



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Philip Horan
Michael W. Lawson
Trevor Lloyd, Secretary

Tuesday, November 7, 2018
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, November 7 2018**, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Michael W. Lawson

Commissioners absent: Philip Horan

Staff present: Trevor Lloyd, Secretary, Planning and Building
Julee Olander, Planner, Planning and Building
Eric Young, Senior Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

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

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

5. *Public Comment

George Pizarro spoke about code enforcement officers in the County. He said he is a retired Veteran. The code enforcement officers are putting undue requests on them. He said he feels he is being harassed. He said he has two portable buildings on his property and it's not impacting anyone. The harassment is going overboard. He said there are constitutional rights. He feels he is being bullied.

Tammy Holt-Still, Lemmon Swan Lake Recovery Committee, said the water is still there. HESCO barriers are still there. Effluent water is being put back into the Swan Lake. The water is rising. It's time to start talking about a moratorium to slow things down and fix them before moving forward. You cannot keep building and move things around. There are still people out of their homes. There is a senior citizen veteran living in a 5th wheel on someone else's property. The County needs to help. Please look ahead and find a way to help.

With no more requests for public comment, Chair Chvilicek closed public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the November 7, 2018 meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of six for, none against.

7. Public Hearings

A. Master Plan Amendment Case Number WMPA18-0004 and Regulatory Zone Amendment Case Number WRZA18-0004 (Estates at Marango Springs) – For possible action, hearing, and discussion:

(1) To adopt an amendment to the South Valleys Area Plan, a component of the Washoe County Master Plan, to change the Master Plan Category on four parcels of land totaling ±80.12 acres as follows. The existing Rural Residential (RR) category on ±70.12 acres of the land would change to ±45.12 acres of Suburban Residential (SR) and ±25 acres would remain RR. The remaining 10 acres of land would retain their existing category of Rural (R);

and

(2) Subject to final approval of the associated Master Plan Amendment, to recommend adoption of an amendment to the South Valleys Regulatory Zone Map, changing the Regulatory Zones on the same ±80.12 acres of land as follows. The existing regulatory zones of ±35.26 acres of Low Density Rural (LDR) and ±34.86 acres of Medium Density Rural (MDR) would be changed to ±45.12 acres Low Density Suburban (LDS) (1 dwelling unit / 1 acre) and ±25.0 acres Medium Density Rural (MDR) (1 dwelling unit / 5 acres). The existing regulatory zone of General Rural (GR) on the remaining ±10.0 acres will remain unchanged.

- Applicant/Property Owner: Harry Fry
- Location: 18090 Marango Road
- Assessor's Parcel Numbers: 017-410-05, 050-571-24, 050-571-25, & 050-571-26
- Parcel Size (overall): ±80 acres total
- Master Plan Category: Rural & Rural Residential
- Regulatory Zones: Low Density Rural (LDR) (1 dwelling unit / 10 acres), Medium Density Rural (MDR) (1 dwelling unit / 5 acres) & General Rural (GR) (1 dwelling unit / 40 acres)

- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 820, Amendment of Master Plan; and Article 821, Amendment of Regulatory Zone

- Commission District: 2 – Commissioner Lucey
- Prepared by: Julee Olander, Planner
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Planning and Building Division
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Chair Chvilicek opened the public hearing.

Secretary Lloyd read the agenda item.

Commissioner Bruce disclosed that the applicant is his dentist. However, he said he had not discussed this item with him. DDA Edwards said it was a close call for someone to have his healthcare provider requesting a project to be approved. He recommended Commissioner Bruce recuse himself from voting on this application; Commissioner Bruce recused himself and left the room. Commissioner Lawson said he received an email, made a site visit, and spoke with the neighbors; he said he made no predisposition about the matter.

Mr. Lloyd said that this application requires a 2/3 vote because it's the Master Plan which would require all five members to vote in the affirmative.

DDA Edwards read the statutes regarding majority of four of six members, because one Commissioner had recused himself and one Commissioner was absent.

Derek Wilson, applicant representative, said they were ready to proceed.

Julee Olander, Washoe County Planner, provided a presentation.

Scott Wright, applicant representative, Rubicon Design Group, provided a presentation:

Mr. Wright said they are keeping Rural Residential in the current location. Concerns are run off and road layout which will be addressed during tentative map process.

Public Comment:

Steve Thomsen said he is pro development and pro growth. He said he has purchased a home from Mr. Fry. He said he opposes the developer behind the project. Mr. Thompson said he is an owner in Majestic Ranch Estates neighborhood. He said Mr. Fry has ignored NRS 116. He advised the commission that a conversation with Majestic Ranch HOA would be enlightening. There is a pending litigation with Mr. Fry. He wanted to point out inadequacies with this developer. He needs to make things whole with the Majestic Ranch Estates. He should not move forward; he avoids being held accountable.

