



WASHOE COUNTY PLANNING COMMISSION DRAFT Meeting Minutes

Planning Commission Members

Roger Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, June 2, 2015
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, June 2, 2015, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: Roger Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Philip Horan
Greg Prough

Commissioners absent: None

Staff present: William Whitney, Director, Planning and Development
Roger D. Pelham, MPA, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Commissioner Whittemore led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Director Whitney recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the June 2, 2015 meeting as written. Commissioner Whittemore seconded the motion, which carried unanimously.

7. Approval of July 1, 2014 Draft Minutes

Commissioner Chesney moved to approve the minutes for the July 1, 2014 Planning Commission meeting as written. Commissioner Horan seconded the motion which carried unanimously.

Approval of May 5, 2015 Draft Minutes

Commissioner Whittemore moved to approve the minutes for the May 5, 2015 Planning Commission meeting as written. Commissioner Prough seconded the motion which carried unanimously.

8. Public Hearings

A. Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW11-37-95 (Lighthouse Baptist Church) – Hearing, discussion, and possible action to amend the approved height conditions of Lighthouse Baptist Church's special use permit to allow a fiberglass spire (steeple) extending to 79 feet in height and installation of wireless telecommunication antennas, that will be housed within the steeple, located on top of the Church, by T-Mobile.

- Applicant: T-Mobile (as agent for Lighthouse Baptist Church)
- Property Owner: Lighthouse Baptist Church
- Location: 5350 Pembroke Drive, approximately 1/3 of a mile east of its intersection w/McCarran Blvd.

- Assessor's Parcel Number: 021-140-20
- Parcel Size: ±4 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South East Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 21, T19, R20,MDM, Washoe County, NV

- Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development

- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Edwards opened the public hearing. Mr. Pelham reviewed his staff report dated May 11, 2015.

Commissioner Horan asked Mr. Pelham if this special use permit would be increasing the elevation of the church and if the spire is already there. Mr. Pelham said there is no spire there now. There was no spire approved originally. The roof comes to a point at the top of the gable and now the spire is proposed to be added to the top of the gable.

Commissioner Horan said he believes that the applicant was misstated as being T-Mobile. Mr. Pelham responded T-Mobile is an agent for the purpose of amending the existing special use permit.

Chair Edwards opened public comment.

Karen Lienert, representative for T-Mobile, said the church has wanted to install a steeple for some time so when T-Mobile approached the church about this possibility, they were excited and very involved in the design.

Bruno Ferrera, owner of land east of the church, indicated he has developed seven lots on Craviasco Lane. Three of them are occupied, one of which he lives on and he and the other two occupants are opposed to the church steeple. Mr. Ferrera is concerned about what the steeple and wireless antenna will do to the sale of his lots and property values. He and his neighbors are also concerned about health problem due to something the antennas may emit and concerns future buyers may have. He thinks the steeple is a nice project but is, again, concerned about the value of his properties. Chair Edwards asked Mr. Ferrera to clarify where, in proximity to the church, his property is located. Mr. Ferrera indicated, the first seven lots on both sides of Craviasco Lane were his properties. He's raised the elevations, done a lot of work on the lots in preparation to sell and is now concerned.

Randhir S. Virk, a resident next to the church, said he doesn't see any harm in the Commission approving the special use permit.

Chair Edwards closed the public comment period.

Chair Edwards asked Mr. Pelham what the distance from the church, across the open lot to the east of the church and to Mr. Ferrera's properties is. Mr. Pelham guestimates about 800 - 1,000 feet.

Chair Edwards inquired of Ms. Lienert if the emissions from the wireless antennas have been researched. Ms. Lienert explained that the FCC has established standards for exposure levels. There's an exposure level for people who work in the industry and another exposure level for the general public. Typically, a site like this would function at a level of >1% of the established FCC standards. The exposure would be lower than a cell phone.

Deputy District Attorney Edwards advised that the application is only for the spire because the antenna is allowed as it is attached to a roof. In the context of a special use permit to build a wireless tower, local planning authorities are not allowed to base a decision to deny a permit application on emissions issues as long as they are within FCC guidelines.

