



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, May 3, 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, May 3, 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
Trevor Lloyd, Senior Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Dwayne E. Smith, Director, Engineering and Capital Projects
Katy Stark, Recording Secretary, Planning and Development
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development

2. *Pledge of Allegiance

Commissioner Edwards 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 noted that both public hearing items, 8A and 8B, are appealable. The planning item is not 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 May 3, 2016 meeting as written. Commissioner Edwards seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of April 5, 2016 Draft Minutes

Commissioner Chesney moved to approve the minutes for the April 5, 2016, Planning Commission meeting. Commissioner Edwards seconded the motion. The minutes were approved unanimously with one substantive change and several wording/grammatical corrections requested by Commissioner Daly. Vote of seven for, none against.

8. Public Hearings

A. Tentative Map Case Number TM16-001 (Colina Rosa) (Continued from April 5, 2016) – 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. He added that Planner Trevor Lloyd had sent an email to the Planning Commissioners the previous day which contained responses to the concerns and questions raised by the Planning Commission at the April 5, 2016 meeting. He also included two emails from residents of the area. Mr. Lloyd's comments and those two emails were entered into the record. Earlier that day Washoe County Clerk Nancy Parent received an email from a constituent in the area and asked that a petition be entered into the record.

Several Commissioners responded that they had not received certain emails.

Mr. Webb requested that the administrative staff make copies for the Commissioners.

Chair Barnes called for ethics and ex-parte communications. Chair Barnes received numerous emails from neighbors in the area of the project and received two telephone calls and had two telephone conversations with the developer's representative. Commissioner Horan had a telephone call from the developer's representative, and he chose not to discuss with the representative. Commissioner Chesney was contacted by the applicant's representative. Vice Chair Chvilicek was contacted by the applicant's representative and received numerous emails.

Commissioner Daly asked Director Whitney by email if there was any change in the application or staff report tonight versus what they heard on April 5, 2016. He did not receive a response. The applicant called Commissioner Daly after the April fifth meeting to review the same issues that they had talked about both at the March fourteenth meeting with the community and the April fifth Planning Commission meeting – the impact on traffic, fire, scenic impact, school impact, and density. There were no changes or new items. He received emails and phone calls from residents of both the Rolling Hills community and the Mount Rose Corridor, all in opposition to the proposed development as it is currently put together. On April twenty-fourth, he authored an op-ed in the RGJ reiterating the arguments and issues for discussion from the March fourteenth and April fifth meetings. He had a meeting with counsel, who said that there was a potential for at least the speculative harm or hypothetical series of events may occur that might result in speculative harm and suggested that Commissioner Daly might consider recusing himself from the night's vote. He gave that considerable thought over the weekend and did not believe that speculative harm based on a series of hypotheticals, which may or may not occur, outweighs the actual harm done if he disenfranchises his constituents in District 2 from the vote on the matter or at least a discussion. He chose to opine on the matter that night.

DDA Edwards responded to Commissioner Daly's disclosures. He disagreed with the characterization of the advice that came from the District Attorney's Office that this is a scenario of speculative or hypothetical harmful outcomes. The letter that was written as an op-ed to the Reno Gazette-Journal was submitted outside of the hearing and while this hearing was still pending and has raised an issue and a problem. It was DDA Edwards' opinion, as the assigned representative of the District Attorney's Office, that Commissioner Daly did need to recuse himself. He was disqualified from participating in the matter and should abstain from voting, hearing the matter, or discussing it with fellow Planning Commissioners. He should not participate in the room or be in the room while the issue was being considered. It was ultimately a decision for Commissioner Daly to make. It was not DDA Edward's decision whether Commissioner Daly stayed, but it was his job to provide legal advice and an opinion based on the facts that exist in the case. The applicant through legal counsel submitted a demand or request that Commissioner Daly recuse himself from the proceedings based on bias exhibited in his op-ed, which occurred outside of the meeting and prejudged the matters that were before the Planning Commission that night. DDA Edwards believed that three areas would be violated if Commissioner Daly continued to participate in these matters. The first was the Planning Commission's own Rules, Policies and Procedures, Rule 1.04, Subsection a.ii., Subsection d, which states that "Commissioners must keep an open mind and not form or communicate any preferences or thoughts that may be perceived as prehearing bias." That section is a reflection of the law in the State of Nevada and in the United States. The Nevada Supreme Court has stated in different cases, one being Gilman vs. Nevada State Board of Veterinary Medical Examiners (2004), which was overruled on grounds other than what DDA Edwards was about to discuss in the case. In that case, they talked about the rules of impartiality in administrative agency hearings where adjudications are taking place. This was an adjudicative proceeding. DDA Edwards quoted from the Matter of Ross (1983), also a Nevada Supreme Court case: "The United States Supreme Court has made it clear that the due process clause entitles a person to an impartial and disinterested tribunal in both civil and criminal cases. It is further said not only is a biased decision maker constitutionally unacceptable, but our system of law has always endeavored to prevent even the probability of unfairness." That was the second ground of

disqualification in this case with respect to Commissioner Daly because of the letter. The first was rule 1.04; the second was due process and the right to an impartial adjudicative decision maker in civil matters, as well as in criminal, as stated by the Nevada Supreme Court. The last was NRS 281A.420. The statutes prohibit participation by public body members in decisions where they have made a commitment in a private capacity to the interests of others and that commitment would materially affect the independence of judgment of that person. In a case like this where outright opposition has been stated to the project that is coming before the Planning Commission on a continuation of the hearing, it is DDA Edwards' opinion that the section comes into play and that it would be a violation for Mr. Daly to continue to participate in the proceedings. DDA Edwards wanted his opinion stated very clearly on the record, because he thinks it is important that the Planning Commission be kept abreast of these rules and these limitations on its authority.

Chair Barnes asked DDA Edwards if he could tell the Commission what advice the DA's Office gave Commissioner Daly.

DDA Edwards did not provide the details of what was said, because of the nature of the meeting. He stated that the Commission had just heard a summarization of DDA Edwards' opinions on the matter in what he stated on the record.

Chair Barnes stated his understanding that it was Commissioner Daly's decision to stay if he wanted to stay.

DDA Edwards replied that it was up to him whether he followed the advice of counsel.

Commissioner Horan asked counsel if the other Commissioners had any options as far as the validity of the hearing they were going to have if Commissioner Daly remained.

