



WASHOE COUNTY PLANNING COMMISSION 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, March 3, 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, March 3, 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: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
Sandra Monsalve, AICP, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Donna Fagan, Office Assistant III, Planning and Development
Kathy Emerson, Recording Secretary, Planning and Development

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

As there was no one wishing to speak, 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 March 3, 2015 meeting as written. Commissioner Horan seconded the motion, which carried unanimously.

7. Approval of November 13, 2014 and February 3, 2015 Draft Minutes

Commissioner Prough moved to approve the minutes for the November 13, 2014, Planning Commission meeting. Commissioner Chesney seconded the motion which passed (vote of 6 for, none against, 1 abstained – Commissioner Horan abstained, he was not present at this meeting).

Commissioner Chvilicek moved to approve the minutes for the February 3, 2015, Planning Commission meeting. Commissioner Horan seconded the motion which carried unanimously.

8. Consent Items

- A. Approve a resolution to accept dedication of Hidden Valley Water Tank #5 and the Rough Rock Pump Station in the Hidden Valley area.

Commissioner Prough moved to approve Consent Item 8A; Commissioner Horan seconded the motion which carried unanimously.

9. Planning Items and Public Hearings

- A. **Development Code Amendment Case Number DCA 14-010** – To amend Washoe County Code, Chapter 110, (Development Code) to delete Section 110.806.25, Hearing of Appeal by Board, and Section 110.806.30, Notice of Board Hearing, of Division Eight, Procedures; to add a new Section at 110.912.20 of Division Nine, General Provisions, regarding appeals to the Board of County Commissioners of decisions by the Board of Adjustment, the Planning Commission, and Hearing Examiners; to amend various sections throughout the Development Code to adopt the new appeal provisions, including Section 110.606.55, Appeals of Parcel Map Decisions, and Section 110.608.15, Appeals of Decisions Regarding Subdivision Maps, of Division Six, Subdivision Regulations; and, Section 110.804.40, Appeals of Decisions Regarding Variances, Section 110.806.15, Review Procedures of Planning Commission Regarding Vacations and Abandonments of Easements or Streets, Section 110.806.35, Action by Board Regarding Vacations and Abandonments of Easements or Streets, Section 110.808.45, Appeals of Decisions Regarding Administrative Permits, Section 110.810.50, Appeals of Decisions Regarding Special Use Permits, Section 110.818.25, Appeals of a Denial Regarding Development Code Amendments, and Section 110.818.30, Action by Board Regarding Development Code Amendments, of Division Eight, Procedures; and, Section 110.912.10, Washoe County Board of Adjustment, to add a new subsection (j) to provide general rules regarding appeals of administrative decisions to the Board of Adjustment and other matters relating to the new appeal provisions and Board membership that is no longer applicable; Section 110.914.05, Washoe County Department of Community Development, at subsection (f) to provide for appeals of a decision of the Director; and, Section 110.914.00, Purpose, and Section 110.914.05, Washoe County Department of Community Development, to correct the terminology of the Planning and Development Division with the establishment of the Community Services Department of Division Nine, General Provisions; and, providing for matters properly related thereto.

Chair Edwards opened the public hearing; no disclosures were made by members of the Commission. Bob Webb reviewed his staff report dated February 10, 2015.

Commissioner Horan asked what the driving force was to shorten the time frame for appeals and whether there was opposition at any of the CAB meetings. Mr. Webb responded that the driving force was consistency among all of the commissions and boards. The CAB's were comfortable with the time frame, which would give the appellant enough time to consider the appeal and seek legal counsel. Chair Edwards asked clarification on the notification process of other Boards. Mr. Webb stated in the case of the Board of Adjustment (BOA), an Action Order, consisting of the written action by the BOA, a portion of the draft meeting minutes, additional evidence, and the staff report, is sent to the applicant from the Secretary. When the letter is sent, this starts the process of the 10 day appeal. The process is the same with the Board of County Commissioners except the notice is sent by the Clerk. Deputy District Attorney Edwards stated that the inclusion of draft minutes is acceptable as long as they are identified as such. The critical information is the written notice of the decision of the BOA/Board.

There was some discussion concerning the 10 day appeal period. Commissioner Prough was concerned that the 10 day period is too short and 10 business days would offer more time for the appellant than 10 calendar days. Vice Chair Whittemore concurred with the ten calendar days, as did Commissioner Horan.

Commissioner Chvilicek asked if there was a legal precedence on electronic delivery. Mr. Webb stated that U.S. Postal mail is what is written in the Code for this particular amendment.

