



# WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

## Planning Commission Members

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

Tuesday, August 2, 2016  
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, August 2, 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  
Francine Donshick  
Philip Horan  
Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development  
Chad Giesinger, Senior Planner, Planning and Development  
Eric Young, Senior Planner, Planning and Development  
Roger D. Pelham, MPA, Senior Planner, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Katy Stark, Recording Secretary, Planning and Development  
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development

### 2. \*Pledge of Allegiance

Vice Chair Chvilicek 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.

He stated that Item 8A, the Development Code amendment, is appealable if the Planning Commission votes to deny the amendment. A recommendation of approval of the amendment moves forward to the Board of County Commissioners (Board). For Item 8B, the master plan amendment itself is appealable. The regulatory zone amendments for 8B and 8C are recommendations that the Planning Commission makes to the Board, so those move forward to the Board regardless.

Chair Barnes stated for the record that Commissioner Prough had arrived.

## **5. \*Public Comment**

Chair Barnes opened the Public Comment period.

Cathy Brandhorst spoke about issues with children who need assistance.

Gary Schmidt stated that there has been a requirement through the Attorney General's office for public meetings to have a permanent binder including the exhibits for all of the meetings and an agenda properly noted: "Do not remove from the table." He did not see one. There was not a copy of the night's agenda available for him. He said that this constitutes a technical violation of the Open Meeting Law. He wanted to know if the binder was omitted by chance for the evening or if the policy dictated by the Attorney General's office was not being followed anymore. He did not consider the meeting to be heavily attended and wondered why copies of the agenda were not available. He was present to speak about the zoning change for the property in Gerlach. He is in favor of the change to Medium Density Suburban. He owns several parcels in the community of Gerlach. He also owns 120 acres contiguous to the north of the subject 19 acres. He is in full support of the land use change.

## **6. Approval of Agenda**

In accordance with the Open Meeting Law, Vice Chair Chvilicek moved to approve the agenda for the August 2, 2016, meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

## **7. Approval of July 5, 2016 Draft Minutes**

Commissioner Chesney moved to approve the minutes for the July 5, 2016, Planning Commission meeting as written. Commissioner Donshick seconded the motion.

Commissioner Daly asked for a clarification regarding the automatic aid agreement between Kings Beach and North Lake Tahoe on Page 6 of the July 5, 2016 minutes. He believed he received an email indicating that an aid agreement is in place. He requested that staff confirm this.

Commissioner Horan checked with the fire chief in Incline Village, and they do have an agreement to give aid in exchange of aid.

DDA Edwards stated that the minutes are the record of what happened in the meeting, not a record of communications or things that happened after the meeting. The minutes should reflect the content of the meeting itself.

The motion to approve the July 5, 2016 minutes passed unanimously with a vote of seven for, none against.

## 8. Public Hearings

**A. Development Code Amendment Case Number DCA16-001** – Hearing, discussion, and possible action to amend Washoe County Code at Chapter 110 (Development Code) within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled “Winery” in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones; within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled “Winery” that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit; to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit; within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types; and to make other changes necessarily connected therewith and pertaining thereto.

- Prepared by: Chad Giesinger, Senior Planner  
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Planning and Development Division
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Mr. Webb provided a brief description of the item.

DDA Edwards spoke in regards to the comments by Mr. Schmidt. It appeared to DDA Edwards that one of the planning staff members provided Mr. Schmidt a copy of the agenda as soon as he concluded his comments at the podium. Another staff member went to make more copies of the agenda for the table. The agendas were placed on the table at the beginning of the meeting. This was actually a decent sized crowd for a 6:30 p.m. meeting, and the copies that were originally placed on the table were gone by the time Mr. Schmidt arrived.

Chair Barnes called for disclosures by Commissioners of ethics or ex-parte communications. There were none.

Chair Barnes opened the public hearing.

Chad Giesinger presented his staff report, dated July 18, 2016.