DDA Edwards answered that it was a fair point. He believed that in these types of matters, each Commissioner makes a decision on the basis of advice from counsel. He would hesitate to say that someone else has the right to step in and try and remove or halt the proceeding if a Commissioner does not want to follow counsel's advice. He would not go that far. There was disagreement, but he could only state his opinion and leave it at that.

Commissioner Edwards asked counsel if there was a chance that their deliberations would be overturned if Commissioner Daly resided through the whole process.

DDA Edwards replied, "Yes."

Commissioner Prough disclosed that he received some emails and spoke with the developer's representative the previous week and did not get into serious discussions. Commissioner Edwards disclosed that he had emails from at least three homeowners and responded to two, only to say that they needed to read what neighborhood commercial really looks like, which was in the minutes of the first meeting.

Chair Barnes opened the public hearing.

Trevor Lloyd delivered an abbreviated presentation on the item, which had been reviewed in length at the previous Planning Commission meeting. He referenced emails that were provided for the Commissioners' review. At the previous month's meeting, there was a request for clarification in responses in terms of traffic, schools, and fire. Overall density was the other broad issue. However, it was asked that staff provide clarification in terms of the three identified issues. Regarding Washoe County School District, this property is zoned for Galena High

School, Pine Middle School, and Hunsberger Elementary. The School District anticipates that this subdivision would generate 25 additional school students, seven for the high school, four for the middle school, and 14 for the elementary school. The School District has a vested interest in making sure that their projections are complete and their numbers are accurate. They look at housing type and the geographic location. Currently Galena is operating at 83 percent capacity, Pine Middle School at 94 percent capacity, and Hunsberger is over capacity at 103 percent. This is a region wide problem and is not related specifically to this development or location. It is something that the School District will have to address with the anticipated influx throughout the region. The second issue had to do with fire. Truckee Meadows Fire will review all of the final drawings to make sure that they are in compliance with Washoe County Code 60 and 100. Right now they have a conceptual drawing. They recognize that this property is located within a high wildland urban interface area. For that reason Truckee Meadows Fire has imposed very stringent conditions requiring compliance. Mr. Lloyd encouraged the Commissioners to ask Fire Marshall Amy Ray any specific questions. Mr. Lloyd addressed traffic-related concerns. NDOT indicated that a deceleration lane along Mount Rose Highway approaching Edmonton is warranted. NDOT also asked for further study, for an addendum to the existing traffic study. Before they will commit to conditioning any additional mitigation, they would ask the applicants through a condition to provide that study. Mr. Lloyd asked for the amendment of Condition 6a to require the applicant to construct a deceleration lane prior to the issuance of the first certificate of occupancy. This is following their study. This language was passed through NDOT, and they were satisfied that this would comply with their requirements. This is the purview and the jurisdiction of NDOT. These are the conditions given by NDOT. Mr. Lloyd also wanted to add a new condition. At the intersection of Butch Cassidy and Edmonton Drive, there were some questions as to whether or not the County was requiring a four-way stop. The County, through this condition and in compliance with the recommendation of the traffic study, will not allow for a four-way stop but will continue the left-turn lane from Edmonton onto Butch Cassidy Drive to allow for the free flow of traffic. NDOT made it very clear that they need to see the results of the additional study before they determine the appropriate mitigation for the left turn out from Edmonton onto Mount Rose Highway. He also reminded the Planning Commission that one of the requests that came in addition to this tentative map subdivision was to modify the side-yard setback. The current side-yard setback for an NC zone is fifteen feet; the applicants asked to modify that to five feet. The Planning Commission could approve as proposed, approve with modifications, or deny the application. Staff recommended approval as proposed.

Mr. Webb added that the motion should be modified a little bit because staff was proposing a modified condition and a new condition. If the Planning Commission chose to make a motion along these lines, then they should consider the new condition and the modified traffic condition.

Chair Barnes called for an applicant presentation.

John Krmpotic with KLS Planning represented the applicant, who is Towne Homes from Sacramento. Jeremy Goulart, one of the executives with Towne, was also present. Mr. Solaegui, their traffic engineer, and civil engineer Jason Gilles were present. Mr. Krmpotic felt that they received an assignment at the last meeting to study five topics: traffic, design density and setbacks, schools, fire wildland urban interface, and the Mount Rose Scenic Corridor. In terms of traffic, they are in agreement with the two conditions mentioned by Mr. Lloyd – 6a for the deceleration lane if warranted upon study and accepted by NDOT and Condition 1aa, which offers clarity on the four-way stop. It would be an impediment to the general traffic, and it is not warranted. They accepted the amendment letter contained in the staff report, done by Jae Pullen at NDOT. Whether they want a four-way stop or a traffic light or a deceleration lane or high T intersection, they are all in the cards. Their expert, Mr. Solaegui, will study this for the direction of the NDOT traffic engineer. They will accept the condition for intersection modifications at the highway and Edmonton and/or the deceleration lane, which was put in the

