



# WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

## Planning Commission Members

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

Tuesday, November 1, 2016  
5:30 p.m.

Washoe County Health District, Bldg B  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in a scheduled session on Tuesday, November 1, 2016, in the Washoe County Administration Complex, Health District, Building B, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Barnes called the meeting to order at 5:30 p.m. The following Commissioners and staff were present:

Commissioners present: James Barnes, Chair  
Sarah Chvilicek, Vice Chair  
Larry Chesney  
Francine Donshick  
Philip Horan  
Greg Prough

Staff present: Bill Whitney, Director, Planning and Development  
Kelly Mullin, Planner, Planning and Development  
Roger Pelham, MPA, Senior Planner, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Dwayne Smith, Director, Engineering and Capital Projects  
Kathy Emerson, Admin Secretary Supervisor, Planning and Development  
Donna Fagan, Recording Secretary

### 2. \*Pledge of Allegiance

Commissioner Chesney led the pledge to the flag.

### 3. \*Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

### 4. \*Appeal Procedure

Director Whitney recited the appeal procedure for items heard before the Planning

Commission.

## 5. \*Public Comment

Chair Barnes opened the Public Comment period. Hearing none, Chair Barnes closed the Public Comment period.

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the November 1, 2016 meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of six for, none against.

## 7. Approval of October 4, 2016 Draft Minutes

Commissioner Chesney moved to approve the minutes for the October 4, 2016, Planning Commission meeting as written. Commissioner Prough seconded the motion, which passed unanimously with a vote of six for, none against.

### Continued from the October 4, 2016 Planning Commission Meeting:

## 8. Public Hearings

**A. Tentative Subdivision Map Case Number TM16-002 (Sugarloaf Ranch Estates) –** Hearing, discussion, and possible action to approve a Common Open Space tentative subdivision map to allow the creation of up to 119 lots for single-family residences. The lots are proposed to range in size from 8,050 square feet ( $\pm$ .18 acres) to 17,261 square feet ( $\pm$ .4 acre) with an average size of 10,317 square feet ( $\pm$ .24 acre).

- Applicant: Sugarloaf Peak, LLC, Attn.: Jim House  
2777 Northtowne Lane  
Reno, NV 89512
- Location: On the north side of Calle De La Plata, approximately  
1/5 of a mile east of its intersection with Pyramid  
Highway
- Assessor's Parcel Number: 534-562-07
- Parcel Size: +/- 39.84 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS: up to 3 single-family  
detached dwelling units per acre)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 408, Common Open Space Development,  
Article 608, Tentative Subdivision Maps
- Commission District: 4 - Commissioner Hartung
- Section/Township/Range: Section 23, Township 21N, Range 20E, MDM,  
Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3622
- E-Mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Barnes asked if there were any disclosures from the Commissioners. Hearing none, he opened the public hearing.

Roger Pelham, Planner, presented his Staff Report.

Garrett Gordon, Representative, stated they were in complete agreement with all Conditions of Approval; however, they were working on a co-access agreement with the neighboring property to the west for traffic improvements. He noted there was a Condition placed on the Tentative Map that would have originally required them to construct a traffic signal at Calle de la Plata and Pyramid Highway. Since then, they worked with Staff, RTC and NDOT, and NDOT would be moving forward with the acceleration/deceleration lanes as Pyramid Highway approached Calle de la Plata; RTC, with the use of their funds, would be constructing a signal and his client's responsibility was to meet Washoe County requirements for roadways within subdivision areas along the north side to accommodate a two-way left turn pocket. He thought this was a good way to get these improvements completed timely, paid for, and avoid Development Agreements between them and the County and future agreements whereby everyone would have to chip in.