LW Bauer said he is a resident in the Majestic Ranch Estates. He said he questions certain items in the staff report. He is concerned with 50 homes on the hill side and the existing road structure will not withstand the traffic. There will be traffic on Marango Road with no sidewalks. There will be children, equestrians, and people walking their pets along that road. It does not support extra people in the neighborhood. He said a traffic study should be warranted. It will be a strain on the community. He provided questions to the recording secretary.

Colleen Morissette said she lives in Majestic Ranch Estates. She is concerned for the traffic on the rural country, narrow roads. She said she is concerned with ingress or egress during an emergency. Fire vehicles were not able to make it down Toll Road back in 2004 during a fire.

Just because he is a land owner, he isn't a reputable land owner. There are issues with storm runoff. She said there is a lot of water in the tributary. There needs a preliminary impact study on emergency services. There is no follow through.

Alvin Feleciano said he has lived on Ravazza Road for 30 years. He provided insight on 29 years of that area. He said he is concerned with the ingress and egress of the area. He said there have been many fires out there. He said his main concern is flooding. During a flood, there was a person who kayaked down the road in the '80s. The road was undermined by the water that came down Toll Road and the canyon. He said there will be serious trouble with another fire or flood. He said there is a water issue. It's \$36,000 to hook up to TMWA.

Curtis Coulter said he has lived on Rhodes Road for 25 years. He said he studied the master plan; it was well done for preserving the area. Mr. Fry wants to adjust it for personal gain. Mr. Coulter asked why Mr. Fry's desire is our problem. It's a unique problem and area with no sidewalks or gutters. There are kids and horse. We want to preserve quality of the land. He said it's not fair when you change the zoning of nine houses to 50. The runoff is crazy and no very well thought out.

Mark Hausauer said he is a resident of Majestic View Estates. He said he was surprised there isn't a traffic study required. He said he experienced the 2004 fire. There are issues with ingress and safety. He said he moved out there in 2006 and there were only a few cars. Now, there is lot of traffic with ditches on each side of the road. There isn't a way out on Toll Road. There are no street lights and horses. There is a need for a traffic study. He echoes the concerns with egress.

Peter Bosco said he is a real estate agent in the area for 20 years. He said it would be a community of large lots, country feel close to amenities. Marango Springs is what living in Northern Nevada is all about. He supports this project.

Judy Coulter said he lives in Rhodes Road. There has been a lot of development in south valleys. The biggest concern is one individual come in and change a master plan. It's designated, we live in a rural environment, and it will change. It seems wrong that one person can benefit financially that can impact us. He should do it as it's zoned with no increase density. We have followed the plan, and so should he.

Ginger Pierce said she is the president of the home owner association for Pleasant Valley and Steamboat. She said they worked on that plan for 5 long years. She said it wasn't rushed, and a lot was taken into consideration. This land should not be developed. Houses have burned when the fire department couldn't access them.

Bradley Bolton said he lives on Marango and echoes what everyone said. He said he hasn't met the developer but has heard about him. He said he is a firefighter and it took over an hour to get up Toll Road during a fire. Houses had burned due to inaccessibility. He said the egress isn't planned well. Don't avoid the traffic study. He wondered why the agencies hadn't provided input. He said Reno and TMFPD doesn't have automatic aid. The closest station is 6.6 miles away. He said he understands there is a shortage of houses, but let's plan this right.

Jay Thom said he lives two lots down from the proposed development. He expressed three concerns. He said traffic – the road is dangerous. He said you have to walk in the traffic lane. In the re-zoning, he said it sounds like one house per acre, but a minimum of one house per acre. He said he is concerned because it hasn't been stated what the minimum lot size – he said he is afraid they will be cluster together and will not be the character to the neighborhood. There are

power lines along on the north east side. He asked if the power line will feed those new houses – they will have to get resized – it will hurt our property values and views.

Marylou Bekken said she is an environmental scientist. She spoke about the run-off and soil disruption. A run off study needs to be done for this project. She said she read the proposal; we need to look at zoning and what he can fit on the parcel. He could fit 40 homes and still maintain rural zoning. Other types of zoning would allow different lighting. She spoke about drought. There will be a 70% reduction in sierra snowpack. Start considering water when making decisions. Water rights doesn't mean there is the water available. She said she has rights but she does not have water.

With no further requests for public comment, Chair Chvilicek closed the public comment period.

DDA Edwards said the list of questions provided by a public member was provided as part of the packet and available for the public in the back of the room.

Commissioner Lawson asked about the traffic study. Mr. Lloyd said if the project triggers 80 trip hours it would warrant a traffic study.