record on 6a. They cannot get ahead of themselves on trying to fix it until it deserves the legitimate attention of the expert study. They offered to meet with Galena administration, the principal or whomever to talk about trying to influence the students who drive down the highway and go further down De Spain. They had a big cut through on Edmonton so there is a very good faith effort on behalf of their team to work with that issue and split that traffic. Number two is design density and setbacks. The underlying density granted to the property of which these gentlemen purchased or put in contract was premised on five dwellings to the acre if they do a single-family project. He suggested that if single family was done in the NC zone, then you would look at the corresponding setbacks for the closest related single-family zone. MDS 4 is four dwellings to the acre and allows a seven-foot side yard. HDS is five to the acre and allows a five-foot side yard setback. He suggested that it is responsible and appropriate, if doing single-family density allowed in the NC zone, there is a relationship between setbacks and that density. That is why they are asking for the five-foot setback. Not every lot will have five-foot side yards, but it gives the developer some flexibility. He mentioned the relationship of the footprint of a house. If there is a default template 60-foot wide, consistent with something in between the MDS and the HDS, then it makes sense that with a 60-foot wide lot, you would have a 40 or a 50-foot wide house, but not a 30-foot wide house. The product would look weird. These gentlemen are also looking at providing a housing product that does not exist out there. Mr. Krmptotic believes it would be mere speculation to think that they are going to cheapen the neighborhood or not do a very good job creating a beautiful neighborhood with 7,000 square foot lots on average that happen to have a minimum of five-foot side yard setback. He suggested a \$400,000 house and not an \$800,000 house on the lot up the highway, because we cannot all live in \$800,000 houses. He called this a market issue, a developer issue, and an entrepreneurial issue, not a zoning issue. The buyers would know what they are getting into when electing to buy a house. They will see it on their plot plan and in the model home complex, the relationship from one house to another. He has seen a huge misconception in his career, which is that builders put more density and make more money. They make their money on sales velocity by finding something that hits the market and selling houses at a very successful rate. That is where they would be successful in this project. He suggested that the relationship between lot size, house footprint, lot, and house price is a complex physical planning issue. He addressed schools. For this project, the middle school and the high school have sufficient capacity. Hunsberger, for which they are zoned, is at 103 percent today. The project, if built out based on the standards that the School District projects, says it kicks it up to 104.6. It is a two-percent increase. There is a solution. Their letter says that if a school has enough classrooms to do multitrack, which Hunsberger does, and you get to 120 percent capacity, then they will go to multitrack the next year. Mr. Krmptotic agrees with the School District that there is a much larger issue than any project. There is an effort with a different group trying to get school funding, and that is really the source to deal with school capacity on a much larger level than what they can deal with in terms of mitigating project impacts and what the project impacts would create. Regarding fire and wildland interface, they do meet the code. They have the condition from the Fire Marshall, which is five conditions in one, a through e on Condition 7. They accept the condition and exceed. The most important thing that came up in discussion last time was the setback, what they are calling wildland, which is private property to the west that could be developed someday. It is a 50-foot setback to meet the code. They have proposed 55 feet. They have 55 feet from their envelope; the closest part to that wildland would be 55 feet. The next one is the Mount Rose Scenic Corridor. They do exceed the corridor requirements. One standard allows for a 35-foot height allowance adjacent to the corridor. Staff imposed a condition of one-story for all of the houses along the corridor; they accept that condition. Those will be more like 20 or 22 feet. One-story production homes are not 35-feet tall. What they have accepted and what they have offered is greater than what is required by the scenic corridor. The berm is not a requirement, nor are the trees. They also have the native plants, with additional setback between that native plant area. Really it is in the excess right-of-way area of NDOT. Edmonton Street's gate is important, because of what they are doing with

that street scape area in the common area behind the back of the lots with 3-to-1 slope, the top rock, the shrubs, and the trees. It will be a beautiful presentation from the street. They also have a variation on the houses – tricking the eye with good design. He noted the Vancouver lot line; they are putting in a new fence and gates and trees for screening of headlights, in addition to the shrubs that are in that little excess area they have in the right-of-way.

Jeremy Goulart with Homes by Towne introduced their 70-year-old privately-held, homebuilding residential, commercial and industrial company based in Milwaukee, Wisconsin. They have been involved in real estate, commercial, residential, and industrial in Reno and Northern Nevada for over 30 years. When initially looking at this property, they looked at both commercial and residential options. The commercial option would have been the path of least resistance and is allowed by right. However, they felt that single-family residential use was more appropriate in this location. It is the highest and best use in their opinion. They have in every way, shape, or form tried to work and accommodate the community as much as possible, evidenced by their voluntary continuation of their project before bringing it to the Planning Commission. They voluntarily held a second community meeting. They had the community advisory board for the area make a unanimous recommendation for approval of the project.

Chair Barnes opened public comment.

Michael O'Brien lives at 3800 Vancouver Drive in the Rolling Hills subdivision. He did not object to the major idea of the development. He does not see it materially affecting his home. The problem he sees is the traffic arrangements. He presented four pictures for the Planning Commission's consideration. He showed the traffic at 7:45 on a Thursday morning; the line of traffic was made up of student cars all making the left-turn onto Butch Cassidy. He showed a truck on the highway in what would be the deceleration lane getting ready to turn. According to the school website, there are approximately 1,400 students at Galena High School. He showed two photos of the student parking area. There is a parking area in back for about 100 staff members. The traffic patterns that were done for the study according to the report as of April fifth were done in December and January, which is when the school is closed. The proposed right-in, right-out pork chop would impose difficulties for the people who live in the neighborhood. He provided two copies of the photographs to the secretary for the records.

Pam Campanaro lives at 3790 Vancouver Drive, Reno, Nevada. She has lived in the Rolling Hills subdivision for 18 years. She cofounded the neighborhood watch program in Rolling Hills. She is a founding member of the Protect Mount Rose Highway group, as well as a board member at Galena High School PTO in Boosters. One of her main concerns is the traffic. She has a daughter, who she takes to the high school every morning, so she does see the traffic. She showed some photos that she took in the morning on February 18, 2016. From the time that she approached 100 yards to the stop sign at Butch Cassidy and Edmonton, she waited eight minutes to cross over to Edmonton to get back home. She left a copy of the set of photos for the Planning Commission's review. They have 350 homeowners in Rolling Hills, and a lot of people have contacted her because they are concerned about the project as it is right now. Everybody is not necessarily opposed to it. She is primarily hearing about the traffic. They started a petition on Saturday, because they had so many people contacting and asking how they could bring their point if they could not speak. They have over 100 signatures of people who have concerns. She has talked to Tom Brown, who is the principal at Galena High School, in detail about De Spain Lane. He is willing to discuss it, but there is a flow of traffic that the way people are coming in Edmonton, and it is not so simple as to ask people to go down De Spain Lane. She is quite certain that Mr. Brown would work with this in any way necessary.

John Murphy lives at 4560 Great Falls Loop in the Rolling Hills subdivision. He has lived there for over 14 years. He is opposed to the current development with the current density. The

proposed density is completely inconsistent with and much denser than the surrounding areas up and down the Mount Rose Corridor. He is the father of a recent graduate of Galena High and has a daughter who is still a student there. He is well versed in the heavy traffic that occurs there. He added that these are students driving. It is very sketchy at times. With respect to the gentleman's comment on De Spain Lane, he agrees. De Spain Lane comes in to Butch Cassidy where the traffic is coming up from a westerly direction. He said that you would get a "T" of traffic there. It is not a roadway that flows freely into the school. It is going to merge up against traffic coming up Butch Cassidy from the other direction. He does not know that it is a viable workaround. With respect to school capacity, he did not know if the items being discussed took into account all of the high density housing going in around Wedge Parkway and Arrowcreek Parkway. There is a tremendous amount of high density apartments and another subdivision that are either already built or are being built now. With respect to over-capacity, he does not know if it takes into account that all of those students have to go to school somewhere. With respect to emergency exit, the folks at Rolling Hills have one way in and out of their subdivision, and it is through Edmonton. They had a fire a few years ago, and there is one way out of there in an emergency situation, such as a fire, plane crash, earthquake, or explosion at the Ormat Plant on the hill. Adding another 100 houses to that traffic flow could cost lives.

