



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

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

Tuesday, April 5, 2016
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, April 5, 2016, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Thomas Daly
Roger Edwards
Philip Horan
Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
William H. Whitney, Director, Planning and Development
Roger Pelham, MPA, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Eric Young, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development
Donna Fagan, Office Assistant III, Planning and Development

2. *Pledge of Allegiance

Commissioner Daly led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

Mr. Webb mentioned that all three Public Hearing items, 9A, 9B, and 9C, are appealable.

5. *Public Comment

Chair Barnes opened the Public Comment period. There was no public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Vice Chair Chvilicek moved to approve the agenda for the April 5, 2016 meeting as written. Commissioner Edwards seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of March 1, 2016 Draft Minutes

Commissioner Prough moved to approve the minutes for the March 1, 2016, Planning Commission meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Planning Items

A. Presentation by the Washoe County School District on overcrowding, repair needs, and growth within the District and how those factors affect schools and school funding. Questions and discussion by the Planning Commission will follow the presentation. The School District staff making the presentation are Pete Etchart, Chief Operating Officer, and Kristen McNeill, Deputy Superintendent.

Mr. Webb provided a brief description of the item. He clarified that the presentation was not about the bond which may appear on the November ballot. The presentation was limited to the topics of overcrowding, repair needs, and growth. The School District had previously made a presentation to the Board of County Commissioners on the bond provisions as enabled by a special State statute. Topics, comments, and discussion at the Planning Commission meeting should be limited to the items on the agenda.

Kristen McNeill and Pete Etchart gave their presentation on overcrowding, repair needs, and growth in the Washoe County School District.

Chair Barnes opened public comment. There was no public comment.

Chair Barnes called for questions from the Commissioners.

Commissioner Horan stated that he and the Commissioners would like copies of the School District's presentation. He added that he is a substitute teacher in the school system. He goes to some of the good schools, as far as facilities are concerned, like Depoali, Damonte Ranch, and Galena. He also goes to Booth, Loder, and Smithridge. There is a real challenge in the School District. He believes that we are not giving equal education to all of our students. Those who go to some of the newer schools are much better off than those who go to some of the older schools that are 30 or 40 years old, where you are teaching in the hallways. He does not know the answer. He knows this is not an appeal one way or the other on the bonding fund, but it is a real challenge as to how we will be able to provide a good education for all of our students.

Vice Chair Chvilicek referred to the tentative map item that would be heard later in the meeting. She said that one of the comments from the Washoe County School District is: "A disclosure shall be made by the developer to each homebuyer on their closing documents that K-12 students in this subdivision may be assigned to the nearest Washoe County School District school(s) with available capacity in the event that the zoned schools cannot accommodate

additional students.” She asked why we eliminated multi-track, year-round for our elementary schools and went to a balanced calendar and are now considering going back to multi-track.

Ms. McNeill said that when the schools were taken off of the multi-track, enrollment growth had been stagnant for a few years. The need to have a multi-track school is only implemented on overcrowding situations. A school is not put on multi-track unless there is an overcrowding situation. The enrollment growth was dropping within the Washoe County School District. The balanced calendar is a separate issue as far as trying to come up with a calendar that allows students to take courses or make up credits or have intercession activities, extracurricular activities, and additional learning opportunities throughout the school year. That is the balanced calendar. It has nothing to do with an overcrowding situation.

Vice Chair Chvilicek expressed her understanding, but said that when multi-track was ended and the balanced calendar was initiated, there were only one or two schools on a multi-track. All other schools were removed from a multi-track. She believed that we have only been in the balanced calendar for two and a half or three years.

Mr. Etchart said that he has been with the School District for three years and knows it has been longer than that, because we have been on balanced calendar since he has been here. He said it has been about four years. He said there is also a cost to being on the multi-track, year-round calendar. They estimated about \$250,000 per school to be on a multi-track calendar, which is basically for operational costs, buses and bus transportation, nutrition services, and other costs. So when they had the declining enrollment growth, the decision was made to try to put everyone back. There is also an inconvenience to a lot of parents who have students on different calendars. So the decision was made by the district to go back to a balanced calendar until needed. There have been efforts like AB46 to try to find additional funding so they would not have to go back to multi-track, and those have failed. So they are back in the situation where they were before the Great Recession where growth is here and they are being faced with alternative calendars.

Vice Chair Chvilicek asked about the 7.8 million dollars over nine years. She mentioned that they emphasized the repair and renovate. Towards the latter part of the presentation, they spoke about building schools. She said that it seemed a little skewed if elementary schools are already over capacity and middle schools are approaching capacity. She said that if the emphasis is on building schools, then maybe we should talk about building schools and then adding the other components of renovating the ones that we do have to renovate.

Mr. Etchart stated that he appreciated the comments and will always look at improvements for the presentation. He expressed that elementary, middle, and high school capacities are very different. Elementary schools can be run at 120 percent. Brown Elementary School is currently in the 140 percent range. You can run it. It is not right. A high school runs optimally at 85 percent. When you get past 85 percent, you are really overcrowded. Right now Damonte Ranch High School, which is busting at the seams with portables and is way past capacity, is at 100 percent capacity. They have set the conversion threshold to go from a regular calendar to a double-session calendar at 120 percent. He does not know if we can make 120 percent. He thinks that even at 100 percent, we are running out of capacity for our high schools. He believes it is ambitious for him to say that they have five years before they may have to address a double-session calendar. It is a complicated subject, and sometimes simplification does not help.

Vice Chair Chvilicek asked about double sessions. She asked about the School District accessing research to demonstrate, particularly with high school students and probably as low as middle school students, that starting school hours at that level is not conducive to learning.

She asked about other options for the School District to address those learning curves and learning in the brain.

Ms. McNeill answered that they meet on a weekly basis to discuss these types of options and different scenarios that can happen. There are different things that can be done during the day. They have looked at putting the freshmen and sophomores first and the juniors and seniors at night. But they are talking about disruptions of families. A parent may have a junior and a senior and may end up on two separate sessions. She agreed that there is quite a bit of research out there as far as brain activity. She is the parent of a 13-year-old child. Waking her up at 3:00 in the morning to get to middle school is not going to go over very well for very long. They absolutely understand.

Mr. Etchart added that in the last legislative session there was a bill heard that said you would not be able to start school until after 9:00 a.m. It did not go forward, but it got some hearings. So now they are talking about starting school at 5:55. He could not agree more that the learning environment is going to be challenged.

Commissioner Edwards said that a couple of years ago, 2012, a 1.5 billion dollar tax bond ran through. By their own accounts, only 670 million dollars of that went to the schools. The rest went to retirement funds and teacher pay and so forth. He said that they cannot keep coming to the public with doomsday scenarios on blown-up boilers and cracked ceilings and then not spend the money that is given to them on those things. His suggestion was to look at a different kind of retirement plan if they cannot afford the current one. In facing a declining student enrollment, he feels that all of these things should have been paid for already. He would not mind supporting a 781 million dollar additional if he thought it was all going to the schools that keep coming before them in the presentations. He said that the funding is not going there. He can support the additional funding, but the School District is only showing them the damage to the schools and not how much is going to underfunded retirement plans.

