



# 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, May 5, 2015  
6:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in a scheduled session on Tuesday, May 5, 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  
James Barnes  
Larry Chesney  
Sarah Chvilicek  
Philip Horan

Commissioners absent: D.J. Whittemore  
Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development  
William Whitney, Director, Planning and Development  
Eric Young, 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 Horan 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 Edwards opened public comment. Being no request to make public comment, Chair Edwards closed public comment.

## **6. Approval of Agenda**

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the May 5, 2015 meeting as written. Commissioner Horan seconded the motion, which carried unanimously.

There was no one wishing to make public comment.

## **7. Approval of May 6, 2014 Draft Minutes**

Commissioner Chvilicek moved to approve the minutes for the May 6, 2014 Planning Commission meeting. Commissioner Chesney seconded the motion which carried unanimously. (vote of four for, one abstained)

### **Approval of June 3, 2014 Draft Minutes**

Commissioner Chesney moved to approve the minutes for the June 3, 2014 Planning Commission meeting. Commissioner Barnes seconded the motion which carried unanimously. (vote of four for, one abstained)

### **Approval of September 16, 2014 Draft Minutes**

Commissioner Chesney moved to approve the minutes for the September 16, 2014 Planning Commission meeting. Commissioner Barnes seconded the motion which carried unanimously.

### **Approval of April 7, 2015 Draft Minutes**

Commissioner Chesney moved to approve the minutes for the April 7, 2015 Planning Commission meeting. Commissioner Horan seconded the motion which carried unanimously. (vote of four for, one abstained)

There was no one wishing to make public comment.

## **8. Public Hearing**

**A. Development Code Amendment Case Number DCA 14-005** – A hearing, discussion and possible action to amend the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto.

Chair Edwards opened the public hearing. Eric Young reviewed his staff report dated April 15, 2015.

Chair Edwards indicated that he thought we were already practicing the Land Use and Transportation Elements (LUTE) as described on page one of Attachment A to the staff report. Chair Edwards expressed his concern about the language in the LUTE under “goals and policies” saying, “it talks about retaining existing rural character but then it starts talking about adding more mixed use sustainable stuff inside of that. It talks about maintaining character in one part and mixing up that character in another part.” Chair Edwards also cited LUT.1.3, regarding streets being narrowed in order to providing bike lanes for walking and biking as a means of transportation. He used as an example, a recent project in a very rural area where there is

nowhere to limit the lane size to add a bike lane because things are so far apart it would be a five or six mile jaunt to get anywhere. Some of the stuff doesn't seem to apply to the Truckee Meadows Service Area (TMSA), county wide open development.

Mr. Young indicated that the language in the LUTE has existed for many years. The LUTE is implemented through the Development Code. The Development Code takes the vision of the Master Plan and ultimately creates the type of development the community wants. In this instance, the Development Code is attempting to implement the element of the LUTE but the Planning and Development Division has determined the approach isn't consistent with what statute says jurisdictions are allowed to go forward with this kind of thing. In order to make the LUTE happen, significant changes need to be made to meet Nevada Statute that is why we have the two goals.

Mr. Webb explained that Planning and Development changed from the One Map to the Two Map System which falls under Nevada Revised Statute (NRS) 278A, Planned Development. In doing so, our Two Map System is lacking components that are spelled out in NRS 278A and we need to implement them. This amendment addresses the two goals and makes sure our Two Map System meets minimum requirements for NRS 278A.

Chair Edwards asked in the new regulatory zone language would it be a regulatory zone of a couple of square miles or a neighborhood project? Does a regulatory zone get built for a specific proposal or are the zones larger like (ie: all of the North Valleys)? Chair Edwards said he didn't see anything in the Amendment regarding size.

Mr. Young said they had discussed size and statute suggests a minimum of five acres which is what they've decided on. There is no maximum. There are many types of concepts that can come forward under this idea. This tool could be used to create a small village node all the way up to an entire town. Mr. Young said this will be allowing people to propose almost any use that is allowed in our current Development Code except for a handful of industrial uses that we consider incompatible with mixed use. With this concept the Planning Commission (PC) has a lot more discretion to apply along the way in how that mixed use can be applied.

Chair Edwards said he thought we'd gone to the Two Map System in 2011 and asked how we'd done without Article 442, for all this time.

Mr. Webb answered, "we haven't had a lot of requests for Specific Plans coming in." On page 8 of 22, Section 110.442.05, Applicability, Attachment B of the staff report, one of the points laid out in the first sentence is, "Article 408, Common Open Space Development, affords considerable flexibility for residential or primarily residential projects." The PC has done a lot of Open Space Developments over the years. Mr. Webb went on to say, Specific Plan is different. If you want to have mixed uses, Article 442, is the tool to do that. There have not been a lot of instances in the development community in unincorporated Washoe County, asking for mixed uses but if this Amendment adopts, we will have an answer for that.