Paul Schneider lives in Rolling Hills at 4630 Edmonton Drive. He is concerned that the current Mount Rose Highway-Edmonton intersection is inadequate to handle future traffic volumes. There are major traffic safety concerns. NDOT and the County are not requiring roadway and traffic pattern reconfigurations to be agreed upon and funded prior to approving the developer's application. NDOT believes that more study is required, and Mr. Schneider fully agrees with that. The developer said they will accept whatever the outcome of the future study is. Mr. Schneider suggested that the outcome of the future study could require a right-in, right-out at Edmonton, and all that traffic from Edmonton leaving their subdivision would have to travel down Butch Cassidy and go to the Wedge Parkway-Mount Rose Highway intersection. That signalized intersection might not be able to handle the additional traffic volume, which could require dual left-turn lanes from Butch Cassidy to go up Mount Rose Highway. If that is necessary, that is really expensive. He questioned if the developer would really be willing to put a million dollars into an intersection to provide adequate and efficient safety for that movement. If the intersection at Wedge Parkway-Mount Rose cannot be reconfigured appropriately, then he suggested that the next best alternative would be to extend Butch Cassidy up to the currently-existing Thomas Creek Parkway signalized intersection. He asked if the developer would really be willing to pay that. It is easy to say we will pay for a pork chop, right-in, right-out island, but that has some serious implications on those other intersections to which traffic would be diverted. He requested that the Washoe County Planning Commission not approve the permit for the developer yet, require the traffic analysis to be revised to include analysis of the Mount Rose-Wedge Parkway intersection, if no left-turns can be accommodated at the Edmonton-Mount Rose intersection, and perform a similar analysis of the Butch Cassidy-Thomas Creek intersection. He requested that future approval of the developer's permit be contingent upon NDOT approval and funding of required infrastructure improvements to allow efficient and safe access from their subdivision. If they cannot afford to make it safe and efficient, then he believes they cannot afford the new subdivision.

Diana Langs has lived south of town since 1978. She believes that we need to take a step backwards. She feels that the scenic corridor is already a mess with the traffic. She would not consider it a scenic corridor with all of that traffic jam from schools. She believes that we need to start correcting what is wrong before adding more. The tourism Reno-Sparks Convention Authority wants to promote Mount Rose Scenic Byway Corridor as a scenic corridor. Ms. Langs believes that it is already too late, there is too much congestion, and a lot of the views have been lost. She does not understand on what they will develop a byway logo and brand. There are cars going to the high school. There are not pedestrian crossings for people to pull over

and stop. She feels that this is our last chance to save the scenic corridor and that we need to correct what is wrong before we move forward. She said, "This is for our children, not for us. Think of the future. It is the gem to Lake Tahoe."

Chair Barnes asked for Commission questions.

Commissioner Prough asked Fire Marshall Amy Ray if the current fire equipment would be overtaxed with 94 new homes. He asked if the equipment could handle it or if new facilities would have to be built and new engines brought in to accommodate.

Ms. Ray answered that they have not done a study or an evaluation of that. They are going to be doing a standards of cover study in the near future. It was discussed at their strategic planning meeting, but it is not something that they have discussed or looked at as an issue.

Commissioner Prough asked if the current fire equipment and the fire house are adequate for what is there now or if they are at max for what is there now.

Ms. Ray replied that it seems to be adequate for what is there now. They have not addressed whether it is at maximum or not. She has not seen any studies stating that they are at maximum capacity or that they cannot provide service to that area. There are some areas that they will define and they will comment as being at max capacity should they determine that it would be difficult and taxing on their resources to have additional structures and additional persons within the area. But that is not one of the areas where they have addressed that concern.

Given the street designs that they had been discussing, Commissioner Prough suggested imagining an emergency. With the increase of traffic flow, he asked if Ms. Ray anticipates additional difficulty for emergency equipment to get into that area.

Ms. Ray answered that with the current way it is going, there is always a possibility of that happening. It will depend on time of day and the actual emergency. It is kind of a fluid motion to be able to answer specifically and accurately. They can only require that our streets are built to codes and standards. Requesting them to be larger than that is not something that they have the ability to do.

Commissioner Prough referred to Ms. Ray's comment that there were no plans to study this. He asked if there will be, given what is coming up now, time to evaluate the fire services and the emergency services there before the completion of the project.

Ms. Ray said that it could possibly be looked at with their standards of cover survey. She stated that there are developments that have come in, and she has gone into the chief and said this is our number of calls in the area, this is what is going to happen, and has asked if they should look at increases. They have identified specific areas. This was not something they discussed as being a specific area where they anticipated having an increase over the capacity for their call volume.

Commissioner Edwards mentioned the one in-and-out-road. He asked how a 20-foot wide fire truck would impact the neighbors and how it would impact their access the very last building that might be lit off by a grass fire in that neighborhood. He asked if a noncombustible wall on the western flank, even though there is a fifty-foot setback, would make Ms. Ray's life easier. He mentioned that wildland fires seem to occur in the area every other year.

Ms. Ray said that they have discussed the need to look at the addition of secondary access to that property with the developer. This is a tentative map, and they have the ability to come to fire with a proposal to meet those requirements. A noncombustible fence is always something they would prefer, because it stops the progression of fire. The other thing to consider is that a lot of their fires are moved by the way of embers, and that is not going to decrease that. But being in the high-fire zone because of the construction elements that are required in that area, they would have an extra level in that area for exterior construction elements eaves, exterior siding, and vegetation management. She has also required that she review and approve what is required for landscaping, what is required for HOA requirements on maintenance of vegetation, and a vegetation management plan for them to address the concerns.

Commissioner Edwards asked if that included tile or metal roofs.

Ms. Ray affirmed that it includes Class A roofing for the high-fire risk areas.

Vice Chair Chvilicek asked if this geographic site is within the mutual aid agreement.

Ms. Ray could not recall if the area is within the mutual aid agreement.

Commissioner Chesney addressed Mr. Krmpotic regarding the major concerns about traffic. He asked what the traffic engineer is telling them.