Mr. Etchart said that by state law, by NRS statutes, any of the money that is brought forward with this ballot initiative, through AB46, SB154, and any of the initiatives that have been brought back in the past and any going in the future by law can only be used to build, renovate, and repair schools and for those support facilities like nutrition services and transportation. It cannot be used for salaries, benefits, or for anything besides building, repairing, and renovating schools. The funding that either came through the legislature or in the past is categorical funding. Whether that money is going to be spent on gifted and talented programs, English language learners, autism classes, class-size reductions, or any of the other programs/things that came through, it can only be spent on those needs. Absolutely none of the money that came through the last legislative session or before can be used to build schools. We are one of twelve states in the country that receives no state funding for schools. We receive no federal money for schools. This is a Washoe County issue, and it has been a Washoe County issue for well over a decade. It has never been solved by Washoe County. When you look at our taxes and compare them with other states and you look at the education responses that we receive, he thinks there is a correlation. He truly feels there is a nexus between those two. He stressed that this money can only be used to repair, renovate, and build schools.

Commissioner Daly said it was clear that new money can only be spent on the schools. With respect to existing funds that are a part of the School District's budget for capital improvements, he asked if there is any limitation on the School Board to reallocate those moneys to other purposes.

Mr. Etchart said that general fund money can be used to build schools. He said that they would love to come back and give a complete presentation on where every dime is spent. They had a

budget meeting the previous night, a town hall meeting at Wooster High School, to show where all of the money is spent on teacher salaries. The administrative costs for the School District are one of the absolute lowest in the nation. General fund money could be used to build schools, but at the expense of teachers and aids and transportation and all of the other things that need to go into the School District. When they look at funding for schools, they are restricted on what money can be used for. There is no excess money coming out of the general fund. Even if you laid off every administrator at the admin building, it would not even build one school. They have extremely low administrative costs. The money they are talking about is just for repairing and building schools. They have never addressed that as to Washoe County. He said that they have said no many times and are now facing this situation.

Commissioner Daly asked what percentage of the current budget, excluding this potential new money, is spent on capital improvements.

Mr. Etchart said that he could not give a percentage as far as the general fund. He said none, as far as general fund money.

Commissioner Daly asked, of all of their income, what they spend fixing and building schools.

Mr. Etchart said that it currently comes from property tax, and they receive a ballpark amount of 45 million dollars. Going forward, it will be an average of 35 million dollars a year according to their financial analyst.

Commissioner Daly asked what percentage of the budge that is.

Ms. McNeill said that they have a 661 million dollar budget.

Commissioner Daly said five percent, give or take.

Mr. Etchart said that it is a separate pot, because this money can only be used for this need, and the general fund money is used for salaries.

Commissioner Daly said that there is nothing to say that the School Board could not take that five percent, if they get this new pot of money, and say they are only going to spend three percent. They could give the other two percent for school buses or teacher salaries or retirement funding or whatever. He said the point is that the citizens want to know that if they get new money, the existing pot going to capital improvements is not going to be reduced. He spoke of a net gain. He said that if they tell him there is not guarantee, then they are not going to get his vote.

Mr. Etchart said it is guaranteed. There is no legal way they can use any of this money, including the existing bond money or the new allocation of funds, if they receive funding, on anything but building schools. That is all it can be used for. They have all of the numbers in their data gallery. The Board of Trustees authorized what will be called the Capital Funding Protection Committee, which is another added step. Any of these building projects, whether renovating, repairing, or building new schools, will first go to this community group. It is made up of six elected officials: two from Washoe County, two from Reno, two from Sparks, and five community members from diverse backgrounds. They will make a recommendation to the Board of how to use this money. Staff will bring the projects to the committee, and the committee will make a recommendation to the Board of Trustees. If the Board of Trustees does not agree with that recommendation, they have to say so at a public meeting and then it has to go back to the Capital Funding Protection Committee for review. Then they have the authority to say "Yes we agree" or "No" and send it back to the Board. After they come to agreement,

then it goes to the Oversight Panel for School Facilities, which has to check off on it, along with the Debt Management Commission. Mr. Etchart said that no other agency, whether it is Reno, Sparks, Washoe County, NDOT, or RTC, goes through that many steps for protection and oversight of funding. The Washoe County School District has committed to do this. They have committed to transparency and accountability to show where all of the money is going. He knows the perception in the community that money is not going to the proper uses, but he challenged that and said that any money they received in the past or receive in the future on the capital side goes directly into building schools and repairing schools.

Commissioner Prough asked if the Capital Protection Committee is volunteers or if they are compensated.

Mr. Etchart said that they are volunteers. He said there are two that the Washoe County Commission, Reno, and Sparks will appoint.

Commissioner Prough asked if there was any money coming out of the general fund for salary or anything like that.

Mr. Etchart confirmed that they are volunteers. He said that it is set up Nevada Revised Statute actually selects who is on the Oversight Panel for School Facilities. This will be similar. The five community members will include someone with an expertise in construction, someone in finance, someone in gaming. It is spelled out under Nevada Revised Statutes.

Ms. McNeill said they had a copy of the budget presentation if the Commissioners were interested. It was disheartening at Wooster High School, because one community member showed up. They would be more than happy to send the budget presentation to the Commissioners, as well as the data gallery.

The Commissioners agreed.

Commissioner Edwards said that by their own numbers, 81 million for an entire new high school and that last budget of 600 and something that was directed for construction. He asked why they do not build seven new high schools and close the other ones, as opposed to putting 600 and some million dollars into repairs and holding the status quo when they might have increasing numbers. He said Item 2 is that they have a lot of property that they are not using that the School District holds. He assumed that it is for future growth. He said that if they are dealing with a crisis today, then maybe they need to think about selling some of the bare property and turning that into new schools, repairs, or whatever. The School District does not need to hold bare land just for a bank.

Mr. Etchart addressed the bare land. The only land they hold onto is property on which they hope to build schools. The only exception he knew of, off the top of his head, was the property at Incline Elementary School that was the old property. They are holding onto it, because their property analyst has told them that the price of raw land is going up, and it would not be in their best interest to sell it at this time. That is only a million-dollar piece of property. Other than that, they hope to build schools on the properties they own. They are restricted by NRS. When a development is approved, and they look at that development and say that they need to build a school, the developer has to set aside property for them. But the Washoe County School District has to pay fair market value for that property. They do not receive property for free unless a developer wishes to donate it. This has happened, but most times they are paying for that property. If they do not use that property within ten years, then they have to give that property back to the developer. They have very stringent rules on land. They do not hold onto land just for investment purposes, with the exception of Incline Elementary School. The 680

million dollars, whatever the number is that Ms. McNeill gave, that is general fund. That is the money that pays salaries, aids, and all of the other things for the School District. That is the money they use to educate children. If they took that to build schools, then they would have to lay off teachers. The only money they have to build schools is the property tax money. They have had zero for the past several years through the Great Recession. Since Mr. Etchart came three years ago, this is the first year that they have had their first bond allocation of 35 million dollars. They had no money to build, renovate, or repair. They were only using the excess bond money they had from previous sales, which expires this year.

Commissioner Horan lives in Incline Village and was happy to hear a definitive statement from the school officials that they are holding that land for investment, because that is not what they hear from time to time. It is a building that certainly needs to be remediated. This was the first time he had heard a definitive statement that their analysts are recommending holding it for investment because the price is going up. He asked if he could take that statement to the bank, if it was an affirmative.