Vice Chair Chvilicek complimented Mr. Giesinger for working with the people proposing this. She believes in a consensus model and feels that it results in a better product.

Commissioner Prough asked Mr. Giesinger why the limit of 100. He said that most special events at wineries will have more than 100.

Mr. Giesinger replied that this is to keep it aligned with the existing temporary special event limits. There is a range of limits for special events that require different levels of review. The temporary special event is currently approved administratively. It seemed like the safer approach, especially at first, not knowing how this will work within existing communities that do not know that this will potentially happen in their neighborhood.

Commissioner Prough asked if it is appealable and if there is a situation that can allow the number to be greater.

Mr. Webb replied that there is currently another restriction in the Development Code for any outdoor gathering or indoor gathering in a facility not designed for more than 100 people; it requires an administrative permit and has to be heard by the Director if it less than 300 or by the Board of Adjustment if more than 300. It is both the current regulation within the Business License code, and it is codified in the Development Code. The recourse is if a winery has approval for events less than 100 and wishes to have a larger event, then they would apply for an outdoor community event license. This happens already for other types of larger events throughout the community that require more review by other agencies. They have more conditions because of the increased number of people.

Commissioner Prough referred back to Mr. Webb's comment regarding a facility not designed for more than 100. He requested clarification that if it is a winery and an outdoor venue and it could handle it, then it is still in the code that they would have to go through another process.

Mr. Webb clarified an outdoor event and/or in a facility not designed to accommodate it. If 500 people are milling about inside and outside of the winery, then it classifies as an outdoor community event. If there are over 1,000 people, then it classifies as an outdoor festival, which requires approval by the Board of County Commissioners.

Chair Barnes opened public comment.

Kathy Huber Halbardier provided some history. The first vineyards were planted in the state in 1991. They went to the legislature in 1993 to license wineries. There was some pushback at that time to go statewide with the opening of wineries. They put in a law saying that as long as you were not a county whose population was 100,000 or less, then you could open a winery. At the time, there were two commercial wineries in the state, one in Pahrump and one in Douglas County, and that launched the wine industry. Governor Miller signed the bill into law on June 3, 1993. In 1994, the second winery incorporated. Ms. Huber Halbardier provided copies of an article that talked about wineries in every state. She discussed the economic impact. California showed 4,100 wineries, with 330,000 jobs, and an economic impact of \$61.5 billion. Utah, a state that is not known for having liquor of any sort, has more wineries than Nevada, which is a 24-7 state. Economic impact numbers are not provided, but Utah is producing over 10,000 cases. The one winery in Douglas County is producing over 8,500 cases; this one winery has taken on Utah. She mentioned Colorado and five wineries in Alaska. In western Nevada, there are over 30 growers growing over 27,000 vines, some very small scale, some with the impact to grow commercial. There is a lot of passion for the industry. They are trying to give everyone the opportunity to launch their own entity. When Governor Sandoval signed this bill into law in 2015, Ms. Huber Halbardier's comment to him was that it took us 22 years to double the number of wineries in the state of Nevada: we went from two to four. Grapes are a cool climate crop. They are a low water user and a higher cash crop. There is a lot of motivation for a lot of our agricultural producers. Right now, we have Douglas, Churchill, and Nye. They had the same challenges in Douglas County, as well.

Mike Steedman was on the pact to bring the wineries into Washoe and Clark counties. He said that it was great working with Chad. They learned a lot. He hopes that the Planning Commission makes the finding.