Traffic engineer Paul Solaegui prepared the traffic report. Mr. Solaegui stated that there are congestion issues, which is not uncommon in the areas of high schools. With high schools, such as the 1,400 students at Galena High School, those students arrive in a brief period prior to the start of school in the morning. With that concentration of traffic, you experience temporary periods of congestion. This morning peaking is typical of other high schools in the County. The afternoon peak is not as serious because the students get out at 2:00 or 3:00, and the evening peak hour does not occur until 5:00. But it all aligns in the morning; the commuters are going to work and the students are coming to school. When they started the traffic study, they sought input from Washoe County and NDOT staff. They asked what needed to be included in the traffic study. They received a list of intersections. They extended down to the intersection at Wedge Parkway. They studied the intersections on Edmonton. There are rules about how the studies are done in terms of how they predict the traffic. They look out 20 years into the future to try to predict long-term impacts of the area also. They look at all of the known growth. As they do the traffic study, they go out and do counts. Their traffic counts done in December and January were done on school days, because they knew they had to capture that school traffic to really analyze what was going on. Then they analyzed the intersections and prepared and offered the study. They show how the intersections operate. They have support from NDOT with conditions, and they have support with the Washoe County conditions. Mr. Solaegui views the study he prepared as being approved with conditions by multiple traffic engineering agencies. They understand that it does not overcome all of the struggles of the high school students. Especially on a snowy day, they cannot overdesign our roads to accommodate every situation, including very worst. It would be too expensive. But they have a responsible study on the table that he feels meets the County policies and guidelines.

Vice Chair Chvilicek addressed staff. She mentioned the 15-foot setbacks and the applicant's request for five-foot setbacks. She asked where the 15-foot setback originated.

Mr. Lloyd replied that it is a standard setback requirement, identified in Article 406 of the Washoe County Development Code. All of the regulatory zones have a specific setback standard. That is the default for the NC zone.

Vice Chair Chvilicek asked how the setbacks were defined in the Forest Area Plan.

Mr. Lloyd answered that it defers back to the Development Code in terms of development for setbacks.

Vice Chair Chvilicek asked for confirmation that the property is concurrently zoned as Neighborhood Commercial. But homes are being proposed. She asked if High Density Suburban or Medium Density Suburban would be the equivalent.

Mr. Lloyd confirmed the current zoning. Based on the lot sizes, he said that High Density Suburban would be the most equivalent zoning.

Vice Chair Chvilicek said that it was seven units per acre detached, nine acres attached. She stated for the record that the Area Plan trumps everything else. In terms of the character statement, it is characterized as suburban with a rural complexion. There is a paragraph that says the transition from large ranches and open space in the Forest Area Plan to residential development has resulted in a suburban development pattern with a rural texture. In the suburban character areas, the remaining undeveloped land and the planning area can make a significant contribution to the implementation of the County's Master Plan, including the land use and transportation element. Unfortunately, some past development practices have not been entirely supportive of the character described here. Therefore this plan will make extra efforts to ensure that future development plans be conducted and implemented in a manner that supports and enhances the community character. Vice Chair Chvilicek asked Mr. Lloyd to speak to that in terms of how this proposal, this tentative map, fits within that character statement.

Mr. Lloyd said that as you read through the character statement, the intent is to enhance or to preserve areas that are designated as rural and transition from suburban into more rural flavor. What the applicant is proposing is consistent with a suburban land use and a suburban pattern of development. It does not encroach into the urban densities as defined in Article 406. Even though it is higher density than the surrounding neighbors, it shares a suburban characteristic.

Vice Chair Chvilicek spoke of the character statement which speaks to dark skies, speaks to the openness of the area, retaining view shed of the scenic areas, addresses fire and mitigation and all of those. She mentioned providing a range of housing opportunities, which this will certainly do, and conservation of scenic and cultural resources. The area in terms of the plan also addresses mixed use areas that are specifically designed to promote neighborhood as a component of the area's character and serve to balance the predominantly large-lot single family and then moving more into that suburban. What troubled her most were the setbacks of this lot and the concentration of the density of these homes. This is a very concentrated development with houses literally side by side and some with only ten feet between them. Her first impression is that, as proposed, it is not in compliance with the area plan.

Commissioner Edwards said that the entrance ways to the apartment buildings right across the highway have a ten-foot opening and are attached together. That is what this development would look like. He believes the faces of those buildings would look like they are all part of one building. He applauded the idea of varying the two-story, single-story. You cannot even plant a tree in that kind of space, because you have to have access for fire and so forth. He mentioned the phrase about clustering within the interior and the side common space on the outside. He felt that they barely touched on the clustering. For this project there are only about 10 or 15 lots on the outside that are not clustered right together...not the rest of the 92. Rolling Hills was a County development. He wondered why there was only one way in and out of it.

Mr. Lloyd replied that there is an emergency access, but the primary access is one way in and one way out. He could not speak to the details of that development as it is coming on 20 plus years.

Commissioner Edwards was concerned that the clustering would make the homes nearly roof eave to roof eave at ten feet apart. He is against that. He could say maybe ten feet, but certainly not five.

Commissioner Horan mentioned one of the comments in one of the emails, suggesting that the houses in the immediate area generally have eight-foot setbacks. He asked if that was true.

Mr. Lloyd said that is consistent with the surrounding neighbors. They have eight-foot side yard setbacks.

Commissioner Daly said that the night's presentation was materially different from what they heard on April fifteenth, what he heard on March fourteenth, and what he read in the additional application. He thought that what they heard was an improvement. He said that he was taking a fresh look at this, objectively, dispassionately, because he had new information: new conditions, changed conditions, a new traffic study, an NDOT review of the new traffic study, a potential Truckee Meadows Fire standard of cover study, which evaluates their capabilities to respond to growth. Most of this he had received within the last hour. He said that he was not prepared to vote one way or the other, because the amount of information they had received that evening, he could not evaluate in 60 minutes. He said that he would like time to study this, not forever, but some more time. He apologized for not getting the memo until an hour ago.

Mr. Webb reminded the Commission that this was the time for asking questions and that the discussion should be saved until after the public comment was closed.