Commissioner Prough said the RTC was to put the light in and he wondered if they had committed to do that and what was the timing. Dwayne Smith, Director of Engineering and Capital Projects and County Engineer, noted the developers would pay regional impact fees and those funds were passed through Washoe County to RTC to be used to fund traffic improvements based on a prioritized list. He said when he started with this process he noticed there was a gap that could lead to some challenges regarding the signal. He said they worked with RTC and NDOT to come up with a funding strategy that would allow them to make improvements to Calle de la Plata with a signalized intersection and construct that intersection prior to warrants being met. He emphasized that there were two conditions; the first was traffic safety which his Department was responsible for and who would follow the County Code. He noted there was also traffic congestion and that was one of the many things they dealt with around the County. He stated the development would be paying for improvements under the terms of the current General Administrative Manual that RTC required. He said the County would continue to work with the developers just to the west so that they could fix the gap between Sugarloaf Estates and Blackstone Estates and the NDOT right-of-way. He said his Department was also responsible for taking an Interlocal Agreement to the County Commissioners and to the RTC's Board for the transfer of funding to build the signalized intersection at Calle de la Plata.

Commissioner Prough wondered what the timeline would be. He said he had a concern about the creative funding because the people who lived there might eventually end up with some kind of tax or assessment. Mr. Smith stated the regional road impact fees would go into a fund at RTC and it was those funds that would be used to design and construct the signalized intersection by the County or NDOT's staff. He noted the improvements in front of the development were conditioned for the first map, so those would be going in as soon as they came in. The timing of the NDOT work on Pyramid Highway for the widening to include the acceleration/deceleration lanes would be in 2017. His desire was to have the signalized improvements done at the same time. His desire was to work with NDOT to take these two projects, blend them into one project and effect that change in the next year.

Commissioner Donshick asked if they had a picture of what the traffic lanes would look like. Mr. Smith stated he did not, but they would meet County Standards. Commissioner Donshick asked what the speed limits would be in the area. Mr. Smith stated it would be 55 mph. Commissioner Donshick asked if he thought turn lanes at 55 mph, with the heavy traffic, would be adequate and safe enough until the signal was put in. Mr. Smith stated no design would be approved, no construction based on a design would continue, unless it met NDOT's, RTC's and Washoe

County's safety requirements. Commissioner Donschick stated the road was very dangerous and she did not want to see any homes sold or developed until the signal was in, for safety sake.

Commissioner Chvilicek asked Mr. Smith to explain what a two-way left turn pocket would look like. Mr. Smith said the Conditions stated they would have to widen the current two-lane roadway to three lanes, so that there could be a safe, efficient ingress/egress out of the developments using a dedicated turn lane/center lane. He further explained that the center lane would also extend to the intersection and would also become the left hand turn lane onto Pyramid Highway. Commissioner Chvilicek asked what the standard length was for deceleration/acceleration on Pyramid Highway. Mr. Smith stated he did not know the answer, but that would be based upon the traffic reports that were done for the projects and would also be part of NDOT's requirements. Commissioner Chvilicek stated given that Pyramid Highway was such a high volume area, would it be safe to speculate those lanes would be rather long. Mr. Smith stated they would be sufficient in length to meet the requirements.

Commissioner Horan stated Mr. Smith talked about road impact fees, but he understood that there were different types of impact fees for developments, and those impact fees were not available for schools, police stations and/or fire stations. Mr. Smith stated he could not speak to Nevada Revised Statute (NRS) 278b but he said there was an accepted regionally approved impact fee program through RTC that collected incremental assessments for construction of infrastructure to offset those impacts and that was an accepted, approved process. Commissioner Horan stated he thought it was interesting they could get those fees from developers for roads, but not for schools, police stations and fire stations.

Commission Donschick asked if Mr. Smith had any idea what the costs would be for the lanes and the signal. Mr. Smith stated estimates based upon other experiences would be in the \$700,000 range.

Chair Barnes opened up discussion to public comment. Larry Thomas, 365 Calle de la Plata, stated Commissioner Hartung asked the State Engineer when they were going to look at Pyramid Highway and they said they would look at it in a year. He asked if they waited to look at it in a year, how long after that would it be before it started. He said it was asked of the Planners if this would have an impact on the health and welfare of the residents and they said it wouldn't. He thought if this didn't have an impact on their health and welfare, he did not know what would. He requested this not get approved until the traffic light was put in. He said there was a Character Statement on the original zone change regarding transition areas. He said four houses per acre on the east side was not transitional and a 30 foot open space area was not a transitional area.