Mr. Etchart said that they have had a lot of a people come to them and say that they would like to use it, including public uses. Incline Village and IVGID have come to them with public uses. Developers have asked to purchase the property. When they dispose of public property, it is a very complex process. They are holding onto it right now. They did an appraisal on the property, and it came out much less than they hoped. They were told that if they waited, developed land has gone up 30 to 40 percent over the last several years. Raw land is lagging behind, but they anticipate that it will catch up. He cannot say what is going to happen with the property at Incline Village, if the Board is going to want to give it to a public use like IVGID or if it is going to be sold for the cash value. Right now they are holding onto it until they see the best use.

Chair Barnes called for any additional Commission questions. There were none.

Chair Barnes directed the Commission to Public Hearing Item 9A.

9. Public Hearings

A. Special Use Permit Case Number SW16-001 (West Meadows Estates Powerline Relocation) – Hearing, discussion, and possible action to approve a special use permit to allow the construction and operation of a power pole to facilitate the relocation of a 120 kilovolt overhead powerline (Major Services and Utilities, Utility Services Use Type). This is a Project of Regional Significance according to NRS 278.026(6)(b) and will not be effective until and unless it is approved by Truckee Meadows Regional Planning.

- Applicant: West Meadows Investments LLC, Attn.: Rob Fitzgerald, PO Box 8070, Reno, NV 89507
- Property Owner: Owners of Glenn Meadows Village, Attn.: Ken Whan, 10509 Professional Circle, suite 200, Reno, NV, 89521
- Location: Adjacent to, and south of, US Highway 40 in the Verdi area, approximately 600 feet east of its intersection with Summerset Drive.
- Assessor's Parcel Number: 038-610-00
- Parcel Size: 11.81 acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Public and Semi Public Facilities
- Area Plan: Verdi

- Development Code: Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 9, T19N, R18E, MDM,
Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Commissioner Daly mentioned a couple of emails back and forth with staff over the past couple of weeks regarding the authority of the Planning Commission to impose conditions on Tentative Map amendments. He asked staff to indicate to the Commission what abilities or inabilities they have to do so.

DDA Edwards asked for the specific item.

Commissioner Daly stated that it would come up on every item. He intended to make motions to impose conditions. He wanted to make sure that he understood the staff's answer to his questions.

DDA Edwards said that, legally, Commissioner Daly should make his motion. If there are conditions that are not permissible, then DDA Edwards will flag those. He stated that this particular item is a Special Use Permit, and they are empowered to impose conditions on a Special Use Permit.

Mr. Webb provided a description of the item.

Chair Barnes asked for ethics or ex parte disclosures. There were no disclosures.

Chair Barnes opened the public hearing.

Roger Pelham presented his staff report, dated March 21, 2016.

Chair Barnes called for an applicant presentation.

John Krmptotic, with KLS Planning, spoke on behalf of applicant West Meadows Investments. He showed the site of a 324-lot Tentative Map that was ultimately approved and involved a PUD through the City of Reno a couple of years ago. They are relocating a utility corridor. They would like to relocate a single pole, with a County parcel across the street at Glen Meadows. The idea is to realign the corridor. A new pole location is the subject of this Special Use Permit. The staff condition that requires a landscape plan and typical landscape as though it is a regular civil project is a little bit cumbersome to manage. They are in open space with a mound of dirt and a drainage way next to it. The issue is where to put 20 percent landscape. The other is the line of sight, because they are dealing with one property owner. If you imagine standing in the property owner's backyard and looking up, then you would look right over the landscaping that will be around the pole. He asked for a condition amendment with staff and was told that there was enough flexibility. They met with the owner of the house on the corner. There is a common dirt area between the owner's fence and the HOA fence, which is where they agreed to put five trees, which will have much more impact in screening the pole for their purpose. They would need permission from the Home Owners' Association, in addition to putting in an irrigation meter. They would like to put the trees in an open space area and serve more purpose. Also,

this is toward the end phasing of the project, Phase III. The owner will start on the east where the infrastructure is. The owner asked if the Commission would support four years on this Special Use Permit. They would like a little more time, because they do not know the timing of the market in delivering houses to the area. This housing phase and relocation of the corridor are way down the road.

Chair Barnes called for public comment. There was none.

Chair Barnes called for Commission questions.

Vice Chair Chvilicek asked if it was a 120 kilovolt pole.

Mr. Pelham replied that the powerline is 120. The pole supports it.

Vice Chair Chvilicek asked about the height of the pole to hold that kind of voltage. She stated that it seems like a significantly larger pole. She asked if it was a big metal pole.

Mr. Pelham said that the height is more or less the same. The current poles are sort of an "H" shape made of wood. This would be a single steel pole. The height will be about the same, and it will be in the same corridor. It is one steel, rather than a couple of wood.

Vice Chair Chvilicek asked the applicant if the project is four or five years down the line, then what is the possibility of undergrounding power?

Mr. Krmpotic said there is an economic factor, because it is very expensive to underground. They looked into it with NV Energy and were told that it does not qualify on their technical basis.

Chair Barnes closed the public hearing and brought the item back to the Commission for discussion.

Commissioner Chesney spoke to put Vice Chair Chvilicek at ease. He stated that the "H" structure currently in place is ugly and very old technology. The single pole may not be attractive, but it is a little better than the "H" structure.

Commissioner Horan mentioned the change in a condition.

Mr. Webb suggested that the applicant come forward. Mr. Webb heard a request on Condition 1b to extend the time from two years to four years.

Mr. Krmpotic agreed with Mr. Webb's statement regarding Condition 1b. He added that there are three landscape conditions. One is the plan. One is the maintenance. He forgot the third. From discussions with staff, he believes that the way they are written provides enough flexibility for them to work with the property owner and with staff and leave it as such. So it was just 1b.

Chair Barnes called for a motion.

Commissioner Horan moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, Washoe County Planning Commission approve with conditions Special Use Permit Case Number SW16-001, with the adjustment in Condition 1b, changing the timeframe from two to four years, for West Meadows Investments LLC, having made all four findings in accordance with Washoe County Development Code Section 110.810.30, subject to approval of the Project of Regional

Significance by the Truckee Meadows Regional Planning Commission, having made all four findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi 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 power pole to allow relocation of a power line, 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;

Commissioner Prough seconded the motion.

Chair Barnes called for discussion on the motion. There was no discussion.

Chair Barnes called for a vote. The motion passed unanimously, with a vote of seven for, none against.

B. Tentative Map Case Number TM16-001 (Colina Rosa) – Hearing, discussion, and possible action to approve a 94 lot common open space subdivision on two parcels totaling 20.1 acres.

- Applicant: Towne Development of Sacramento, Inc.
- Property Owner: Bernard Trust
- Location: 3800 Mount Rose Highway and 5185 Edmonton Dr.
- Assessor's Parcel Numbers: 049-402-02; 049-402-07
- Parcel Size: 20.1
- Master Plan Category: Commercial
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Forest Area Plan
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 608 (Tentative Subdivision Maps) and Article 408 (Common Open Space Development)
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 30, T18N, 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 provided a description of the item.

Chair Barnes called for ethics or ex-parte disclosures. Commissioner Daly attended a meeting with the developer and the community where this was discussed about two weeks ago. He stayed for part of the meeting. He also had a phone call from the developer, but he had not yet seen the staff report and supporting documents, so they did not have much of a discussion.