Vice Chair Chvilicek spoke to Mr. Lloyd about the staff report in terms of the Forest Area policies. There is no reference to F.2.7, which whenever feasible new homes, commercial buildings, and public facilities should be located in a manner that facilitates the immediate use or future conversion to renewable energy technologies. Nor was F.2.9 addressed, which is prior to the incorporation into development code, the standards established will be implemented through tentative map condition improvement plan CC&R's. She asked if there will be CC&R's on this property or if that will be addressed through tentative map. She asked how the renewable energy technologies are being addressed in this development.

Mr. Lloyd apologized if the policy was left out; it was an oversight. This development will require the creation of CC&R's, as well as an HOA to provide oversight, regulation of, and enforcement of those CC&Rs. They would be asked to include a component of renewable resource. It has been represented by the applicant throughout the process that they use very efficient materials. With their past practices, they place a high priority on the use of renewables.

Vice Chair Chvilicek brought up the issue of schools. She asked if the County or the School District makes a comparison and overlays all proposed developments in that area and the potential impact on schools or if they do it development by development.

Mr. Lloyd answered that they ideally have the opportunity to do that when they are developing the Master Plans and the Area Plans and when they are looking much more regionally. With development, it is very reactionary, which is a design of state law. The school districts must accommodate development and growth. There is very little opportunity at the development stage. The opportunity comes earlier on in the development of the Master Plan.

Vice Chair Chvilicek asked for clarification that they do not do an overlay of all of the proposed developments and potential impacts.

Mr. Webb offered a reminder of the School District's presentation the previous month. They spoke about school needs. Having sat on one school rezoning committee and also working with the School District on providing the information that Vice Chair Chvilicek mentioned, Mr. Webb said that they do consider those for the unincorporated County, Reno, and Sparks in the concerns of what is developed, what is the approved unbuilt, and what the proposed Master Plan designations or uses allow. They include those. That is how they came up with the numbers saying we need this many schools in this many areas. They do it district wide.

Vice Chair Chvilicek said that the impact demonstrated to them was specific to this development in terms of how many possible students could be generated. There are several more developments that are proposed in that area that would have significant impact. All three of these schools are zoned for that same area of that corridor. That is a significant concern.

Chair Barnes called for any additional Commission questions for Mr. Lloyd.

Commissioner Horan mentioned a statement on Page 4 of the planning report agendized for later in the meeting: "The County was successful in utilizing federal grant money to develop scenic byway corridor management plans for both the Mount Rose Highway and Washoe Valley." He asked how these management plans relate to this development.

Mr. Lloyd said that these management plans are not a set of policies; they are a set of guidelines used as recommendations. They are a very useful tool when developing the general pattern and development of the Master Plan and the Area Plans. One of the recommendations within the Mount Rose Corridor management plan is a deceleration lane at Edmonton. Other recommendations request limiting traffic on Mount Rose Highway. They are all recommendations that can be used specifically when amending a certain Area Plan, amending the land use or the regulatory zone. The recommendations can be used when drafting conditions. That has been done with the amendment that Mr. Lloyd discussed previously.

Commissioner Horan asked if there was anything in there that would be inconsistent with the broad recommendations that are part of the plan.

Mr. Lloyd answered that he found nothing.

Vice Chair Chvilicek mentioned Page 3 of the Area Plan: mixed use developments must be carefully managed in order to ensure that it promotes and enhances the overall desired community character described and that particular attention to visual impact, impact on traffic safety, and the careful consideration of architectural site development standards important to ensuring that the uses are of quality to the area. She asked Mr. Lloyd if that was specifically addressed. She said that it is under the character statement.

Mr. Lloyd said that it has been addressed broadly in terms of an overall review of the whole plan. He mentioned the number of conditions added. Some have to do with design. Some have to do with the location of two-story houses. They are also proposing a condition that the applicant must go through the design review process and get approval from the Design Review Committee.

Chair Barnes closed the public hearing and called for Commission discussion.

Commissioner Prough asked Vice Chair Chvilicek what she sees that is inconsistent with the Master Plan.

Vice Chair Chvilicek thinks that overall it does not embrace the character statement of the Area Plan. The Area Plan addresses mixed use, and mixed use is important to any kind of development. The setback in the Area Plan is fifteen feet, and this is asking for a reduction to five feet. There are other issues of renewable resources and the issue about the impact on traffic safety, which she thinks has been addressed with NDOT, requiring those other things. And they have heard from fire that as this moves through, there might need to be some modifications for access and emergency access.

Commissioner Edwards said that his only problem with the whole project is the setback. He would not be able to approve anything less than a ten-foot setback from the fence lines. They spent a lot of time developing an Area Plan. If they are going to ruin the character of the Area Plan by stacking houses right next to each other to make them all look like an apartment building, then they are not keeping in line with the character of the area that they set out for themselves. He has no other problems with the project. He could not accept Item w. on Page 7 of 16 of the conditions. He could accept ten feet, but he cannot accept five.

Commissioner Horan could support the application with eight-foot setbacks, as opposed to ten, because that seems to be consistent with the rest of the area. He could also accept the condition about working with NDOT to make the appropriate changes as it is studied, whether that requires a bond from the builder or whatever to do that. He substitute teaches and knows that we have overcrowded schools. He is not sure that it is up to us to change all of that. He thinks that we have to rely on the experts in the other parts of the County as far as fire, health, and those things; they come back with conditions. With the change of condition on NDOT and changing the setbacks to eight feet instead of five, he could support the application.

Vice Chair Chvilicek agreed in that they had heard from a couple of people within the community who would support an eight-foot setback, so she thinks it is appropriate.

Commissioner Prough asked if it was within their purview to be able to change these items.

Chair Barnes responded that it is within their purview.

Chair Barnes called for additional discussion. There was none. He called for a motion.

Mr. Krmptotic provided an offer for the Commission. He said that they could go to an eight-foot side yard, with five on the other, to make the product work. They would alternate them, so there would be 13 feet as a minimum. They would not line up a five and a five. An eight would go with a five. He added that these are internal side yards, and they could maintain good integrity of the neighborhood.

Commissioner Daly said that he would like to see the changes, including the changes to the exhibits, and he would like to hear from NDOT as a result of their study. He wanted to know if they would require changes and mandatory conditions or not. If they are not, then the Planning Commission may.

Chair Barnes mentioned that they had closed the public hearing and asked DDA Edwards if they could hear from NDOT at this point.

DDA Edwards left the matter to Chair Barnes' discretion.

Commissioner Horan stated that they had closed the public hearing and had their discussions. He felt that it was up to the Planning Commission to put the conditions that they see fit on the application. He said that they could agree or disagree on those recommendations.