Jason Schultz said that it was a privilege working with County staff on the amendment. He believes that it will allow the industry to grow in keeping with the character of the neighborhoods in which these wineries will hopefully exist. Having the ability to locate in both commercial and rural areas is a benefit to the industry, because it will appeal to more potential customers than either would on its own. As written, the amendment will help support a healthy and diversified

industry, while promoting economic and social advantages in Washoe County. He believes that the regulations within the amendment will help launch new business industry and create new and successful businesses in our community. Having two different avenues to take is a huge help and a positive impact on the industry. The smaller boutique style wineries can go with a general business license, while the more sophisticated startups can go with a full administrative permit, allowing those recurring events which are important when at that scale. Seventy-five percent of all of the wineries in our neighboring states are in rural areas. When Mr. Schultz goes wine tasting, he likes to experience the area, go to the wineries, see the vines and buildings, and speak with the owner, wine maker, and vineyard manager. These establishments are not just places to drink; they are places to experience the whole wine-making process. He thanked Planner Chad Giesinger and the whole Planning staff. Mr. Schultz fully supports this and hopes that the Commissioners see the potential for a new and exciting industry that few can get in from the ground up.

Gary Schmidt said that he is generally in support of this. He is concerned about a couple of things. He owns commercial property and tourist commercial property in Washoe County. He had been advised previously that wine manufacturing and a tasting room were permissible on both his commercial and his tourist commercial property. He heard some discussion about a new definition of winery. He noted from the new use chart under winery under general commercial, tourist commercial and industrial, it is not a permitted use. He had been advised in the past that it was a permitted use to manufacture wine in industrial and to have a winery and manufacture wine in general commercial and in tourist commercial. He sees at a minimum some potential confusion or conflict. If it is still permitted in those zones, then this might be interpreted by a planner or lawyer to now prohibit it in those zones. He considers a classic winery with tasting room, such as Napa Valley, to be a tourist activity and a commercial activity. He understands that there is some acreage limitation based upon the zones, although you can have a high-density rural parcel that is not two and a half acres. You just cannot create it any less than two and a half acres. Maybe there needs to be an acreage minimum. He is of the strong opinion that wineries by the general interpretation are most suitable in tourist commercial of all the zones and certainly suitable in commercial and industrial.

Jade Miller acknowledged the Commission for their vision in asking them to come back to the drawing board with Chad and Chad working with them over the past several months to come to a consensus with the future of an exciting new industry in Northern Nevada. He is a third generation Nevadan and a 33 year business owner in Nevada. He sees some optimism in Northern Nevada after a dry spell for a number of years. He thinks the optimism is with the technology area. Now is a new opportunity to add to our tourism in the wine industry. He referred to Hot August Nights, the Reno Air Races, and others and asked what a wine region and a wine trail could add to that whole event. He thinks those organizations will want to come back to Northern Nevada because it is an exciting area with a lot of diversity. He asked the Commission to move forward and approve the request.

Chair Barnes called for Commission questions of staff or members of the public.

Commissioner Chesney asked Mr. Giesinger for his impression of Mr. Schmidt's comments on wine making in industrial and commercial zones.

Mr. Giesinger said that the liquor manufacturing use type is being retained in the code. It is allowed in commercial and in tourist commercial. That ability still exists. The definition still references winemaking. However, business owners should be aware that because of the way the state law is worded, if they choose to do an operation like that, they are only going to be able to produce wine at that location. They will not be able to produce beer or any other

intoxicating liquor. They could buy grapes from another site, manufacture it there, and then sell it there, and that is it. They do have the ability to do it in those commercial zones.

Mr. Webb said that liquor manufacturing was added to the Development Code in 2014. That was the first time it appeared inside the Development Code. Liquor manufacturing covers breweries, brew pubs, craft distilleries, wine making and instructional wine-making facilities. Any one of those requires a separate state license and a separate county license. In a tourist commercial zone, for instance, it is an allowed use. You have to meet the Development Code standards for parking, lighting, landscaping, building setbacks, etc. It would be an allowed use, but you would need a separate state and county liquor manufacturing for each of those separate uses. The state does classify those separately. You could have a separate brew pub and a separate winery subject to the state restrictions on each separate activity within a tourist commercial activity.

Commissioner Horan asked for clarification regarding the implication that it might have taken this ability away from a specific area. He asked if it has been taken away from anybody.