Julee Olander said Dwight Smith indicated until we have a project before us a traffic study is typically not done. This is a master plan and zone change and it is at the tentative map stage that a traffic study would be required. Commissioner Lawson said residential land uses already exist – we are talking about density because it's Rural Residential zoning already. Ms. Olander said the master plan policy allows rural and suburban designation. She said they are asking for suburban designation which is not a conflict with the master plan. Previous developer have come in and developed under the same requirements. Commissioner Lawson referenced staff report Pages 12 -13; he said he doesn't see that any of those criteria are met. Ms. Olander said master plan amendment meets those goals. She said they would maintain and preserve drainage sensitive area. She said we would have opportunity to require conditions during tentative map process that they require access to public land. The area in the middle would remain rural. Commissioner Lawson spoke about increased density – he said he doesn't know if it's appropriate for higher density.

Commissioner Donshick referenced Page 14 – water runoff and need for culverts. She asked about the flood plain. Ms. Olander said it's not in the 100 year flood zone FEMA flood plain. The creek in the drainage area is not identified as a hydrological resource. It's a drainage way. Commissioner Donshick asked about safety and traffic concerns – if Toll Road is a problem now, where is the additional access. Ms. Olander said we don't have that information yet. The Rhodes Road could be a possible connection, but it is east of the site from that connection at this time.

Commissioner Chesney said there is a lot of development already approved that is using Toll Road along with this proposed development. He said he has an issue with the misnomer of one unit per acre which isn't going to happen. He said he has an issue with emergency access. These issues need to be addressed at this level. Ms. Olander said it would come before the Planning Commission again at the tentative map process. She said this is just master plan and zoning. If you don't like the clustering, you could provide feedback at that time.

Commissioner Barnes spoke about emergency access. He wanted clarification on Rhodes Road not being access. Ms. Olander showed on the map that Rhodes Road is farther east than the project and making the connection would be difficult at this time; there are large parcels between the proposed site and Rhodes Road. She said we cannot condition in this step; the tentative map can put conditions on the project. She said we would need to have a conversation

with the engineering staff to see how we can preserve a road, but we aren't there in the process yet.

Chair Chvilicek said the applicant representative presented that the applicant would be open to the idea to connect to Rhodes Road, and spoke about adjacent neighbors being able to tap into water service. She wanted that addressed. DDA Edwards said the applicant wanted to address the Commission to answer questions.

Dr. Harry Fry said he has lived in this area for 43 years and taught at a local high school. He said he is proud of the project in the area. He said he owns the land between Rhodes Road and the proposed site. He said the public comment was not true. The access to the east to BLM is difficult; part of the proposal is to give the public access to BLM. He wanted to submit the request for BLM with these other points. He said emergency access and hydrology will be taken care of. Emergency access will be better after this project than it is now.

Chair Chvilicek asked if he disclosed the road connection to the county representative; it is a strategic location. He said it is not part of this current project, but he has disclosed that prior. He has legal representation who is sorting out those details regarding the connection of Rhodes Road and Toll Road. He said we can include it and make it a reality. Chair Chvilicek asked about public connection of water. Fry's representative said there are multiple options with maximum water pressure to serve others. They are open to the ideas.

Commissioner Lawson said he represents the South Valleys area and has lived there for 50 years. He said he is proud of the South Valleys Area Plan. He said he knows the character of the area. He read from the South Valleys Area Plan and its intended development. He said those who developed the plan know the character. This development does not meet the character of the plan.

Chair Chvilicek said the area plan dictates what can come in. Ms. Olander said we look at the area plan as well as the Land Use and Transportation Plan. Chair Chvilicek asked about the plans that carry more weight. Mr. Lloyd said they are all comprised into one master plan document. He said the area plan sets the guideline for the character statement. The Commission is obligated to determine if it fits and complies with those guidelines. Chair Chvilicek asked if there was opportunity for the applicant to reduce density based on character statements and constraints that would not conform with the character statement. DDA Edwards said they couldn't switch tracks in the middle of the process for consideration. The developer and representative heard the comments, and they may change their plan, but they could not change tracks that night.

Commissioner Lawson said the CAB reviewed and voted unanimously; they had concerns and believed it did not meet the area character. He said the public comment spoke about quality of life. It is not consistent with area plan. The CAB felt that way too.

Commissioner Chesney said Commissioner Lawson made a good point: there are two areas left that remain rural. They worked hard on their area plan to remain rural. Their area plan is part of the Master Plan.

MOTION: Commissioner Lawson 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 the resolution contained in Exhibit A of this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA18-0004 having not made the following five findings in accordance with Washoe County Code Section 110.820.15(d). He further moved not to

certify the resolution and the proposed Master Plan Amendments in WMPA18-0004 as set forth in the staff report for submission to the Washoe County Board of County Commissioners and not authorize the chair to sign the resolution on behalf of the Planning Commission.

