion included all five findings. Commissioner Donshick seconded the motion, which passed unanimously (vote of five for, none against, one absent).

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission recommend adoption of Regulatory Zone Amendment Case Number RZA16-002 to the Washoe County Board of Commissioners, having made all of the following findings in accordance with Washoe County Code Section 110.821.15(d). He further moved to certify the resolution and the proposed Regulatory Zone Amendment in RZA16-002 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorized the chair to sign the resolution included as Exhibit B for this matter on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Changed Conditions; more desirable use. The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.

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

Commissioner Donshick seconded the motion, which passed unanimously (vote of five for, none against, one absent).

B. Regulatory Zone Amendment Case Number RZA16-005 (Marango Road) – Hearing, discussion, and possible action to recommend approval of an amendment to the South Valleys Regulatory Zone Map, changing the regulatory zone from Low Density Rural (LDR – one dwelling unit per ten acres) to Medium Density Rural (MDR – one dwelling unit per five acres) and General Rural (GR – one dwelling unit per forty acres) on three adjacent parcels totaling 40.12 acres in size. The proposed amendment will establish 34.86 acres of MDR and 5.26 acres of GR.

- Applicant/Owner: Harry Fry
- Location: Steamboat Rural Transition Mixed Use Character Management Area; South of Marango Road, approximately 3000 feet south of the intersection of Toll Road and Ravazza Road
- Assessor's Parcel Numbers: 050-571-24, 050-571-25, 050-571-26
- Parcel Size: 13.13 acres, 13.34 acres, 13.65 acres (±40.12 acres total)
- Master Plan Category: Rural Residential
- Current Regulatory Zone: Low Density Rural
- Proposed Regulatory Zones: Medium Density Rural and General Rural
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 821, Amendment of Regulatory Zone
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 3, T17N, R20E, MDM,
Washoe County, NV
- Prepared by: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775-328-3620
- E-Mail: tlloyd@washoecounty.us

Mr. Webb gave a brief summary of the case.

Chair Barnes asked if there were any ethics or ex-parte disclosures from the Commissioners. Hearing none, he opened the public hearing.

Trevor Lloyd, Senior Planner, presented his Staff Report. Mr. Lloyd let the Commission know that the applicant is present to answer any questions they may have.

Commissioner Prough confirmed that they are just changing this from 10 acres to 5 acres for a dwelling. Mr. Lloyd replied that the best way to describe this is that there are currently three lots with a potential for three homes/units. The intensification will allow for a maximum of seven lots throughout the 40 acres.

Commissioner Chesney, looking at the map with the slopes, said that in the 5-acre parcels, there is not a lot of space on the lots that isn't hilly. He asked if it is possible that the 5-acre parcels will end up clustered? Mr. Lloyd replied that it is a possibility, probably not likely. There are large developable areas available for each five-acre lot that is created. Mr. Lloyd said the applicant and the County do not necessarily want to see clustering, this is more of a rural area and it would be out of character if they were to cluster this. Commissioner Chesney asked if this would be addressed down the line? Mr. Lloyd replied yes.

Chair Barnes asked the applicant if he would like to make a presentation. He answered that he will respond if need be or if anyone has any questions for him.

Chair Barnes opened the public comment period.

Randy Soule stated that he is the property owner of the 40 acres to the north of this development. He said that the second public comment speaker is the property owner of the 40 acres south of this development. The parcel brought up tonight was a 40-acre parcel 15 years ago. The owners at that time wanted an access easement through his property to their parcel, which is the parcel in question tonight. That was granted. They then subdivided that property into three 13-acre parcels, which are there now. They sought further access easements so they could access all three parcels. That was denied. They paid over \$100,000 to Majestic View Estates and obtained three access easements. The two 40 acre-parcels, his to the north and the one to the south are cattle ranches. The applicant tonight holds the three access easements through Majestic View Estates. Mr. Soule has no problem with that but the applicant is now proposing that he wants the old previous access to the forty acres to be enacted, which that access is no longer valid. They never developed it, never developed the road. The applicant wants to enact the access so he can access the further increased density that he wants to make it. Mr. Soule has told the applicant that he is not in favor of that nor does he believe the Commissioners should be in favor of it. It is going to create a problem and there will be injunctions filed because there are no easements through Marango Road that are valid right now that go through his property. He is not sure if Mr. Lloyd has researched the easements but he would like to make sure there is some sort of caveat on this, requiring the easements be appropriate for these properties.