Chair Barnes opened the public hearing.

Trevor Lloyd presented his staff report, dated March 22, 2016.

Chair Barnes asked for an applicant presentation.

John Krmptic, with KLS Planning, spoke on behalf of the applicant Towne Homes of Sacramento. Jeremy Goulart is one of their big wheels and was in the audience, along with Paul Solaegui, traffic engineer, and Jason Gilles, a senior civil engineer with TEC Engineering. In terms of neighborhood politics and neighborhood PR, they did have the CAB meeting. A couple of things that came of that were a few things that were not addressed at the first meeting. So they came back and had the meeting at the LDS church, specific with the Galena Terrace HOA, which is Rolling Hills, which is really 90 percent of the people that had any concern at all. He said that they are in agreement with the staff report and all of the conditions as proposed. In terms of the CAB and the HOA, he thinks that they came to pretty much full agreement on those issues. He wanted to speak about the access. The eastbound going down the highway, that right-turn movement eastbound to right onto Edmonton was a concern. There was a lot of discussion at both meetings about that particularly. Mr. Pullen from NDOT wrote a second letter, which is in the staff report, suggesting that they put in a deceleration lane right there. So you get out of the through-travel lane, turn right onto Edmonton. They have accepted that condition. The other is the northbound left turn. Coming north on Edmonton, they are looking at either a pork chop there to prohibit that northbound left turn and possibly restricting only right turn there. Those were the big issues with traffic. There is this one that is overloaded in the morning at Butch Cassidy and Edmonton, because of the kids coming down the highway going to Galena High School. They have committed to working with the principal of Galena High School so they can direct them down. This is more about trying to manage teenagers and PR on this thing a little bit. Going further down the road to De Spain is that street a little bit further to the east. Mr. Krmptic went through the remainder of his PowerPoint. They are trying to get a little more distribution of the high school traffic. Traffic was number one of the big issues. The design and density was a concern. There are five to the acre that are already allowed in this zoning on the property; they are at 4.6. They had a couple of issues with landscaping and screening and berming. One was along the highway. There is a section for screening adjacent to the highway. There is also an area on the south side of Butch Cassidy related to those people who live on the other side of it. They agreed to fencing at that location and adding some street trees and a little bit of landscape strip. They only have five feet to work with when you put in Butch Cassidy and that five foot landscape strip on the south side and the fencing in addition for all of those houses that back up to what will be the Butch Cassidy extension. On the project side, they have a little drainage swale, and they have some sidewalk. On the highway, you have the native plants. That is the setback that is required in the Forest Area Plan. They have decided to berm up with three to four feet in that berm area and add in evergreen trees for screening. This is very important to the Mount Rose Highway Scenic Corridor, and that evergreen content and texture that they are looking for and then screening of the houses. They did add two conditions, agreed to with staff. One would be only single-story houses in the row next to the highway. They agreed to another condition at Edmonton. There will be a three-to-one landscape slope with trees, both evergreen and deciduous, boulders, that kind of top-rock treatment. They agreed to stagger the houses that will be seen on that first row next to Edmonton so that they get a little bit of variation, given the density. There is a product in a sample project over the hill in Roseville. It is open-view fencing along slopes; half is open

view, half solid. That is a type of character fencing that they have proposed for Mount Rose Highway with wooden pilasters. It meets the corridor standard and then split rail along Butch Cassidy.

Chair Barnes called for public comment.

Richard Keefhaven is a property owner off Mount Rose Highway on Caswell. He is concerned about the high density of the development, although he doesn't think they can stop it. His question is why they need to reduce from five to 4.6 properties per acre. He wanted to know if the zoning needs to be adjusted to increase the density. He is concerned that almost 100 homes is 250 cars. He is thinking more like 100 students. He is concerned about the scenic highway and about the infrastructure. The parking lot at the Raley's shopping center is now at probably 90 percent capacity more often than not. Galena High School, as they heard earlier, the schools are busting at the seams. He does not think that they need to increase the density. He thinks they should decrease it. He is also concerned about Mount Rose Highway. He has lived at Mount Rose Highway for ten years and seen significant growth. He believes it is only going to get worse. He lives up the street on Caswell next to Montrose, and they have acre lots up that way. It does not seem to him that high density development fits on Mount Rose Highway. High density is over in Damonte Ranch, and you can see what is happening to the high schools over there already because of high density. He is pretty much opposed to it, and that is the position of most of the people with whom he talks in the area.

Gary Anghinetti said that the developer has addressed a lot of the concerns regarding traffic. His concern is for the proximity of a source of ignition to wildfire. He said that if you look at any of the PowerPoint presentations and the Planning Commission staff report on the second page, they show the area where the developer is going to develop, and they show the homes in Rolling Hills. The back of all of these homes on Vancouver Drive, where he lives, there is a lot of fuel for wildfire, a lot of bitterbrush, a lot of sage. In the past, under the Sierra Fire Protection District, they would come in occasionally and eradicate some of the fuels for fire. Now it is under Truckee Meadows Fire Protection. They have not seen any eradication in that area for probably five years. He mentioned the fire that backed up to Galena High School. For the residents of Rolling Hill, fire is a huge concern. His position is that a lot of these homes would be backing up to open space, as well, on the cul-de-sacs. There is more of a chance for ignition from barbecues. He addressed the issue at the Citizens Advisory Board meeting, and he was told there would be a fifteen-foot buffer. He thinks anybody who lives on Mount Rose Highway corridor knows of the winds. Any winds from a barbecue or anything could carry an ember 100 feet. He is wondering if there is some way to get the builder to speak with the County or the Fire District and have some type of eradication or fire protection put in there. He believes this is putting them at risk. If there is a fire, he goes on record as saying that this may have been a situation that could have been avoided.

Charles Cavanaugh said that he is in support of the project. He thinks that additional housing, done correctly, is a need that Reno and Washoe County will have going forward, especially with what we are seeing in the expansion of all the new jobs that are coming to our area. His most important concern is the amount of houses that they are trying to put in the area. They want to reduce the setbacks from 15 feet to five feet. He feels that when you start doing that, it changes how the development looks from the road. People driving up and down Mount Rose Highway, especially because it is on a graded area, are going to see a lot of houses stacked. He doesn't know if it fits into what he would consider a County feel. It is more of what he would consider a city feel. His question is whether it is necessary to have that high of density in this particular area. He would like to see more of a flow. If you look at Monte Rosa, Rolling Hills, or Galena Country Estates, which surround this projected area, they have medium density, which is a minimum of eight feet or 16 feet between the houses. It has more of an open and blended feel.

That is what he would like to see in this particular area. He feels like the traffic concerns have been dealt with. He appreciates the builder for taking their safety into consideration and working with NDOT and the traffic studies to make sure that they are getting it right. The more houses you put on a lot, the greater the water consumption. If they go from 94 houses to 74 houses or to 84 houses, they are going to consume more water. Whatever the outcome, he would highly recommend concerns or stipulations in the CCRs on how that water is utilized in that particular development. He mentioned street parking. If you go to Damonte Ranch, where they have the short setbacks of 15 feet in the front yard, there is no extra access for anybody to park cars, other than on the street or in the driveway. He understands that they do meet the two-car requirement for the street, but in today's world, there are usually more than two cars in everyone's home. This creates some access issues or parking issues on the street, possibly. Regarding the project layout, if you look at some of the other communities in the area, it is more rolling or has curves or a little bit more of a design. To him this looks like sticks. When you stack sticks and house on top of each other especially tight, it stands out. It does not have that rolling feel. He is asking that if the Commission decides to approve this project that they do so with stipulations or something that might address the setbacks or reconsidering that, at least the medium density suburban of eight feet versus the five feet proposed.