Commissioner Chesney stated that this is a tentative map case. He said that they were far in the weeds in detail. The project has many hurdles to pass in the future before it comes to fruition. He felt that they were beating a dead horse.

Commissioner Prough asked if he could make a motion. He moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number TM16-001 for Colina Rosa with the conditions of approval included as Exhibit A in the staff report for this item, having made all ten findings in accordance with Washoe County Section 110.608.25, and conditioning that on Page 7, Point 8w, the side yard setbacks throughout the subdivision shall be reduced from 15 to 8 feet, and accepting the 8 foot, 5 foot proposal by the developer to be included in this. It meets Number 1 (Plan Consistency), Number 2 (Design or Improvement) based upon this condition, Type of Development that the site is physically suited for the type of proposal...Yes to 4, yes to 5, yes to 6, yes to 7, yes to 8, yes to 9, and yes to 10.

Commissioner Chesney seconded the motion.

Commissioner Horan asked if this included the NDOT agreement to provide the appropriate changes if so deemed by NDOT.

Mr. Webb answered that staff proposed two conditions. One was amending Condition 6a, which is what Commission Horan mentioned with the NDOT addition. The other was a new Condition 1aa. He believed that Commissioner Horan was asking if the motion included those two conditions as proposed by staff.

Commissioner Prough agreed that it was included.

Chair Barnes called for discussion on the motion.

DDA Edwards asked the seconder of the motion if he agreed that he seconded those two additional conditions.

Commissioner Chesney agreed.

Commissioner Horan commented that he could not go with the eight and five. He wanted the eight, period.

Chair Barnes called for a vote. The motion failed with a vote of five against (Commissioners Edwards, Daly, Chvilicek, Horan and Barnes) and two for (Commissioners Prough and Chesney).

Vice Chair Chvilicek moved that after giving reasoned consideration to the information contained in the staff report and the information received during the public hearing, that the Planning Commission approve Tentative Subdivision Map Case Number TM16-001 for Colina Rosa with the conditions of approval included in Exhibit A in the staff report, and including all amendments as staff reported and amending Condition w to setbacks at eight feet.

Mr. Webb clarified with Vice Chair Chvilicek that her motion included all ten findings in accordance with Washoe County Section 110.608.25:

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;
- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- 3) Type of Development. That the site is physically suited for the type of development proposed;
- 4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- 8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- 10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Commissioner Edwards seconded the motion.

Chair Barnes called for discussion on the motion. There was none. The motion passed with a vote of five for (Commissioners Edwards, Chvilicek, Chesney, Horan and Barnes) and two against (Commissioners Prough and Daly).

B. Abandonment Case Number AB15-005 (MK III Holdings, LLC) – Hearing, discussion, and possible action to abandon a portion of a Washoe County public right of way totaling approximately 15,472 square feet adjacent to two adjoining properties (APN: 044-320-51 and 52) owned by MK III Holdings, LLC, to allow for a reduction in the radius of the westbound right turn lane from Arrowcreek Parkway onto Zolezzi Lane to lower travel speeds entering a residential neighborhood.

- Applicant/Owner: MK III Holdings, LLC
Attn.: Kent Witt
PO Box 6142
Reno, NV 89513
- Location: Westbound right turn lane from Arrowcreek Parkway onto Zolezzi Lane
- Assessor's Parcel Numbers: 044-320-51 and 52
- Project Area Size: 15,472 square-feet

- Master Plan Categories: Commercial (C) and Suburban Residential (SR)
- Regulatory Zone: General Commercial (GC) and Medium Density Suburban (MDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 17, 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

Chair Barnes mentioned that Commissioner Daly was leaving.

Mr. Webb stated for the record that Commissioner Daly was no longer present. Six Commissioners remained. Mr. Webb provided a brief description of the item.

Mr. Lloyd presented his staff report, dated April 12, 2016.

Chair Barnes called for ethics and ex-parte disclosures. There were none.

Ken Krater represented the owner and the applicant. He pointed out that Arrowcreek Parkway currently has a free flowing right turn, and cars are turning onto Zolezzi Lane. Zolezzi Lane is a collector street. The Regional Transportation Commission has different designations for arterial and collector streets. Zolezzi Lane is considered a low-volume control street, which means that access is just as important as capacity. Zolezzi Lane used to continue easterly and intersect South Virginia Street. At that time Zolezzi Lane was a rural road. There are still numerous houses up the street from this free flowing right turn lane that have driveways where cars back out onto Zolezzi Lane. There is a private school about a thousand feet up from the street. By slowing traffic down a little bit with minimal inconvenience, which he thinks was agreed upon by the four various groups with which they met, it should improve traffic safety on Zolezzi Lane. The current property owner, when the Regional Transportation Commission built Arrowcreek Parkway and Wedge Parkway, totally changed the configuration of access to the storage facility. They used to have simple full access off Zolezzi Lane. Now their access is beyond and almost immediately after the free flowing right turn lane. If someone pulls into that driveway pulling a boat or a trailer, and there is another vehicle behind him, then there is the potential for a rear-end accident. It violates driver expectation to have a driveway that close to a free flowing right-hand turn lane. As another violation of driver expectation, if you come down Wedge Parkway towards Arrowcreek Parkway in order to make a left turn to go back up the hill onto Zolezzi Lane, then you would normally have free flow from there on. But there is a yield sign. Cars making the left turn are required by the yield sign to yield to right turning traffic. That is not the normal expectation. If the abandonment is approved and plans are approved, then the new design will bring back a normal pattern, where the left turn no longer yields to right turning traffic. They will build a merge and acceleration lane, so cars that now make that smaller right hand turn lane do have a chance to accelerate and merge into the through travel lanes. He expects that the inconvenience on the traveling public will be so small as to be negligible. They will still have the free flowing right turn lane. It will not back up traffic. It will provide for a much safer intersection. The American Association of State Highway and Transportation Officials and

the Institute of Transportation Engineers recommend that you build this intersection the way they are proposing. He is not sure why they built the free sweeping right-hand turn lane, other than the right of way was available, and it was easy; it is not the best design. This will be a good design. It will function well, provide adequate capacity, and make a much safer route for the traveling public. Eventually there will be more growth and development in this area, both the land that is owned by MK III and development at the Zolezzi, the Arrowcreek, the Wedge Parkway corridor. This is something that will improve traffic safety without inconveniencing the public. One hundred percent of the cost will be paid by the owner of the property. There will be no cost to the County.