Michelle Spencer has 120 acres south of the parcel in question, which is a cattle ranch and has been in her family for 150 years. They are talking about severe impact on wildlife. When you talk about 7 homes in 34 acres, there are slopes every way you go, houses are going to be very on top of each other. They are also concerned that they have not seen anything on the planned community as to what it will look like. Ms. Spencer does not know if that information is what is brought forward at these meetings. They are concerned about what impact this will have on the area.

Chair Barnes asked for Commission questions. Commissioner Chesney asked Ms. Spencer to show on the map where her 120-acre parcel is. Ms. Spencer showed where her property is and stated they have an easement through Randy Soule's property. Commissioner Prough asked Ms. Spencer if she would be more specific on her statement on the effect on wildlife. Ms. Spencer said there are wild horses all over the property. They do studies with UNR's Professor Gray, on bears, mountain lions, deer, skunks, bobcats. Ms. Spencer asked what kind of impact will there be with people driving through all the time? Commissioner Prough said they are talking about seven homes, not 70. Ms. Spencer said yes, it is seven homes, and it is hard to tell from the map but those homes are going to be on top of each other. It is her understanding that only 3 homes can access through Majestic View.

Commission Prough asked Mr. Lloyd if the surrounding land is considered open range. Do they need real estate disclosures on any purchases or construction? Mr. Lloyd answered that he is not aware of any legal disclosures that are required. The property to the immediate east is designated open space and is Federally owned. There will certainly be wildlife to the east.

Commissioner Chvilicek commented that what is before the Commission tonight is a Regulatory Zone Amendment so there is no plan for development. That will come before the Commission when it is proposed and that is when it can be conditioned. She encouraged the community to continue with their due diligence and to stay on top of it. It can be a convoluted process but it is a process.

Seeing no additional questions for staff, the applicant or the public, Chair Barnes closed the public hearing and called for discussion by the Commission. Seeing no discussion, Chair Barnes called for a motion.

Commissioner Prough moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission recommend adoption of the proposed Regulatory Zone Amendment map as identified as Exhibit B to the resolution having made all of the following findings in accordance with Washoe County Code Section 110.821.15. He further moved to certify the resolution and the proposed Regulatory Zone Amendment in RZA16-005 as set forth in this staff report for submission to the Washoe County Board of County Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission. Having made all 6 findings.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.

5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Commissioner Donshick seconded the motion which passed unanimously (vote of 5 for, none against, one absent).

8. Chair and Commission Items

***A.** Future agenda items.

None

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

None

10. Director's and Legal Counsel's Items

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

Mr. Webb told the Commission that Director Whitney will give a presentation at the December 6 Planning Commission meeting regarding approved developments in the County that have not yet been built. He will present two maps. The first map is an overall County map showing all of the approved, unbuilt projects in the unincorporated County that we are aware of. There will be a second map that will be area specific for the tentative subdivision maps which the Commission will see in December. Thereafter, each tentative subdivision map that comes to the Commission will contain a "zoomed in" map showing the approved, unbuilt maps in that area.

Mr. Webb gave a memo to the Commissioners from Director Whitney with information from the School District regarding some of the Commissioners' requests for information. If the Commission would like further information, Director Whitney can invite school district staff to an upcoming meeting.

Mr. Webb reminded the Commission that the next Planning Commission meeting is on Tuesday December 6, 2016 at 6:30 p.m. in the Health District Conference Rooms.

***B** Legal information and updates

Deputy District Attorney Edwards stated that since the election just concluded and recreational marijuana was passed in the State, the process for addressing that is underway internally in terms of code provisions and state regulations. There may be some Development Code amendment items coming forward to the Commission at some point in the future.

Commissioner Chesney asked if there was any progress on the presentation by TMWA? Mr. Webb answered that the first item on the December agenda will be a presentation by the Regional Water Commission staff member on water resources in the region. He has said

there will be a TMWA representative at the meeting, along with our local water resource expert Vahid Behmaram.

11. *General Public Comment

There was no response to the call for public comment.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 6:18 p.m. without objection.

Respectfully submitted,
Kathy Emerson

Approved by Commission in session on January 3, 2017.

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