Commissioner Edwards asked Chair Barnes if the folks could provide their names and addresses so the Commission would know where they are impacted.

Stephen Avillo lives at 3742 Vancouver Drive. His backyard abuts the new development. He echoed what the previous speakers said about the density. As a neighboring landowner, he would like to see it not quite as dense. He said that in previous meetings, they had talked about a fence along the extension of Butch Cassidy, between their properties and the new development. If the development does go forward, then Mr. Avillo would like to request that the fence be there. He thinks they would all like gates to have access to the road. Some of his neighbors want that for RV access. He knows a few kids, and balls get thrown over the fence. Instead of walking all the way around to get the ball, it is nice to have a gate. He also requested that the fence be built first so that if they are constructing for four years, it will be less of an eyesore for all of them while it is a construction site. His other request was for the landscaping along Butch Cassidy. He asked them to consider mature, tall trees, because of headlights from people driving down the new streets. He believes all the homes that back up to this property have their bedrooms on the second floor and would prefer not to have headlights shining into their bedrooms.

Pam Campanaro lives at 3790 Vancouver Drive in the Rolling Hills subdivision. She has lived in Rolling Hills for about 18 years. She is aware of the zoning of which this property has always been. She would much rather see quality homes built in this area, versus a strip mall or something else like that. One of her concerns is the traffic. She said that the County and the builders have been great as far as meeting with them and discussing their concerns. Her main concern is in the morning as so many students and parents are trying to get their kids to school by coming down Mount Rose Highway and getting onto Butch Cassidy. Her concern is because the subdivision that is planning to go in this area includes 94 homes, so people are going to be coming out of this extension of Butch Cassidy. She does not see how these people are going to get out in the morning if a stop sign is put in, because it is a flow of traffic that just keeps going. She comes from Rolling Hills and has the right-of-way. But she sees so many people just waiting at that area not being able to get through onto Butch Cassidy to get to the high school. The second thing is De Spain Lane, which she thinks is a great idea. Originally when Galena High School was built, De Spain Lane was the only entrance into the school because they didn't have the other roads. She is on the PTO, and she meets with Tom Brown about every month. This is one of the things she discussed with him. He is open to meet with the builder and anybody else as far as trying to work on the traffic problem in the morning. She does not think,

at this time, that he is aware of De Spain Lane being an option as being brought to him by the builder or the County. In our state and in our county we don't have impact fees that we can charge to builders or ask them to contribute to the schools, but as seen from the presentation tonight, the schools are really in need of that. Ms. Campanaro said that it would be great to see the builder contribute to our schools.

Chair Barnes had one comment card from Ann Schnele of Rolling Hills development. She said, "My concern is that this development is going to lower the value of our development. At this time, there is nothing in our development lower than \$400,000. By the time the new development starts selling at \$400,000, it will bring down our values. I do not object to the development. I would just like to see bigger lots with less houses and houses going in equivalent to the current Rolling Hills development."

Chair Barnes asked for Commission questions.

Commissioner Chesney asked the developer's representative if they are doing anything to mitigate the noise from their development to the folks that abut from Rolling Hills.

Mr. Krmpotic said that it is landscaping, and they are going to completely redo the privacy fence, plus put in gates. That is what they asked for. They would be screening headlights and absorbing noise with landscape and the fencing. They will have to jockey around some driveways that serve access to the RV parking. He showed the driveways between trees; that is their best estimate of where the actual gate is today. He showed the street trees for handling noise.

Commissioner Horan said that as you move up Mount Rose on the north side, on the other side of Thomas Creek, where now Monte Vista is and where the Estates are on the left-hand side, particularly on the north side, they have done some berming. He thinks this makes a difference in the approach, but they are so close to the highway that they might have an issue with the berming. It seems to him, as you go down, that berming on the right side on the highway would be much more effective. He is just suggesting that it might be a better way to do it.

Mr. Krmpotic said that they do have berming up to four feet. That is about as high as they can go in the area that they have, because you get into a three-to-one slope.

Commissioner Horan said that he comes down Mount Rose quite frequently. He is glad to see that they are putting in a turn lane to decelerate coming down east. He would hope that on the traffic side they would eliminate the left-hand turn coming out of you going up the highway, because that is an accident waiting to happen.

Mr. Krmpotic said there has been a lot of emotion and analysis of that issue. He believes they have come to a good term on it. He asked Chair Barnes if he could speak on the density. He said it is not the prettiest land plan they have ever seen, but it is 4.6 to the acre. A land plan is all two-dimensional. You look at the highest price per square foot single-family in the region, other than Montreaux, and it is Southwest Reno with 4000-square-foot lots in the old Newlands neighborhood. It is a grid neighborhood. There are no curvilinear streets. You get a canopy of trees, narrow streets, charming architecture, and it works brilliantly. It is hard to see with a two-dimensional plan. His point is that it will take some time. You need the reduced setbacks. They would not want 30-foot wide houses with 15-foot setbacks. It would look terrible. The five-foot setback is a choice for anyone who buys in there. They will have a nice house on a lot that is a little bit narrower than what is up there today. They are not going to compromise architecture or the quality of the neighborhood when it becomes more mature. It is a little denser. There is a market segmentation issue there. There is a pricing issue. That is what is

going on here and the fact that they have five to the acre is part of the deal. They are not asking for a zone change or a Master Plan amendment. They are not asking for a use permit. It is just a subdivision map to do 4.6 to the acre. They have done some beautiful curvilinear type street designs; they do not work for this site. They have several iterations. For this he would give credit to their civil engineer who came up with the idea. This makes perfect sense for what they are talking about. They do have, on the very west end, an urban interface protection zone that is 25-feet wide, so that would be addressed by that one gentleman's comments. The screening on the north side, so overtime with the one-story it really addresses that visual concern from the highway with the berming and the landscaping and then the one-story. He thinks it is making the best of it. He does not want to associate the grid type of neotraditional design with an a-quality neighborhood. They do not go hand in hand. He mentioned one-acre lots where you have people that cannot afford landscaping. He suggested taking a look at the way that some of the properties are maintained in Panther Valley one-acre lots. They do not have complete landscaping. You start getting kind of junky yards. That is the flipside of big lots that are not well landscaped and kept.

Commissioner Prough stated that he is always concerned about traffic, water, and schools. He believes the traffic has been addressed adequately and the water. It was said by Mr. Krmpotic or the applicant that they anticipated 25 new students. One of the neighbors asked how that could possibly be with that many homes. There would be more like 100 students. Commissioner Prough asked Mr. Krmpotic the price point for this type of housing, single-family homes. He said that would determine the type of demographic that will go into that area.

Mr. Krmpotic answered 400 on average.