Rich Lewis, 705 Encanto Drive, stated the original zoning for this area was three homes per acre. With some of the variations to the size of the lots it seemed like they were trying to get four homes per acre. He was concerned that there was so much vagueness in the presentation, and a lack of participation from NDOT and RTC. In addition, it was very dangerous when people were driving west and turning into the existing development. He said what was being presented by the County for the turning lanes should be addressed. With the additional developments that were going in across the street from Pebble Creek, they were talking upwards of 600 homes and close to 1,400 homes within two miles. The accidents, deaths and injuries there proved it was a very dangerous road. He said they were talking about a center lane, but wondered if the lights would be sufficient to allow for four lanes.

Lois Kolbet, 2900 Fantasy Lane, said when they were putting in developments on the west side of the road, she thought they needed a right turn lane. She was told they could not require them to put in a right turn lane but they could put in a left turn lane, which helped. Now with development on the east side of the road, she thought there really needed to be a right turn lane, just like they

required the left turn lane to go in when they put the development on the west side. She discussed the letter from the School District that said the schools in that area were already pegged and the developer would be required to let a buyer know that their child might be sent to a different school. She wondered if the School District would provide them with a bus. She said the letter from NDOT stated they received complaints regarding high speed rural roads and that there needed to be a right turn lane. She said NDOT was certainly not going to oppose it if the County determined the development should put in a right turn lane. She was surprised the map showed there was really no place other than the detention basin for kids to play. She thought they needed to take out a house or two and put someplace where kids could play.

Dan Herman, Campo Rico Lane, stated he had lots of problems with this project regarding no buffering, the Development Agreement on the east side went by the wayside, the Developer had not worked with the citizens, and the MDS zone was only for three houses per acre. He said the original plan called for one house per acre on the east side, but this project would amount to four houses per acre, 10,317 average square feet per house and he thought that was not enough. He lived adjacent to the project and he felt construction hours needed to be added for the people who lived there and would be impacted. The other project had 7:00 a.m. to 6:00 p.m. Monday through Friday and he thought they were going to put in 9:00 a.m. to 6:00 p.m. on Saturday and no construction on Sunday. He talked about the two underground transmission lines and thought that should not even be in the application. He said there was also a high pressure gas line that needed to be disclosed to potential buyers. He agreed the signal light had to be put in before approval of the Final Map. He wondered if the developer was paying storm water flood control fees that every citizen out there had to pay.

Victor Szymkiewicz, 11765 Paradise Hills Court, stated he moved in a year ago and since then he thought they had been looking at about 1,500 homes going in. The question that came to his mind was that RTC had a plan for a US 395 connector and Pyramid Highway improvements, but the problem with the plan was that it started with the connector and ended at Calle de la Plata, ten years from now. He wondered if there would be an opportunity where they could use their influence to reverse that plan. Instead of dumping more cars on an infrastructure that could not handle what they had, reverse the plan and start the road now (phase 9) and make it phase 1. He said if they had two lanes and two turn lanes in either direction, which he believed was in the RTC plan already, that would help with the problem. The other thing was that if Harris Ranch was approved, which was farther up the road, there was no plan beyond Calle de la Plata to widen that to four lanes to accommodate the other Ryder Homes (200 houses), the Harris Ranch (600 houses) and whatever else was going in Pebble Creek. He stated this was the time to take advantage and have a strategic direction on how to develop that area. It was going to be developed, but he thought it should be done logically and talk to RTC about reversing that plan.

Ann Sweder, 225 Hercules Drive, stated there were many improvements needed in all areas of the community as growth continued; however, she felt those improvements were not being done. More police and fire departments would be needed and of course schools were already over capacity with no money to alleviate that problem. She urged the Board to vote against this project until they could fix the problems staring them in the face.

Ken Theiss, 177 Echaniz Court, stated he lived next to the development and had only been contacted by Mr. Gordon one time, which happened a couple weeks ago. He was not against this project, but there were approximately 1,600 homes that had not been built yet all within a mile of this intersection. He said a right hand turn lane ingress was great, but that did not help everyone trying to turn left and that was where the accidents were happening. He said development would happen, but he asked to fix the problems before the houses went up.