Mr. Giesinger answered, "No." They are only adding to the ability through the amendments.

Commissioner Horan asked if EDAWN was a part of this process.

Mr. Giesinger said that EDAWN was not part of the process, but they did have folks involved in the wine industry and in economic development in general. They did not formally have EDAWN or any of the other economic development people involved. He also does not know how the two cities are addressing this.

Commissioner Daly said that he is generally in favor of this proposal. He had questions about the regulatory zones in which it would be allowed. A winery on a five-acre zone in a rural area is not going to have much impact on noise, traffic, etc. In a Medium Density Suburban community, all residential, three houses per acre, having a neighbor turn his garage into a wine pressing facility and his dining room into a tasting room and retail sales facility would have more impact. That is probably not why a person bought a house in that neighborhood. He believes it is going to have a negative impact on traffic and noise and probably a decline in property values for the adjacent residential property owners. He had a serious concern about including Medium Density Suburban and Low Density Suburban. All of the other uses seemed to be large enough, outside of dense suburban areas, that it would not be a problem. He would not support the measure without an amendment, and he would offer an amendment at the appropriate time.

Commissioner Prough asked a question of a member of the public. He asked for his opinion on the limitation of 100 persons for special events at a winery.

Mr. Schultz said that the limit for 100 is in keeping with the regulations that are already set up. He sees the importance of other avenues that can allow a 500-person wedding or someone at the Rib Cook-Off asking for 400 people through some organization that is coming for that specific reason. It probably is not a good idea to put 500 people on third-acre parcels. He thinks that each one needs to be individually scrutinized for those types of events. He does not see an issue for someone with a 40-acre parcel who is out a ways, has County-road access, and has parking ability. Mr. Giesinger spoke with them about keeping with the 100 because it stays within the regulations, and they will have other options to have more if they want. By going through an administrative permit, if there is a 40-acre parcel out there, then they may get approval for more than 100 people. He agrees with Mr. Giesinger, at this point with the smaller parcels, that 100 gives them something, but they also have the ability to go bigger than that.

Commissioner Horan asked Mr. Giesinger to address the situation that Commissioner Daly raised about size and the smaller parcels.

Mr. Giesinger said that staff is aware and also had concerns during discussions with the group. They initially did not want to propose going down to the Medium Density Suburban zone. Upon further consideration, they decided to go forward and allow the Planning Commission to discuss the issue. They also decided to require an administrative permit to go down to that smaller lot size. Even with a stand-alone winery, you will not be able to do special events, period, in the LDS and MDS zones as the amendments are currently structured. To do it at all will require an administrative permit. If you are doing it on a third-acre lot in Spanish Springs and all of your neighbors do not want it to happen, then he assumes they will show up and lobby the Planning Commission to not approve it.

Chair Barnes closed the public hearing and opened the item for Commission discussion.

Vice Chair Chvilicek offered to make a motion. She 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 DCA16-001, to amend the Washoe County Code at Chapter 110 (Development Code):

1. within Article 302, *Allowed Uses*, at Section 110.302.05.3, *Table of Uses (Commercial Use Types)* to allow a new use type titled "Winery" in the Medium Density Suburban, Low Density Suburban, High Density Rural, Medium Density Rural, Low Density Rural, General Rural Agricultural, and General Rural regulatory zones;
2. within Article 304 (*Use Classification System*) at Section 110.304.25 (gg) to create a new use titled "Winery" that would allow wineries to be established in certain residential regulatory zones subject to the approval of either a business license or an Administrative Permit;
3. to allow recurring special events in conjunction with a winery use in certain rural and residential regulatory zones subject to approval of an Administrative Permit;
4. within Article 410 (*Parking and Loading*) at Section 110.410.10.3 to establish parking standards for the Liquor Manufacturing and Winery commercial use types.

She further moved to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

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 amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory

zones; and,

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 Chesney seconded the motion.

Commissioner Daly offered an amendment. He moved to delete from the text and the tables all references to Medium Density Suburban and Low Density Suburban.