Commissioner Prough confirmed \$400,000 on this project. He said that will determine the type of people who live there and how many children they will have or not have. Are they professionals? Can they afford that? The whole school issue, especially in light of the earlier presentation, concerns him.

Mr. Krmpotic said that it came up in both of their meetings. He said that he has to trust the School District, and they have quite a system in projecting student population.

Commissioner Chesney asked Mr. Lloyd if the final design for this development would come in front of the Design Review Committee.

Mr. Lloyd affirmed that it would.

Commissioner Chesney said that should provide a sense of security that there will not be something that does not fit into the scenic corridor.

Commissioner Horan asked Mr. Lloyd about the zoning for the two pieces of property to the east, immediately down the hill.

Mr. Lloyd replied that they are General Commercial.

Commissioner Horan asked if they could be approached to change that to residential, as well.

Mr. Lloyd answered that they could request it, as anyone has the option to request a Master Plan and zone change. But at this time it is designated for commercial use.

Commissioner Edwards addressed Mr. Lloyd. He drove it today, and on the west end of the property is Sugarloaf Mountain. He asked if that was completely off of the 20 acres being

discussed. He said this is the really flat part of those two lots. He wanted to make sure that they were not going to end up with any density transferred down the road to make it ten per acre or anything like that.

Mr. Lloyd said that in the unincorporated part of Washoe County, five is the limit based on the Regional Plan. They are restricted by Regional Planning with the densities. Higher densities above five have to be located in the city. The only way that what Commissioner Edwards is talking about could happen is if annexation by the city. Mr. Lloyd does not anticipate that happening.

Commissioner Edwards asked if a homeowner's association is recording this plan.

Mr. Lloyd answered yes.

Commissioner Edwards spoke of the houses on the south side of Butch Cassidy. He said that they already have fences abutting where Butch Cassidy is going to go. He asked why they would be required to put in an additional fence. He feels the trees would be a realistic thing to use in an area like that Mount Rose area that needs all the trees it can get. Another fence seems to him like the gauntlet thing they were trying to get away from. He said that they also showed a fence on the Mount Rose Highway side, and he thought that was all going to be vegetation fencing.

Mr. Lloyd responded that it will be low-lying fencing on the Mount Rose side. Four-and-a-half foot is the maximum that is allowed based on the Mount Rose Scenic Corridor standard. That is the Mount Rose side. The fencing along the south side of Butch Cassidy was essentially negotiated between the applicants and the homeowners. The applicants have offered to replace that existing fencing, which is getting old in some locations, and put up new fencing, as well as gates to allow for some of the folks to access onto Butch Cassidy.

Vice Chair Chvilicek had a concern about the reduction to a five-foot setback. She is looking at this as a mixed use development butting up against larger properties. These are higher density properties, so it constitutes that mixed use that allows for a mixed use of people at different socioeconomic opportunities to move in and out. But setbacks that small are very disconcerting to her. The other issue is the fire mitigation. It says that Truckee Meadows Fire Protection District will address that, but the homeowners' association and the CC&Rs could include language to require certain types of landscaping and vegetation. In terms of living within a fire adapted community and ensuring that they are managing best practices, the image of a cedar fence with concrete center poles on Mount Rose is disturbing in terms of fire. Nothing burns faster than cedar. And the schools – they will keep addressing that until forever. This is oppositional to the Forest Plan, which says the setbacks have to be a certain specific area. Those Area Plans were written that way to maintain the lifestyle that the community has come to expect. Those are just too small of setbacks. It says five units per acre. Vice Chair Chvilicek addressed the applicant. As they see those lines, she asked if fencing is going to be the property line division as the lots back up against each other. She asked if there will be some type of landscaping in the middle of that cul-de-sac.

Mr. Krmpotic replied, "Yes."

Vice Chair Chvilicek asked if those lots will have a common property line. She asked if the lots, as they back up against each other, will have a common property line fence.

Mr. Krmpotic agreed.

Vice Chair Chvilicek asked for an estimate of the lot size.

Mr. Krmpotic answered 7,000 on average, just under 7,000. He said that he was mistaken on the landscape bulb. He forgot that fire would not go for those. They had to remove the landscaping internal to the bulb.

Mr. Lloyd made a point of clarification on the landscape plan. During the agency review meeting with the reviewing agencies, one of the very first items that came up was the landscape bulbs at the end of the roadways. Both fire and engineering will not allow the landscaping. It creates too much problem for turnaround for large vehicles.

Commissioner Daly stated that this is in his district. He had a lot of concerns. He began with traffic. The NDOT letter of March 21st suggests that an eastbound Mount Rose highway to southbound Edmonton deceleration lane is warranted. Thus to say it is required. They also say that a pork chop intersection at Mount Rose Highway and Edmonton, limiting westbound turns onto Mount Rose Highway from northbound Edmonton, limiting to only eastbound turning onto Mount Rose Highway, is the most economical and safest solution. It does not say it is required. He does not see anything in the suggested motion from staff that would impose those conditions on the tentative map amendment, so at the appropriate time he will be making a motion to amend the motion to require those as a mandatory provision of the tentative map amendment, assuming that is permitted by council. He spoke about elementary schools. They already know that the existing elementary school is over capacity, with temporary classrooms. He said adding 25 to 100 elementary school students will make a bad situation worse. There is no short-term plan or near-term plan to expand Hunsberger Elementary. He asked where the kids are going to go. Add more temporary classrooms. This is a scenic corridor, notwithstanding the legislature's designation of the strip in Vegas as scenic. This is the only scenic corridor in Nevada. He believes that this density in this development will turn Mount Rose Highway into a concrete corridor. Not on his watch. Not with his vote. He said that the density is the problem, as to schools, as to traffic, as to visual impact. There is a fire issue. The County and the Fire District have said if you have a high-hazard, wildland community, which this community is, you have to have a 50-foot setback of defensible space, meaning basically nothing in those 50 feet can burn. The westernmost parcels on this plan would mean that the distance from the structure to the property line has to be at least 50 feet clear, which means no wooden fences. They are the first thing that burns. There are skinny lots and not very deep lots. There will be skinny houses that they will want to build as far back as possible. There is the water issue. The entire Mount Rose corridor has a water problem. People are having to dig deeper wells. There is a well mitigation program funded by the County. He believes this would make a bad situation worse. He thinks the residential development of this community is better than the commercial development; it is just a question of density. If you can sell houses for \$400,000, you can sell them for \$800,000, you just have a different demographic. Bigger lots, fewer houses, less visual impact on the scenic corridor, less impact on the schools, less of a fire risk, less of a traffic problem. He will not approve the motion proposed by staff. He will move to amend it. If it does not get amended satisfactorily, then he will vote against it.

Chair Barnes called for additional Commission questions. There were none.

Chair Barnes closed the public hearing. He called for discussion among the Commissioners.

Commissioner Daly asked to hear the recommendation they heard earlier for a revised traffic plan. He would like to hear from the Fire Marshal about the setback provisions at the perimeter of the community under the Wildland Urban Interface Code. He said that they had a report from the Fire Marshal that does not mention that issue. This community almost burned to the ground four years ago. The only thing that stopped Galena High School from burning was the asphalt

parking lot. He would like to hear about a mandatory agreement between the developer to do the deceleration lane and the pork chop intersection. That would allay the fears of many people who drive up and down that highway every day past this development. He thought that the vote that night would be premature, and wanted to move to continue the matter to the next meeting.