Chair Edwards Opened Public Comment:

Adrian Freund of Freund Associates, and Director of the Builders Association of Northern Nevada (BANN). Mr. Freund, on behalf of BANN, expressed concern about the language concerning the date the decision is communicated in writing to the appellant. Their preferred alternative is 10 days from the date of the decision.

As there were no further requests to provide testimony, Chair Edwards closed the public comment.

Vice Chair Whittemore asked the time frame between the decision at a meeting and the mailing of the written notice. Mr. Webb stated that this varies but they try to mail the notices within one or two weeks. Vice Chair Whittemore asked the legal ramifications of changing the written date of communication. Mr. Webb stated that legal counsel indicated the appellant needed the notice in writing for the appeal procedure and to make sure they had all the information concerning the decision. Ten days from the mailing date would offer more time than 10 days from the decision date.

Vice Chair 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 recommend approval of DCA 14-010, to amend Washoe County Chapter 110 (Development Code) at various Sections in Divisions Six, Eight and Nine to change the procedures for appealing certain decisions to the Board of Adjustment; and for appealing decisions of the Board of Adjustment, the Planning Commission, and Hearing Examiners to the Board of County Commissioners; and, to amend Article 914 to correct the terminology of the Planning and Development Division. He further moved to authorize the Chair to sign the resolution contained in Attachment A

on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. Commissioner Chesney seconded the motion which carried unanimously.

The motion and recommendation for approval was based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.
3. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.
4. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

B Special Use Permit Case Number SW14-001 (Truckee River R.V. Park) – To develop a Commercial Campground Facility/Recreational Vehicle (RV) Park with up to ±100 spaces for recreational vehicles, to include a recreation area, pool, general store, office, shop, and all appurtenances typically associated with RV Parks.

- Applicant/Property Owner: Vernon S. Waligora
P.O. Box 508
1001 Silver Fox Circle
Reno, NV 89439
- Professional Consultant: Roy H. Hibdon, P.E.
4860 Hilton Court
Reno, NV 89439
- Project Location: 34200 Cantlon Drive, near the interchange of Exit 43 and Interstate 80 in Wadsworth
- Assessor's Parcel Numbers: 084-292-13, 084-292-14, 084-292-15, 084-292-16
- Parcel Sizes: ±11.21, ±5.0, ±6.29, and ±6.57
- Master Plan Category: Commercial (C)
- Regulatory Zone: Tourist Commercial (TC)
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 302, Allowed Uses, Article 316 Recreational Vehicle Parks, and Article 810 Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 8, T20N, R24E, MDM, Washoe County, NV
- Prepared by: Sandra Monsalvè, AICP, Senior Planner
- Phone: 775.328.3608
- E-Mail: smonsalve@washoecounty.us

Chair Edwards opened the public hearing; no disclosures were made by members of the Commission. Sandra Monsalve reviewed her staff report dated February 18, 2015.

Ms. Monsalve stated that this case was heard at the East Truckee Canyon Citizen's Advisory Board (CAB) meeting on February 4, 2015. Major concerns were traffic, water rights, water supply, potential runoff into the Truckee River, waste disposal, and sewer facilities. The applicant and his representative were present to answer questions. Two CAB members voted in favor of approval, one member opposed, and two members abstained.

Chair Edwards asked how the Truckee Meadows Fire Protection District will respond to any fire issue since the proposed RV Park is in such a remote area. Ms. Monsalve replied that there were no comments from Truckee Meadows Fire Protection District in the agency review concerning response times.

Commissioner Chvilicek asked why the Tribe is not included in the statement concerning notification of findings of historic artifacts. Ms. Monsalve stated that a representative from the Tribe attended an agency review meeting. Ms. Monsalve did not receive any additional comments from the Tribe. Commissioner Chvilicek also asked about trail access to the river. Ms. Monsalve said there are plans for river access and the Tribe will be notified. Also, the applicant will be responsible for any trash collection and maintenance, once an agreement has been reached, per condition k(6)(2) has been complied with

Vice Chair Whittemore stated he thought the "quiet time" of 10:00 p.m. through 6:00 a.m. is unrealistic, especially on weekends and holidays. There was some discussion about different times for the quiet period. Commissioner Chesney stated that he has travelled extensively and stayed in RV parks and the quiet time starts somewhere between 9:30 and 10:00 p.m. It was agreed to keep the 10:00 p.m. "quiet time" start time.

Vice Chair Whittemore asked whether the septic system being that close to the Truckee River was acceptable. Ms. Monsalve stated that monitoring and testing of the system will be ongoing. Commissioner Prough brought up questions about the locations of dump sites, septic and a wastewater treatment plant, which were deferred to the applicant's representative.