Chair Barnes called for public comment. There was none.

Mr. Webb announced the arrival of Dwayne Smith, the Engineering and Capital Projects division head. Mr. Smith was at the meetings and was available, in case anyone had questions for him.

Chair Barnes invited Commission questions for Mr. Smith.

Commissioner Edwards asked for an explanation of the map. He asked if they were talking about the abandonment of three lots or if those lots are owned by MK III. He was not able to identify the County property.

Mr. Smith answered that the three lots are owned by MK III. He pointed out the portion under discussion for abandonment. Mr. Smith's division has reviewed the proposal, and they do agree with the abandonment of a portion of the Washoe County right-of-way. MK III will be responsible to realign that roadway section and construct at their cost. The County's part of the process is giving up that portion of right-of-way to MK III, which they originally received from them to begin with. There is no net change to Washoe County. Through this process, they actually anticipate a safer right-hand turn onto Zolezzi.

Chair Barnes called for Commission questions. There were none. He closed the public hearing and called for Commission discussion.

Commissioner Horan said that he can see why the applicant wants the land. He suggested that we sell them the land. He is familiar with the intersection. He went out and looked at the intersection. It appeared to him that the free flowing works pretty well as it exists. He looked further up Zolezzi and did not see a lot of activity there with people backing out into the immediate vicinity. He did not understand why it should be done.

Commissioner Edwards did not object to the project. He remembers when Zolezzi was moved over there and the whole thing was to make a clear straight "T" so that traffic coming down Zolezzi would have a straight 90 where they could see traffic from both directions. He does not see us gaining anything, but he was not necessarily opposed to it.

Chair Barnes called for a motion.

Vice Chair Chvilicek moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Abandonment Case Number AB15-005 with the conditions of approval included as Exhibit A in the staff report for this matter for MK III Holdings, LLC, having made all three findings in accordance with Washoe County Code Section 110.806.20:

- 1) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan; and
- 2) No Detriment. The abandonment or vacation does not result in a material injury to the public; and
- 3) Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

Commissioner Edwards seconded the motion.

Chair Barnes called for discussion.

Commission Horan stated that he was going to vote no, based on his previous comments.

The motion passed with a vote of five for (Commissioners Barnes, Chvilicek, Chesney, Edwards and Prough) and one against (Commissioner Horan).

9. Planning Items

A. Review and possible action to authorize transmittal of the 2015 Washoe County Regional Plan Annual Report, as amended to incorporate Planning Commission comments, to the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board on behalf of the Washoe County Planning Commission (per *NRS 278.0286*), including any action taken within the previous calendar year which furthers or assists in carrying out the policies or programs contained in the comprehensive regional plan, and any work relating to the comprehensive regional plan that is proposed for the next fiscal year. The report will track the format of the comprehensive regional plan by addressing information relevant to major components of that plan, including (1) Regional Form and Pattern: regional form, cooperative plans and planning, and affordable housing; (2) Natural Resource Management: coordination of natural resources management, development constraints areas, open space & greenway plans, and the regional water management plan; (3) Public Services and Facilities: regional transportation plan, wastewater services & facilities, annexations, and local government/affected entities facilities plans; (4) General Review of the 2012 Truckee Meadows Comprehensive Regional Plan: 2017 regional plan update; and (5) Planned Policies or Projects in 2016 that will further or assist in carrying out the regional plan.

Mr. Webb presented the staff report, dated April 25, 2016, and the 2015 Washoe County Regional Plan Annual Report on behalf of Bill Whitney.

Chair Barnes called for public comment. There was no public comment.

Chair Barnes called for Commission questions.

Commissioner Horan referenced a statement on Page 3: "The County continued the work on a multi-year project to construct bikeways in the Incline Village/Crystal Bay areas." He said that this has been a very slow process.

Mr. Webb said that they are going to start work this year on the first steps for modifying the proposed parking area, which would be by the old Ponderosa Ranch parking area. They are going to turn one section of that highway segment into parking, and the other side will not be parking anymore. It is part of the bike pathway. Next year they are going to start construction

from that area, which is where the café is right now, and start on the high side and drop down under the highway and then continue on the lake side, which is about where Tunnel Creek Road comes through. There were some funding issues, which is why they cannot start construction this year. But they hope to start the parking this year, which will set them up for being able to institute the bike path and also the shuttle bus down to Sand Harbor and further south.

Commissioner Horan asked how that impacts Incline and Crystal Bay, which is going the other way.

Mr. Webb said that it does not. He was just passing on the information.

Chair Barnes closed the public hearing and called for Commission discussion. There was none.

Commissioner Horan moved that based on testimony and comments received during the meeting, discussion and review of this matter by the Planning Commission, and consistency with the adopted annual reporting procedures and state law, the Washoe County Planning Commission directs staff to submit the Washoe County 2015 Regional Plan Annual Report, included as Attachment A to the staff report accompanying this item, with no changes, to the Truckee Meadows Regional Planning Commission and the Truckee Meadows Regional Planning Governing Board on behalf of the Washoe County Planning Commission.

Commissioner Chesney seconded the motion, which passed with a vote of six for (Commissioners Barnes, Chvilicek, Chesney, Edwards, Horan and Prough), none against.

10. Chair and Commission Items

***A. Future agenda items**

None

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

Vice Chair Chvilicek said that some of the Area Plans have a five-year review and asked if Planning staff has a timeline for the review of Area Plans.

11. Director's and Legal Counsel's Items

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

Mr. Webb stated that the Black Rock Station Regulatory Zone Amendment for the Specific Plan will be heard by the Washoe County Commission on May 10, 2016. The powerline relocation, which was a special use permit for one powerline, will go to Regional Planning on May 11, 2016. Regarding the winery development code amendment, staff conducted their first workshop with the working group on April 19, 2016, and they met again on May 3, 2016. The results of the second workshop will determine whether or not a third workshop will be held. The development code amendment should come back to the Planning Commission in June or July. The joint meeting with the Reno Planning Commission for the Reno-Stead Corridor Joint Plan will be on May 18, 2016, at 6:00 p.m. in the Reno City Council Chambers. The County Commission took action on both sets of appeals for the developments on Pyramid Highway and upheld the appeals, so overturned the action of the Planning Commission on both.

***B** Legal information and updates

None

12. *General Public Comment

There was no public comment.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:40 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on June 7, 2016.

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