Mr. Young opined that, another reason why we haven't had a lot of interest in our existing Specific Plan process could be that it really doesn't get anybody where they want to go. It's not a functional tool.

Chair Edwards said he sees this as putting more regulations on a mixed use plan project. "We're adding conditions to a mixed use project instead of making it more palatable to a developer. If we put all these conditions on a project out in unincorporated Washoe County, it would be ridiculous. All of these nice items would be added into the Planning Guidebook but it would be in an area that wouldn't be compatible with the neighborhood".

Director Whitney indicated Article 442, Specific Plan, is going to replace the zoning that is already on a large or small piece of property with development potential. It allows flexibility in design and allows for mixed use so this ordinance has to have perimeters to guide the development within the Specific Plan Amendment (SPA). The SPA is now the zoning so the guidelines and rules are needed to have the development happen in the right way.

Chair Edwards asked if that would be a limiting factor in development.

Director Whitney said, "no, he sees it as the opposite, giving more flexibility."

Commissioner Horan commented that Mr. Young said there was no feedback from the public. He wanted to know what kind of feedback was received at the Citizen's Advisory Board (CAB) workshop.

Director Whitney stated no one showed up.

Commissioner Chvilicek asked, if this moves forward, what it will do to Area Plans? Would it degrade those Plans, will they need modification, will it strengthen the Plans?

Mr. Young said the Area Plans are part of the Master Plan and the way the code has been constructed; any approval under this Code still has to conform to the underlying Master Plan and the Area Plan. Whoever is reviewing the application; the planning staff to the PC, should be looking at the Area Plan's goals and policies and how they respond to the Specific Plan. Mr. Young said he doesn't know that it strengthens or damages the Area Plan in any way. He does know the Area Plans will continue to be the underlying Master Plan that approved under this Amendment will still have to conform to.

Mr. Webb called attention to page 10 of 22, Attachment B, Table 110.442.01.1 which outlines the Master Plan Categories and Maximum Specific Plan Residential Densities.

Commissioner Chvilicek voiced her concern that the Area Plan may be overlooked in the process.

Director Whitney said the Specific Plan would go through the same approval process as anything else. The PC will have input, the CAB will have input. Staff will do their job to look at the particular Area Plan, the policies, and action programs in that Area Plan to see if the proposed Specific Plan meets them.

Deputy District Attorney Nathan Edwards added to what Director Whitney said by citing Section 110.442.00, Purpose, page 8 of 22, Attachment B of the staff report, the middle of the paragraph references the public benefits involved in considering one of the plans would be measured against carrying out the policies of the Master Plan. With regards to Commissioner Chvilicek's question, DDA Edwards cited page 11 of 22, Section 110.442.30, Subsection 1(e), the Development Standards Manual that is required when someone applies for one of these projects, it requires the statement of the plan and purpose of the development and how the proposal is consistent with the Master Plan. On page 15 of 22, Section 110.442.50, of the staff report, the criteria and conditions of approval for the planning authorities, Subsection 1 deals directly with being consistent with the Master Plan. And Subsection 6, page 16 of 22, of the staff report, covers Master Plan implementation. There are numerous references to the concept that whatever you are applying for in a Specific Plan Area, it must conform to the existing Master Plan. Anything that would not conform to the existing Master Plan would also require an application to amend the Master Plan.

Commissioner Chvilicek asked to clarify what the blank spaces meant in Table 110.302.05.4 on page 6 of 22 of the staff report.

Mr. Webb said there should be two dashes, “—”, in the blank spaces, meaning they are “not allowed” in the Specific Plan Area.

Chair Edwards opened public comment.

Cathy Brandhorst spoke regarding problems with people not being able to pay rent.

Chair Edwards closed public comment.

Commissioner Chvilicek 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 14-005, to amend the Washoe County Code at Chapter 110 (Development Code), Article 106, *Master Plan Categories and Regulatory Zones* at Section 110.106.15, *Regulatory Zones*, to repeal and replace paragraph (u) with new language re-defining the Specific Plan Regulatory Zone, to amend Table 110.302.05.4 governing industrial land use types to define which industrial use types are permitted in the Specific Plan Regulatory Zone, and to add Article 442, *Specific Plan Standards and Procedures*, to provide criteria and procedures for rezoning to the Specific Plan Regulatory Zone, tentative approval, final approval, recording, enforcement and amendment of Specific Plans, consistent with NRS 278A Planned Development. Recommendations include other matters properly relating thereto. I further move to authorize the Chair to sign the resolution contained in Attachment B 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. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e). I would further amend that we include specific designation on the Table of Industrial Use Areas, to specifically add the dashes for not allowed usage. Commissioner Wideman seconded that motion that carried unanimously.