1. **Consistency with Master Plan.** The proposed amendment is not 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 adversely impact the public health, safety or welfare.
3. **Response to Change Conditions.** The proposed amendment does not 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 does not represents a more desirable utilization of land.
4. **Availability of Facilities.** There are not or planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. **Desired Pattern of Growth.** The proposed amendment will not 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 to deny Master Plan Amendment Case Number WMPA18-0004. The motion passed unanimously, with a vote of five for, none against.

MOTION: Commissioner Lawson 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 adoption of the proposed Regulatory Zone Amendment Case Number WRZA18-0004 for Harry Fry, having made none of the following findings in accordance with Washoe County Code Section 110.821.15(d).

1. **Consistency with Master Plan.** The proposed amendment is not in substantial compliance with the policies and action programs of the Master Plan.
2. **Compatible Land Uses.** The proposed amendment will not provide for land uses compatible with (existing or planned) adjacent land uses, and will adversely impact the public health, safety or welfare.
3. **Response to Change Conditions; more desirable use.** The proposed amendment does not respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represent a more desirable utilization of land.
4. **Availability of Facilities.** There is not or 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 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 not promote the desired pattern for the orderly physical growth of the County and nor guide 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.
7. **Effect on a Military Installation is irrelevant**

Commissioner Chesney seconded the motion to deny. The motion passed unanimously, with a vote of five for, none against.

The Commission took a five minute break; Commissioner Bruce was invited back into the room.

B. Initiation of Development Code Amendment, Master Plan Amendment, and Regulatory Zone Amendment (Tahoe Area Plan) – Possible action to adopt a resolution initiating amendments to the following:

- 1) The Washoe County Code (WCC) at Chapter 110, Development Code, Article 220, Tahoe Area, commonly referred to as the Tahoe Area Modifiers;
- 2) The Washoe County Master Plan, Volume 2, Tahoe Area Plan, including changes to the Master Plan map; and
- 3) The Tahoe area Regulatory Zone map.

These amendments are meant to ensure the conformance of Washoe County's plans with the 2012 Regional Plan adopted by the Tahoe Regional Planning Agency (TRPA), including but not limited to the following:

- A. Adopting the TRPA's permissible uses set forth in TRPA chapter 21 in lieu of Washoe County's allowed uses set forth in article 302 of the Washoe County Development Code;
- B. Adopting TRPA's Master Plan land use categories in lieu of Washoe County's Master Plan land use categories set forth in article 106 of the Washoe County Development Code;
- C. Adopting TRPA's plan area statements in lieu of Washoe County's regulatory zones set forth in article 106 of the Washoe County Development Code;
- D. Adopting TRPA's implementing plans by reference when necessary, including but not limited to portions of the TRPA Code of Ordinances and the Shore Zone plan; and
- E. Adopting other matters necessarily connected therewith and pertaining thereto.

- Prepared by: Eric Young, Senior Planner
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Chair Chvilicek opened the public hearing.

Secretary Lloyd read the agenda item.

Chair Chvilicek called for Commissioners' disclosures. There were no disclosures.

Eric Young, Washoe County Senior Planner, provided a presentation.

No public comments were requested. Chair Chvilicek closed the public comment period.

No discussion.

MOTION: Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate a Development Code amendment, a Master Plan map and text amendment, a Regulatory Zone map amendment, and other amendments as described in the staff recommendation; and**
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.**

He further moved to direct staff to bring the amendments back to the Commission for a hearing within 125 days of today's date.

Commissioner Donshick seconded the motion to approve adoption of the resolution and authorize the chair to sign the resolution on behalf of the Planning Commission. The motion passed unanimously, with a vote of six for, none against.

Chair Chvilicek commended staff for working collaboratively and moving forward.

8. Chair and Commission Items

***A.** Future agenda items – Commissioner Lawson said he gained value from the recent workshop. He said he would like to see another one scheduled. Chair Chvilicek said she is working with Mr. Lloyd on making those regularly scheduled workshops. Commissioner Lawson said he would like to provide input about the workshops.

Commissioner Lawson said he wants to learn more about Board of County Commissioner's decision to overturn the Planning Commission's decisions.

***B.** Requests for information from staff - Commissioner Bruce requested information about the cargo containers. Mr. Lloyd said it will come before this Planning Commission with full discussion.

9. Director's and Legal Counsel's Items

***A.** Report on previous Planning Commission items – Commissioner Lawson asked about Prado Ranch. Mr. Lloyd said he reported on that at the training workshop. The Board of County Commissioners overturned and approved appeal.

***B** Legal information and updates - none

10. *General Public Comment

As there was no response to the call for public comment, Chair Chvilicek closed the public comment period.

11. Adjournment – The meeting adjourned at 8:48 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on December 4, 2018.

Trevor Lloyd, Secretary to the Planning Commission

DRAFT