Commissioner Prough seconded Commissioner Daly's motion for the amendment.

DDA Edwards clarified that there was a motion by Vice Chair Chvilicek, seconded by Commissioner Chesney and a proposed amendment to that motion. The floor goes to the movant to see if she agrees with the proposed amendment. If she does agree, then it goes to the seconder to see if the seconder agrees with the amendment. If it is agreed to, then there will be a discussion and a vote on that motion.

Vice Chair Chvilicek did not agree with the proposed amendment. She stood by her original motion.

Commissioner Chesney also stood by the original motion.

DDA Edwards said that the discussion would continue, and the motion would either pass or fail.

Chair Barnes called for discussion on the motion.

Commissioner Horan said that he would support the motion as stated. He believes that it was a process that worked very well and the type of process for which you would always hope – the community and staff working together to try to come up with the right thing. Regarding Commissioner Daly's concern about the smaller lots and the activities, it appeared to Commissioner Horan that there are enough protections included. There could be a problem, but there probably will not be a problem. He believes a problem would be very limited in its scope.

Commissioner Daly said that we are going from no allowance for wineries to jumping into the deep end of the pool. He believes that it might be better to tread carefully in the shallow end first. He thinks that people who have made the investment of a lifetime in a home in a residential community with no commercial activity will now be potentially impacted by having a commercial activity next door. He believes that is a diminution of their economic investment in their home. There are noise and traffic concerns, which have not been addressed. He urged his fellow Commissioners to take one step at a time and not jump into the deep end of the pool.

Chair Barnes called for a vote on the motion. The motion passed with a vote of six for (Commissioners Barnes, Chvilicek, Chesney, Donshick, Horan, and Prough) and one against (Commissioner Daly).

Commissioner Daly asked a question of parliamentary procedure. He thought they were voting on the amendment first.

Chair Barnes clarified that they were not voting on the amendment.

**B. Master Plan Amendment Case Number MPA16-002 and Regulatory Zone Amendment Case Number RZA16-003 (Gerlach General Improvement District) – Hearing, discussion, and possible action:**

- (1) To adopt by resolution an amendment to the High Desert Master Plan Map, changing the Master Plan Category from Rural (R) to Suburban Residential (SR) on one +/-19.4 acre parcel of land.
- (2) Subject to a finding of conformance with the Truckee Meadows Regional Plan and final approval of the associated Master Plan Amendment, to approve a resolution recommending adoption of an amendment to the High Desert Regulatory Zone Map, changing the Regulatory Zone from General Rural (GR) (up to 1 dwelling unit per 40 acres) to Medium Density Suburban (MDS) (up to 3 dwelling units per acre) on the same +/-19.4 acre parcel.

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the High Desert Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments.

- Applicant/Property Owner: Gerlach General Improvement District
- Location: North edge of Gerlach adjacent to the existing development on Diablo Drive. The parcel is located generally in the northeast corner formed by the intersection of Diablo Drive and Main Street.
- Assessor's Parcel Number: 071-240-13
- Parcel Size: ± 19.369 acres
- Existing Master Plan Category: Rural (R)
- Proposed Master Plan Category: Suburban Residential (SR)
- Existing Regulatory Zone: General Rural (GR)
- Proposed Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire
- Development Code: Article 820, *Amendment of Master Plan*  
Article 821, *Amendment of Regulatory Zone*
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 15, T321N, R23E, MDM,  
Washoe County, NV
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Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures by Commissioners of ethics or ex-parte communications. Chair Barnes disclosed that he received a telephone message from Gary Schmidt, but he did not return the call. Mr. Schmidt said that he was going to testify in favor of this master plan amendment and regulatory zone amendment.

Chair Barnes opened the public hearing.

Eric Young presented his staff report, dated July 14, 2016.

Commissioner Horan stated that the GID is the applicant and owns the property. He asked if their charter under 318 allows them to do anything with it other than sell it to somebody.