Chair Edwards thanked DDA Edwards for clarifying the information for the neighbors.

Commissioner Whittemore added that after the steeple is built and if the church decided to put a cell tower in the steeple, no one would even know the cell tower was there as it would be inside the steeple. From a visual standpoint there will be nothing but a steeple. Ms. Lienert stated that was correct.

DDA Edwards addressed Commissioner Horan's comment about the agency question. He and Mr. Pelham addressed it specifically in Exhibit D of the staff report where there is a reduction and reprint of the letter of authorization from T-Mobile. In the letter they wanted to make it clear that T-Mobile did have specific agency authority, in this situation, to act on Lighthouse Baptist Church's behalf. That is why the letter is in the staff report.

Mr. Ferrera asked if there was going to be any lighting applied to the steeple after it was up, for airplanes. Chair Edwards said that would be decided by the Airport Authority. If there is a light, it will shine up not down.

Commissioner Chesney asked Mr. Ferrera if he knew the distance from the church to his property. Mr. Ferrera said no.

Commissioner Whittemore 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 with conditions, as contained in Exhibit A to the staff report, for this time, Amendment of Conditions Case Number AC15-003 for Special Use Permit Case Number SPW11-37-95 (Lighthouse Baptist Church), having made all five findings in accordance with Washoe County Code Section 110.810.30. Commissioner Prough seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area 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 a church spire, 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.
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. Planning Items

- *A. Update and discussion on the status of on-going operations for Special Use Permit SW01-015, Golden Valley Aggregate Pit and Special Use Permit SW01-026, Panther Pit, A&K Earth Movers, Inc.

Mr. Whitney noted that the Golden Valley Aggregate Pit had its five year review in October 2012. He also noted that in the special use permit, the Pit is required to send an annual review of their conditions of approval to the Planning and Development Division so we know they're upholding those conditions. Mr. Whitney read over the most recent annual review from October

2014. He then spoke with Gary Fowkes, the aggregate manager at A&K, and found nothing has changed in their operation and Mr. Fowkes doesn't anticipate anything to change. Mr. Whitney went on to say, there are two pits in Golden Valley with separate special use permits, both in the same location. They are individually permitted because one is on BLM land and one is on private land. The pit on private land, the Golden Valley Sand Pit, is continuing operations. A&K has not been able to come to an agreement with the private property owner's on the Panther Pit so even though the Environmental Assessment has been formally approved by the BLM and the material sale has been granted by the BLM, since they haven't come to an agreement with the private property owner, that they need, that pit is not being used. As the Golden Valley Sand Pit has had no changes and the applicant has no intention of selling, the conditions of approval would require A&K to notify a new owner of all the conditions of approval. It would also require them to notify the Planning and Development Division if they shut down the permit except for short term shut downs. The only time they anticipate any short term shut downs are from adverse weather.

Chair Edwards said that A&K dug so deeply into the Golden Valley Sand Pit that they entered the aquifer and recharge water was going into the pit. They've since filled in that area but the Golden Valley Homeowners are concerned about the depth and future reclamation. Chair Edwards wanted to know what the permit said about reclamation. Mr. Whitney read the following condition (i); "The amount of the mining and restoration bond shall be revised to provide bonding at \$1,500/AC for the existing disturbed area and the area proposed to be disturbed within the next 5 years. The bond shall be reviewed and approved by the County Engineer." A&K's response is; the total area for the entire Golden Valley Pit is approximately 62.2 acres, thus the mining and restoration bond for \$93,000 has been acquired which will cover 100% of the possible disturbed acreage. Chair Edwards said the pit is 100 feet deep. Are they going to be able to fill in 63 acres, 100 feet deep and reclaim that area for that amount of money? Mr. Whitney said he'd need to get an answer from Engineering, on that. He's not sure we require an aggregate pit to fill in when they cease operation. We require them to re-contour and re-vegetate but there will be a depression where the aggregate has come out but Mr. Whitney said he would get a better answer. Chair Edwards said, the pit goes straight down, if they contour it, it'll take 100s of acres.