Chair Barnes called for a motion.

Commissioner Daly moved to continue the matter to the May meeting and requested that staff report back on issues related to traffic, schools, and fire, at a minimum, based on the conversations of the evening.

Vice Chair Chvilicek seconded the motion.

Chair Barnes called for discussion on the motion. There was no discussion.

Chair Barnes called for a vote. The motion passed unanimously, with a vote of seven for, none against.

DDA Edwards asked to have the votes called out for the record. Recording Secretary Emerson called roll. Each of the seven Commissioners voted in favor of the motion.

Chair Barnes called for a minute and half for break to allow DDA Edwards to look over something.

C. Regulatory Zone Amendment Case Number RZA15-009 (Black Rock Station Specific Plan) (Continued from March 1, 2016) – Hearing, discussion, and possible action to recommend modification and tentative adoption, or tentative adoption without modification, by resolution a Regulatory Zone Amendment and the accompanying Development Standards Handbook; and, to require that an application for final approval be filed within 12 months of final adoption; and to authorize the Chair to sign the resolution. The regulatory zone amendment will change the current regulatory zone from General Rural to Specific Plan to establish a mix of Residential and Industrial uses for the general purpose of creating a permanent base of operations for the annual Burning Man event held in neighboring Pershing County. The Development Standards Handbook establishes all necessary development standards and provides maps of the site design including the location of proposed uses. The adoption of the proposed regulatory zone and the Development Standards Handbook will supersede and include all previous Special Use Permits granted to the parcel including SB03-24 (Auto Repair), SW03-25 (Light Industrial Wood/Metal Fabrication), SW04-004 (Storage/Distribution), SW04-007 (Inoperable Vehicle Storage), SW04-008 Communication Facility/Commercial Antenna, and SB04-009 (Operable Vehicle Storage).

- Applicant: Black Rock City, LLC
- Property Owner: Black Rock City, LLC
- Location: 88 Jackson Lane, Gerlach, NV 89412
- Assessor's Parcel Number: 066-030-23
- Parcel Size: 200 Acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: High Desert
- Citizen Advisory Board: Presently Inactive
- Development Code: Article 442, Specific Plan Standards And Procedures

- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 30, T35N, R22E, MDM,
Washoe County, NV
- Prepared by: Eric Young, Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3613
- E-Mail: eyoung@washoecounty.us

Mr. Webb provided a description of the item. He noted that the item was continued from the March 1, 2016 meeting.

Chair Barnes asked for ethics or ex parte disclosures. Vice Chair Chvilicek visited the property. Commissioner Chesney also visited the property.

Chair Barnes opened the public hearing.

Eric Young presented his staff report, dated March 22, 2016.

Commissioner Edwards disclosed that he also did a site visit.

Chair Barnes called for an applicant presentation.

Derek Wilson, with Rubicon Design Group, spoke on behalf of Burning Man. He thanked everyone for taking the extra time and effort to study this some more and to go out there. He understands that this is a complex piece of property, and Burning Man is a large organization with the potential to have impacts. He pointed out that the staff report made it sound as though there had been a lack of coordination on the part of the property owner over the years. They can point to missteps, but their goal has always been to work with the County. They want to get along and make the property function. This has included multiple Community Development directors, multiple staff, and multiple iterations of the code. They have been working on this for quite a while and want to move in the right direction and always have wanted to. They knew that the SUP process was not ideal and did not meet anybody's needs, but there was not a better mechanism. Now that the Specific Plan code is in place, they figure that this is the better mechanism. Their goal remains the same. They want to bring predictability and transparency to the site. They heard the big points that were made at the meeting a month ago. They removed the commercial uses. Mr. Wilson would love to see a world where they can incorporate some of those uses, not because Burning Man wants to make money, but because they enjoy showing off the high desert to visitors. On the other hand, he appreciates that it probably does not need to be part of this application. He can see them pursuing a different mechanism for that if the time is right. He said they could let this stand alone for its core purpose. They also limited the total occupancy, so he thinks they are hitting some numbers that are livable for all parties. He added a wording change. Burning Man legal staff got a hold of this and thought that a wording change was in order. It makes it a little clearer and less judgmental. They do not object to the intent. They want to get along with people and do not want to see reckless behavior. People who go out there tend to appreciate it and want to be there. They are happy to put on this belt-and-suspenders approach, but they would like to make it workable and congenial. It is a minor wording change. If anyone had questions or objections, then Mr. Wilson would be happy to go over it or revise it further. His final point was that they continue to meet with reviewing agencies – water, fire, and all those things to which they are going to adhere. There is no way they would avoid it. With any new construction, they will come in for additional permits and review.

Chair Barnes called for public comment.

There was one request to speak from Cathy Brandhorst, but Ms. Brandhorst was no longer present.

Chair Barnes called for Commission questions.

Vice Chair Chvilicek commended County staff, Rubicon, and Burning Man for making the allowances and the considerations for them to do the site visits. She thanked them for the time and the professional approach. During her visit at the project, she asked Mr. Wilson to what level the outreach was to the community. She asked Mr. Wilson to restate what he told her and how many times he did connect with the community and how many times he tried to make outreach to specific neighbors.

Mr. Wilson answered that both he and Mike Railey with Rubicon have been a presence in Gerlach many times over the years. Mr. Railey has worked with Burning Man for about 10 years. For this specific project, they made repeat presentations to neighborhood groups, including the old CAB. During that time, there was a clear shift in attitude from “what are you doing to our community” to “when are you going to bring us something or bring us some development”. Mr. Wilson said that it was pleasurable to see that Burning Man had really integrated themselves into the community. There is one direct neighbor to this site. Mr. Wilson called him and offered to meet at his place or anywhere else, and he refused. Burning Man staff has talked to him over the years, sometimes with success and sometimes not. They also organized two public meetings that Mr. Railey and Mr. Wilson both attended in Gerlach. They arranged those around the schedule that Ron Cole specifically requested. In both cases, he failed to show up. Mr. Wilson cannot claim a lot of success there, but he thinks that is the way that Mr. Cole likes it. He feels like they have done all that they can do.

Vice Chair Chvilicek said that when she did the site review, in terms of when they had gone through the special use permits and all of the different ways that this project developed or evolved, she applauded staff for remembering the High Desert plan in terms of vegetation and landscaping. It was revealed to her that they have a 4.2 acre feet allotment, and 3.9 acre feet is used to try to keep trees alive without success. She appreciates acknowledgement of the High Desert Area Plan to put in compatible landscaping and not try to make trees grow.

Mr. Wilson agreed with Vice Chair Chvilicek. He stated that Eric Young has moved this in the right direction in that regard. He said that you can interpret a conflict in the code where there are suburban standards for landscaping and then high desert standards, and they do not necessarily agree. In the past, they were held to the more suburban standard. They never liked it, and they pushed back against it. But they did not have an escape route. Mr. Young brought some new thinking to that.

Vice Chair Chvilicek said that area plans trump everything else. She noted that as she was approaching the project, the screening from the road to the project was fabulous. You hardly see anything. The screening is very appropriate. She made a special note that as she was leaving Gerlach and driving towards Pyramid Highway back toward Reno, there is a right by the railroad tracks in the middle of where those two roads converge. There are lots of storage containers with no screening whatsoever. So there are screening requirements for this property, but not for all of those 30 or 40 storage containers that are in a circle. That was just a notation. She thanked staff and the applicant for allowing them to visit the project.