Mr. Young said that he does not know.

Commissioner Horan asked about the services they provide. He asked if there was an issue up there with the fire department quitting.

Mr. Young answered that they provide water and sewer. Washoe County provides fire. The issue was resolved some time ago. Truckee Meadows Fire is providing fire services. Regarding the project, Amy Ray said that she was good with it and would be curious to see the tentative map.

There was no applicant presentation.

Chair Barnes called for public comment.

Elisabeth Gambrell thanked the Commission for hearing this and Eric Young for all of his work. They have discussed this for a couple of years that she has lived in Gerlach, and everybody is really on board with it. The Medium Density Rural was critical to her, because she would like to see her town stay approximately the size it is currently, with plus or minus 57 homes, which would be great. They do have growth with the opening of the mine again. As Burning Man ramps up, they are looking for places to come and stay and, more and more, offering to buy land in Gerlach. She would like to see houses built instead of lots bought and things stored on. Having the Medium Density Rural with the rules that go with that with the zoning would really make her a happy resident.

Cathy Brandhorst had questions about what was really happening with the project.

Gary Schmidt is in full support of this project. He made note that this is the natural area for the next development in Gerlach. These lots will be in close proximity to the community center, the senior center, the school, the facilities there, and to what retail facilities there are in Gerlach. He showed an area of 120 acres that he owns, which is in the future development master planned area. It is not identified in the GID service area, because those areas are identified as to the adjacent parcels that sewer and water lines come up to right now. When the services are put in this area, he has already discussed with the General Improvement District about running some additional 20 or 30-foot lines to bring the sewer and water up to his property line. He does not think that his property in any of our lifetimes will be developed into any kind of dense residential. However, he does hold it out if there is a demand created and the community is so desirous, then he could put a few one-acre parcels adjacent to these three Medium Density Suburban, or three parcels to the acre, so that people could have horses on the one-acre parcel. He held that out as some potential future development growth.

Chair Barnes called for Commission questions of staff or members of the public.

Commissioner Horan asked Mr. Young why there are no comments for or against from the July 7, 2016 CAB meeting. He also said that there was not a list of the different agencies that did not respond. He wanted a list of the agencies that were asked to respond.

Mr. Young said that everybody responded and said that they have no comments at this time. They commented that they will wait until tentative map. The Gerlach CAB just got back together. Their first meeting was canceled. The second meeting happened after their ability to get on it. The GID was required to hold their own public meeting. They have been discussing this for years, and the only comments were that County staff needed them to hold a meeting and did anyone have anything to say that they have not said for the past several years.

Chair Barnes closed the public hearing and called for discussion by the Commissioners on the item. There was no discussion.

Chair Barnes called for a motion.

Commissioner Chesney 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 adopt the resolution contained at Attachment A of this staff report to amend the High Desert Master Plan as set forth in Master Plan Amendment Case Number MPA16-002 having made all of the following five findings in accordance with WCC Section 110.820.15(d). He further moved to certify the resolution and the proposed Master Plan Amendments in MPA16-002 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan;
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Changed 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 or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the Proposed Master Plan designation; and,
5. 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.

Commissioner Chesney further 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 adopt the resolution contained at Attachment B of this staff report to amend the High Desert Regulatory Zone map as set forth in Regulatory Zone Amendment Case Number RZA16-003 having made all seven of the following findings in accordance with WCC Section 110.821.15(d). The regulatory zone amendment will be effective upon final adoption of MPA16-002 upon a finding of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. He further moved to certify the resolution as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and Regulatory Zone Map.
2. Compatible Land Uses The proposed amendment will provide for land uses 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, or are planned to be, adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed 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.
7. 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.

Commissioner Donshick seconded the motion.

Chair Barnes called for discussion on the motion. There was none.

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

Commissioner Horan asked that the minutes reflect some of the comments Mr. Young added that we did receive comments and there was nothing substantial to them. He asked the same of the CAB. He wanted it to be part of the record.