Commissioner Chvilicek asked, if there is no requirement for reclamation but they have inadvertently interfered with a water table, doesn't that have to be mitigated. Mr. Whitney said he would think so.

Chair Edwards asked if the permit had a depth limit on the pit. Mr. Whitney said he didn't remember seeing anything about the depth. He will talk to the Water Rights people about that.

Chair Edwards requested the item be put on a future agenda to receive further information and discussion.

- B.** Approve a resolution for Appreciation of Service for D. J. Whittemore and authorize the chair to sign the resolution on behalf of the Planning Commission.

Chair Edwards read the resolution.

Commissioner Chesney commended Commissioner Whittemore on the time he's spent on the Commission along with having a job and a family. He is proud of Commissioner Whittemore.

Commissioner Chvilicek thanked Commissioner Whittemore for his dedication, leadership, and appreciates the work he's done.

Commissioner Horan seconded all the previous comments and said the short time he's been on the Commission, he's appreciated Commissioner Whittemore's contributions and expertise.

Commissioner Barnes agreed with everything that had been said. He's watched Commissioner Whittemore at the Planning Commission and the Regional Planning Commission and he's always been professional, well prepared, and knowledgeable. He considers him a friend and hopes he'll stay in touch.

Commissioner Prough said Commissioner Whittemore will be sorely missed.

Chair Edwards said one of the statements on the resolution really struck home with him; he was not one to refrain from asking tough questions. He thought it was a talent Commissioner Whittemore had that not many have.

Commissioner Whittemore thanked his fellow Commissioners for the well wishes and their service. He said the Commission was in great hands with the new Commissioners bringing fresh perspectives and similar talent for asking good questions, voting their conscience, being prepared, and passionate. He appreciates the leadership and guidance of the Commissioners that came before and helped him along. There were some excellent Commissioners to learn under. He really appreciated the kind words in the resolution. In six years he's been nothing but impressed with the entire staff helping make their job easier. The Government is doing a great job serving the community. Good work.

Mr. Whitney sincerely thanked Commissioner Whittemore, from Bob Webb and his staff, for volunteering his time and energy. He's done a great job and will be missed. Thanks for being here.

DDA Edwards stated that he and Commissioner Whittemore go all the way back to middle school where they competed against each other in sports and together in sports and he's considered himself a friend of Commissioner Whittemore and his family and still does. He wished him well.

With no response to the call for public comment, Chair Edwards closed the public comment period.

Chair Edwards moved to approve the resolution. Commissioner Chvilicek seconded the motion with carried unanimously.

10. Chair and Commission Items

***A. Future agenda items**

Additional information on the depth limit and reclamation requirements for the Golden Valley Sand Pit.

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

Commissioner Whittemore asked if a replacement has been found for his seat as Mr. Webb asked him to stay until there was a replacement. Mr. Whitney said finding his replacement is in process. We are advertising for his position but we understand if things happen and you can't stay.

11. Director's and Legal Counsel's Items

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

Mr. Whitney gave a report on the following previous items:

- Thursday, June 4, 2015 at Reno Council Chambers the Regional Planning Governing Board will meet and on the agenda will be the appeal from the County for the Village at the Peak. This may be the last stop and possibly the final decision. The meeting will be at 2:00 p.m.
- At the May 5, 2015 Planning Commission meeting, item DCA14-005, Specific Plan was approved and will be moving forward to the County Commission agenda at their June 9, 2015 and June 23, 2015 meetings.
- On the June 9, 2015 County Commission agenda, Commissioner Chvilicek will be reappointed to the Planning Commission along with being appointed to the Regional Planning Commission.

***B Legal information and updates**

DDA Edwards noted that he worked with staff to address public comment periods, crafting language for the public comment portion of the agenda so there is no longer public comment on items such as "Report on previous Planning Commission items", or "Legal Information and updates." There are public comment periods at the beginning and end of the meeting along with "Public Hearings" and "Planning Items."

12. *General Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:20 p.m.

Respectfully submitted,

Donna Fagan, Recording Secretary

Approved by Commission in session on _____, 2015.

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