Commissioner Chesney said that he is a logistical fan, and he has watched military movements over the years and industrial movements, like the Ports of Oakland and Los Angeles. When he drove up to the property, it was like a little bitty Port of Oakland or a little bitty Port of Los Angeles. Everything was neat, orderly, spaced and numbered and painted. They have a few little artifacts from Burning Man that they put in a park area. They even have a handicapped parking spot. He was really impressed. Commissioner Chesney feels that the Nevada property manager for Burning Man is phenomenal, knows exactly what she is doing, and has it together. Once it was explained to him how they move all of that stuff out on the desert in a period of days, he was amazed. He felt that you should never prejudge their logistical operation in comparison to the event. It is a totally different thing. He was really impressed.

Mr. Webb asked the Chair if they were still asking questions of the applicant or if he had closed the public hearing and brought it back to the Commission for discussion

Chair Barnes said that they had closed the public hearing and brought it back to the Commission.

Mr. Webb said that as a precursor for their discussion, a handout was provided to them by Mr. Wilson. The handout is referenced as Exhibit 1. If the Commission's desire is to include this change, then he suggested that they include a reference to this exhibit specifically in the motion. He said that they could refer to it as Exhibit 1, as provided during the meeting. Specific to this document, legal counsel had one suggested change with one word. In the first group of red text, the last sentence reads: "The same standards and applicable laws that apply in urban and suburban areas apply at the site, including..." Legal counsel asked to add the word "any" prior to "...prohibitions on trespassing, use of illegal drugs..." and on and on. It was the addition of the word "any" just before prohibitions.

Commissioner Horan said that he was unfortunately unable to visit the site. He appreciates the three fellow Commissioners who were able to go out and view the site and give their input on how the organization is being run.

Chair Barnes said that he had another meeting and was unable to go. He is glad that the three Commissioners did go. He asked if any other Commissioner would like to tell their impressions of visiting the site.

Commissioner Edwards said that it used to be his chukar hunting area 40 years ago and has not changed that much. He said that this is really not close to the playa. He was impressed by the way the privacy fencing took all the construction sheds and did away with them. The welcoming center house, the first one out front, fits in with the neighborhood. He also looked at the one letter they had from a neighbor saying it was blocking his possible visibility of the sky geyser. Commissioner Edwards checked the distance. It is a mile and a quarter, a mile and a half away, and unless there is steam coming out of the geyser, you would be hard pressed to even locate it on the horizon. Unless they are going to build another 20-foot structure, Commissioner Edwards really does not think they could possibly impact his visibility or view of the geyser. As long as they keep that mind, because he does not know what they have planned for that lower easterly part of the project, then he has no problems with the project. It is a perfect project for that area and the kind of development that they need in rural Nevada.

Chair Barnes called for any other Commission discussion or questions. There were none.

Chair Barnes called for a motion.

Commissioner Edwards 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 RZA15-009 for the Washoe County Board of County Commissioners to tentatively adopt the proposed Regulatory Zone Amendment and the accompanying Development Standards Handbook; and to require that an application for final approval be filed within 12 months of final adoption; and to authorize the Chair to sign the resolution, having made all of the following findings in accordance with Washoe County Code Sections 110.821.15 and 110.442.55.10, including Exhibit 1 with changes noted.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone map;
2. Compatible Land Uses. The proposed amendment will provide for land use compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare;
3. Response to Change Conditions. 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. Availability of Facilities. There are adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed Regulatory Zone Amendment;
5. Master Plan Policies and Action Programs. 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, and
7. Consistency with Specific Plan Standards. The proposed amendment is consistent with statements of objectives of a Specific Plan as set forth in Article 442.
8. Departures from regulatory zone requirements are in the public interest. The proposed amendment's departures from regulatory zone requirements otherwise applicable to the subject property are in the public interest because the development standards handbook provides for a tailored list of uses and these uses contain additional development standards to promote compatibility.
9. Residential/nonresidential ratio. The proposed amendment's residential/nonresidential ratio is in the public interest.
10. Adequacy of common open space. The purpose, location and amount of the common open space in the proposed amendment are adequate to serve the developments as outlined in the Development Standards Handbook.

11. Maintenance of Common Open Space. The proposed amendment's proposals for the maintenance of common open space are reliable.
12. Adequacy of public services, traffic and amenities. The physical design of the plan as presented in the Development Standards Handbook and the timing of the development makes adequate provisions for public services; provides adequate control over vehicular traffic; and, furthers the amenities of light and air, recreation and visual enjoyment.
13. Relationship to neighborhood. The proposed amendment provides for a beneficial relationship to the neighborhood.
14. Schedule sufficiency. The proposed amendment's terms and conditions of development as presented in the Developments Standards Handbook is sufficient and protects the public's, residents' and owners' interests in the integrity of the plan.

Commissioner Chesney seconded the motion.

Chair Barnes called for discussion on the motion. There was no discussion.

Chair Barnes called for a vote. The motion passed unanimously, with a vote of seven for, none against.

10. Chair and Commission Items

***A.** Future agenda items

None

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

Commissioner Prough asked if Sugarloaf and Blackstone had been brought to the Board of County Commissioners the previous month.

11. Director's and Legal Counsel's Items

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

Mr. Webb provided an update on Blackstone Estates and Sugarloaf Ranch Estates. The report that the Planning Commission provided at their March 1, 2016 meeting will be heard by the County Commission at their April 12, 2016 meeting. The County Commission will be able to approve the Master Plan and Regulatory Zone Amendments if they so choose after considering the Planning Commission's report.

Mr. Webb stated that Planning Commissioner Barnes will be on the agenda for reappointment to the Planning Commission at the April 26, 2016 County Commission meeting. Planning Commissioner Chesney will be on the agenda for appointment to the Regional Planning Commission as the first alternate for the Planning Commission to the Regional Planning Commission. Commissioner Chesney is being recommended to fill Commissioner Edwards' vacancy when Commissioner Edwards' term ends. After that happens, there will be an item on the Planning Commission agenda for the Commission to reconsider the order of alternates for the Regional Planning Commission.

Mr. Webb referenced the Development Code Amendment for wineries on which the Planning Commission took no action. Senior Planner Chad Giesinger is arranging a public workshop to discuss the potential changes. There is no firm date on which the Development Code Amendment will return to the Planning Commission.

***B** Legal information and updates

DDA Edwards spoke about two pending lawsuits against the County. One is concerning the Warm Springs Specific Plan, and one is concerning the location of a cell tower and other related issues on a private parcel in Washoe Valley. Both are still pending and waiting for a decision on a motion to dismiss, which DDA Edwards filed on both lawsuits.

12. *General Public Comment

There was one request to speak from Cathy Brandhorst, but Ms. Brandhorst was no longer present.

Bill Whitney, Planning and Development Director, reminded the Planning Commission that their joint meeting with the Reno Planning Commission is scheduled for April 20, 2016 at 6:00 p.m. at Reno City Council Chambers. This is to amend the Reno-Stead Corridor Joint Plan. Reno will be putting out the agenda and packets.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:09 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on May 3, 2016.

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