Mr. Webb mentioned that the woman who spoke earlier is a member of the Gerlach Citizens Advisory Board. She advised Mr. Webb that they were present at the GID meeting and, as a whole body, they had support of the motion.

**C. Regulatory Zone Amendment Case Number RZA16-004 (Silent Sparrow)** – Hearing, discussion and possible action to adopt a resolution recommending adoption of an amendment to the Spanish Springs Regulatory Zone map. Further, authorize the Chair to sign the resolution on behalf of the Planning Commission and to send the resolution to the Washoe County Board of Commissioners for their action on the proposed amendment. The amendment would change the current regulatory zones on two parcels from:

- a. Public and Semi-Public Facilities (PSP) to Medium Density Suburban (MDS) on a ±8.04-acre portion of a ±22.04-acre parcel (APN 532-020-12);

- b. Medium Density Suburban (MDS) and Public Semi-Public Facilities (PSP) to Parks and Recreation (PR) on ±13.98 acres of the same ±22.04-acre parcel (APN 532-020-12); and
- c. Parks and Recreation (PR) and Public Semi-Public Facilities (PSP) to Medium Density Suburban (MDS) on a ±1.969-acre portion of a ±70.34-acre parcel that is part of the Eagle Canyon Ranch Tentative Map Case Number TM13-002 (APN 532-020-19).

If approved, APN 532-020-12 will consist of 8.04 acres of Medium Density Suburban (up to 3 dwelling units per acre), 13.98 acres of Parks and Recreation (no dwelling units allowed), and 0.02 acres of Open Space (no dwelling units allowed). If approved, APN 532-020-19 will consist of 68.66 acres of Medium Density Suburban and 1.65 acres of Open Space.

- Applicant: Spanish Springs Associates LP
- Property Owner: Eagle Canyon Investors, LLC
- Location: Silent Sparrow Drive and Lanstar Drive
- Assessor's Parcel Numbers: 532-020-12 and 532-020-19
- Parcel Size: ±22.04 acres and ±70.34 acres
- Master Plan Category: Suburban Residential
- Current Regulatory Zone: Public and Semi-Public Facilities, Parks and Recreation, Open Space, and Medium Density Suburban
- Proposed Regulatory Zone: Medium Density Suburban, Parks and Recreation, and Open Space
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 821, Amendment of Regulatory Zone
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Sections 23 and 26, T21N, R20, MDM, Washoe County, NV
- Prepared by: Roger D. Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3622
- E-Mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Mr. Webb provided a brief description of the item.

Chair Barnes called for disclosures by Commissioners of ethics and ex-parte communications. There were no disclosures.

Chair Barnes opened the public hearing.

Roger Pelham presented his staff report, dated July 18, 2016.

Chair Barnes called for questions.

Vice Chair Chvilicek found it ironic that it was a property designated for a school, and the School District says they do not need it, and we have overcrowding of schools.

Mr. Pelham acknowledged Vice Chair Chvilicek's point and mentioned that Mike Boster, the Planner for the School District, was in attendance that evening.

Mr. Boster said that it has been great to work with Spanish Springs and Hawco over the years. They have donated land for Spanish Springs High School, Taylor Elementary School, and Shaw Middle School. They have worked with Jesse Haw and his legal counsel, Robert Sader, over the last several months, and they have offered a ten-acre replacement site on the east side of Pyramid Lake Highway. This will take the place of the piece of property that is being rezoned. The biggest problem with the piece of property being discussed is that it is less than a mile from the existing Taylor Elementary School. When they zone kids in an area that is as large as Spanish Springs, they need to strategically look at where they live and how they can be efficiently and safely transported. When the Harris Ranch site is donated by Hawco, then they will have that site on the east side of Pyramid Highway, Spanish Springs Elementary on the east side of Pyramid Highway, Taylor Elementary on the west side, and Hall Elementary to the south. If you look at a zoning map that shows school attendance boundaries, it will show from where the kids are coming and which schools they attend. It is not terribly even. This arrangement allows them to even things out. They will have two schools on the west and two schools on the east. They have met with the applicant, and they are very much in favor of the change.