Ms. Monsalve stated that the Truckee River is considered a "Waters of the United States" and is regulated by the Army Corps of Engineers and owned by the State of Nevada. The applicant may have to complete a Wetlands Delineation Study with the Army Corps of Engineers.

Chair Edwards opened the Public Comment:

Roy H. Hibdon, P.E., of Roy H. Hibdon Civil Engineering and Consultants, the applicant's representative, stated that he has practiced engineering in the area for the last 40 years. This project had an approval for an RV park many years ago. The owner is seeking a new approval. The applicant will provide fire protection, wastewater collection and treatment. The treatment system has been reviewed with the Nevada Department of Environmental Protection (NDEP) and is still in discussion. Mr. Hibdon commended Sandy Monsalve for doing an excellent job in reviewing the project. He stated that the applicant can meet the conditions set for the project.

Chair Edwards asked who owns the 3 adjacent parcels. Mr. Hibdon stated the applicant does own all 3 parcels.

Commissioner Chvilicek asked about surface drainage. Mr. Hibdon stated the applicant will provide a design that will take the water to a couple of existing ponds.

Arthur Gillespie, a member of the public, stated he built Gold Ranch RV Park. He said he started at \$2.5 million and the project went to \$3.2 million. Mr. Gillespie is in favor of the RV Park. He advised the applicant to get everything together with the County ahead of time. He feels it is going to cost the applicant more money than they are planning on.

Vernon Waligora, the applicant, stated that he has owned the property since 1979. He applied for a permit 35 years ago and would like to go ahead with the project again at this time.

As there were no further requests to provide testimony, Chair Edwards closed the public comment.

Commissioner Prough stated he was concerned about the CAB vote and contacted the CAB chair. One of the CAB members who abstained did so due to a conflict of interest with the project. The CAB chair told Commissioner Prough that all of the CAB comments had been addressed.

Ms. Monsalve stated that she had received an email on February 27, 2015, from Anne Owen, the vice chair of the East Truckee Canyon Cab. She wrote that she was unable to attend the public hearing but stated that she was in favor of the project and it will only help and improve the area.

Commissioner Prough moved to approve Special Use Permit Case Number SW14-001 for the Truckee River R.V. Park, with the conditions contained in Exhibit A to the Staff Report. This approval is based on the information contained in the Staff Report (including, but not limited to the staff comments regarding the findings) and all exhibits as well as testimony and exhibits presented at the public hearing. Commissioner Chesney seconded the motion which carried unanimously.

The motion and approval was based on the following five findings in accordance with Washoe County Code Section 110.810.30:

1. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan.
2. 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 of the Development Code.
3. That the site is physically suitable for an R.V. Park, and for the intensity of such a development.
4. 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. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

10. Chair and Commission Items

A. *Report on previous Planning Commission items

Mr. Webb gave an update on the February 4, 2015 East Truckee Canyon CAB meeting concerning Special Use Permit Case Number SW15-001 (Apple, Inc.) heard at the February 3, 2014 Planning Commission meeting. Commissioners were informed that the ETCCAB did not discuss or provide comment specific to the proposed Apple improvements. Additionally, staff did not receive any written or verbal comments from any of the CAB members or any residents of the East Truckee Canyon relating to this item.

Mr. Webb gave an update on Village at the Peak, which will be on the Board of County Commissioners (BCC) agenda on Tuesday March 10, 2015. The BCC will decide on which steps to take, which could include reconsideration by the Regional Planning Commission on their finding of nonconformance of the proposed master plan amendment with the Truckee Meadows Regional Plan.

Two Development Code Amendments heard by the Planning Commission on February 3, 2015; DCA 14-006 Master Plan and DCA 14-007 Regulatory Zone, will be heard by the BCC for first reading on March 24, 2015 and for second reading on April 14, 2015.

Mr. Webb gave an update on the Apple Special Use Permit. The BCC sponsored the regional plan amendment and it will go to the Regional Planning Commission on March 11, 2015, then to the Regional Governing Board in April. After the Regional Governing Board acts on this, the Special Use Permit heard by the Planning Commission will go to the Regional Planning Commission in May for possible approval.

B. Future agenda items and staff reports

Commissioner Chvilicek asked if the Commission could get an update on any plans by Planning and Development to update area plans. Mr. Webb replied that he will talk with the Division Director about that update to the Commission. Planning and Development Division staff is currently updating the Tahoe Area Plan.

11. ***Director's Items**

A. *Legal information and updates
None

12. ***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 8:10 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on _____, 2015.

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