The motion was based on the following findings:

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. Promotes the Purpose of the Development Code. 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. Response to Changed Conditions. The proposed Development Code amendments respond 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. No Adverse Affects. 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

Commissioner Wideman commended staff on a good job of creating and presenting the Development Code Amendment.

## **9. Chair and Commission Items**

### **A. Future agenda items**

Chair Edwards requested to have the Special Use Permit for A&K sand and gravel pit put on the agenda. Homeowners in his area would like to know about expansion or reclamation after they are done with the area.

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

None

## **10. \*Director's and Legal Counsel's Items**

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

Mr. Webb updated the Commissioners on three previous cases:

- Development Code Amendment DCA14-006, Amendment of Master Plan, and DCA14-007, Amendment of Regulatory Zone Amendment Master were adopted by the Board of County Commissioners on April 14, 2015 and will be effective the end of April.
- Development Code Amendment DCA14-010, Appeals, was adopted by the Board of County Commissioners on April 28, 2015 and will be effective May 8, 2015.

Director Whitney gave an update on Village at the Peak; a few weeks ago the Regional Planning Commission (RPC) found it not in conformance with the Regional Plan. The next stop of the appeal will be at the Regional Governing Board on June 4, 2015.

Mr. Webb informed the Commissioners that Commissioner Chvilicek's and Commissioner Whittemore's terms were due to end on June 30, 2015. Commissioner Chvilicek would like to seek reappointment and that should be on the June 9, 2015 BCC agenda. Commissioner Whittemore has decided not to seek reappointment, so recruitment for the District 2 Commissioner will be open.

### **Status of updates to the County Master Plan**

Director Whitney handed out a map and outline of the Washoe County Master Plan. He presented the following:

Washoe County Master Plan – contains three volumes

- Volume One – Elements – contains six Elements
  - Conservation Element – contains information, policies, and maps all necessary for the protection and utilization of our cultural, scenic, water, air, and other resources.
  - Housing Element – contains information and polices necessary to provide guidance to the County in addressing present and future housing needs.
  - Land Use and Transportation Element (LUTE) – contains information, policies, and maps defining the County's vision for development and related transportation facilities needed for the forecasted growth and utilization of our resources.

- Population Element – contains projection of population, housing characteristics, trends in employment and income, for the county.
- Public Services and Facilities Element – contains information, policies, and maps for the provision of necessary services and facilities to serve the land use and transportation system envisioned by the County.
- Open Space and Natural Resources Management Plan – a separate document, contains information, policies, action programs, and maps providing the necessary framework for the management of our natural resources and open spaces.
- Volume Two – Area Plans – contains 13 Area Plans – the map shows each area boundaries.
  - Cold Springs
  - Forest
  - High Desert – there may be changes soon in Gerlach due to the Burning Man event.
  - North Valleys
  - South Valleys
  - Southeast Truckee Meadows
  - Southwest Truckee Meadows
  - Spanish Springs
  - Sun Valley
  - Tahoe – this plan is in the process of updates due in part to the Tahoe Regional Plan
  - Truckee Canyon – this plan is in need of an update due to growth in the area and the Tahoe Regional Industrial Park
  - Verdi
  - Warm Springs – the Pyramid Paiute Tribe has gotten legislation into Congress to acquire public land in the Pah Rah Range.
- Volume Three – Specific Plans – contains two Specific Plans (legacy plans from the One Map System)
  - Reno-Stead Corridor Plan – there is potential for future amendments to this plan because of all the growth in the area, mostly industrial some residential.
  - Warm Springs Specific Plan – this plan was envisioned to be a community within a rural area plan with mixed use, residential, community serving uses, and mostly one to five acre residential, which never happened.

Chair Edwards asked Director Whitney where, on the map, the Spring Mountain Sphere of Influence was in the Warm Springs Plan.

Director Whitney explained it's an area out the Pyramid Highway to Winnemucca Ranch Road behind the Dog Skin Mountains that Reno took into their sphere of influence (SOI) which was intended to be a community that never happened. It's not shown on the map but would be on a Reno SOI map.

Commissioner Chvilicek said she thought Winnemucca Ranch was now under a permanent conservation easement and would not be developed.

Director Whitney said that was partially so. Nevada Natural Resources Conservation Service (NRCS) and owners of the Ranch made an agreement for a conservation easement on some of the wet, meadowy areas to preserve wildlife habitat and preserve wetlands.

## **B \*Legal information and updates**

None

**11. \*Public Comment**

Cathy Brandhorst spoke about people on death row.

**14. Adjournment**

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:58 p.m.

Respectfully submitted,

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Donna Fagan, Recording Secretary

Approved by Commission in session on \_\_\_\_\_, 2015.

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

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