Commissioner Prough asked about the parcel donated on the east side of Pyramid. He requested specifics on the location of the parcel.

Mr. Boster said that he believes it is north of La Posada. It is within an upcoming residential development that will be called Harris Ranch. It is north of Calle de la Plata.

Robert Sader spoke as the representative for Hawco Properties, Hawco Development Company, which is a general partner of the landowner Spanish Springs Associates LP. He responded to Commissioner Prough's question regarding the location of the alternative site. The School District decided that it did not need that site about a year and a half ago. Hawco was planning changes in a tentative map, which they subsequently filed for Harris Ranch. In that tentative map, they asked the School District and Washoe County Parks if they wanted a school and a park site in that location. The answer was yes, so they have planned a school site and a park site in the tentative map for Harris Ranch. Harris Ranch is located off Pyramid Highway on the east side. On its north end, it is across from Pebble Creek. The south end of Harris Ranch is bounded by the Donovan Pit Hall Road. The north end is Alamosa Drive. It is a large piece of property, over 600 acres, with plenty of room for a school and park.

Chair Barnes called for public comment.

Cathy Brandhorst spoke about the building location and the ocean.

Chair Barnes called for Commission questions. There were no questions.

Chair Barnes closed the public hearing and called for discussion among the Commissioners. There was no discussion.

Chair Barnes called for a motion.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission recommend adoption of the Regulatory Zone Amendment Case Number RZA16-004 to the Washoe County Board of Commissioners having made all of the following findings in accordance with Washoe County Code Section 110.821.15(d). He further moved to certify the resolution and the proposed Regulatory Zone Amendment in RZA16-004 as set forth in this staff

report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions; more desirable use. The proposed amendment identifies and 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 or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. No Adverse Effects. The proposed amendment will 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.

Commissioner Horan seconded the motion.

Chair Barnes called for discussion on the motion. There was none.

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

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

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

Vice Chair Chvilicek mentioned communication with Mr. Webb and Mr. Whitney regarding a timeline for updates on area plans, the master plan essentially, and specific to public services and facilities, because it was addressed at the Regional Planning Commission. Mr. Whitney is going to schedule a meeting, so she will get more information.

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

Commissioner Chesney asked for a flow chart showing what happens with various items after the Planning Commission votes for them, against them, etc. Mr. Webb responded that Ms. Stark has been working on a flow chart project at the request of the County Manager's Office for CABs. The flow charts are designed to be an overall view of the process for items such as development code amendments, master plan amendments, regulatory zone amendments, and tentative subdivision maps. The flow charts can be used by Citizen Advisory Boards, by the public, and by members of the Commission. The hope is to educate people, at a glance, of some of these processes.

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

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

Mr. Webb said that the regulatory zone amendment, which was delivered by Lora Robb at the previous Planning Commission meeting, will be heard by the Board of County Commissioners on Tuesday, August 9, 2016. This is the amendment in Spanish Springs to change from Parks and Recreation to Medium Density Suburban. The development code initiation by Ms. Robb for the Parcel Map Review Committee and Design Review Committee is temporarily on hold, because Ms. Robb accepted employment with the Airport Authority. The development code amendment initiation will be assigned to a planner by Director Whitney. It will be brought back to the Planning Commission at a future date. Director Whitney has begun the process of recruiting a planner to replace Ms. Robb, which will probably take a couple of months.

**\*B** Legal information and updates

None

#### **11. \*General Public Comment**

Cathy Brandhorst spoke about a problem in our city. She spoke about the Mexican border.

#### **12. Adjournment**

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

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Katy Stark, Recording Secretary

Approved by Commission in session on September 6, 2016.

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