Chair Barnes closed public comment and opened up discussion for questions. Commissioner Chvilicek wondered how big the open space would be. Mr. Pelham stated 30 feet between less than a 1/3 acre lot up against a 10-acre parcel. Commissioner Chvilicek said she saw common open space was in a detention basin and essentially surrounding the development, and the Area Plan asked for a little bit of buffering. Mr. Pelham stated the Area Plan called for transition from higher density to lower density and within that Area Plan there were various interpretations. The interpretation that had been taken, particularly in terms of the Master Plan and the zoning that was approved, was that the transition was not necessarily between individual parcels, but rather from the more intense zonings to less intense zonings; essentially, the width of the suburban character management area. Commissioner Chvilicek stated she understood that, but when she looked at the map, she looked at the properties that went up against 10-acre parcels and those were the less intense properties. She stated the property map did not show how that common open space would be managed to provide that buffer. She asked if the transition area could be increased. Mr. Pelham stated he would not describe that as a transition area, he would describe that as common open space. He thought if the Board felt a 40 foot strip was better than a 30 foot strip, it was in the Board's purview to add that condition.

Nathan Edwards, Deputy District Attorney (DDA), stated Mr. Pelham addressed that correctly. He explained that discussion had occurred at the Master Plan Regulatory Zone Amendment stage and at this time they had zoning that allowed the densities that were being presented in this Tentative Map application. The additional strip of buffering, 40 feet, could conceivably be a condition that would work, but in terms of analyzing whether or not to approve a Tentative Map because the Board felt it fell outside the transition zone, that stage happened prior in this process.

Commissioner Chvilicek asked how many units were approved but not yet built in this area. Mr. Pelham stated he did not know. Commissioner Chvilicek asked when the Board would be given that information. Bill Whitney, Director, stated at the next meeting. Commissioner Chvilicek said she was aware from Regional Planning that there were 50,600 already approved units in the Regional Planning Area and that exceeded the 20-year projection for build-out. She said it would be nice to compare that to what the density that was approved but not yet built in the Spanish Springs and Pyramid Highway area. Mr. Whitney stated the 50,600 figure was for the greater Reno/Sparks area. He said they would get the Board those figures to make that comparison before their next meeting.

Commissioner Chvilicek asked if they could get a definition on the conditions with regard to public health as it related to a Finding. DDA Edwards stated the clear examples would be things such as placement of septic systems, mosquito abatement, vector borne transmission abatement, standing water, fire hazards, disease conditions, disease transmission conditions, rodents, garbage disposal and those types of things would come under the umbrella of public health. Commissioner Chvilicek asked if traffic, traffic fatalities or accidents would fall under the umbrella of public health. DDA Edwards stated it was certainly under public safety, but to include it under the definition of public health was a little bit gray and probably was more susceptible to challenge than if it were a public safety question.

Chair Barnes closed the public hearing and brought discussion back to the Board. Commissioner Prough stated the Board was doing their best to look out for the safety and interest of their constituents, but it seemed every time they voted something down the County Commissioners disregarded it and did what they wanted to do. He wondered why this Board was sitting here bantering this about, except for expressing their concerns out loud. He said he was not in favor of this project and traffic had to be addressed before a shovel was put in the ground.

Commissioner Chesney stated he continued to have a real problem with traffic safety and continuing to approve these developments. He said if this Board turned it down tonight, it would

be appealed to the County Commissioners and they would approve it. He said to say the time frame might be somewhere in 2017, that sounded all well and good but there was nothing definite. He said funding was subject to all kinds of different delays, diversions, and there was no guarantee about the traffic being mitigated. He said he could not support it until they had some sort of a guarantee, even if it was just a PowerPoint presentation that showed they would try to get this done in 2017.

Commissioner Prough stated he thought it was irresponsible of the County Commissioners to approve a project that would increase and tax our schools. The schools were maxed out and the idea of busing children out of the area because "that's the plan" was wrong and it broke down families. He said we hear so much about doing something for the children, right now slamming more kids into the schools in Washoe County was a detriment to all of the kids and it would tax the teachers, administration and the facilities.

Commissioner Horan stated it was a traffic nightmare on Pyramid Highway and if this Board was to move forward, the condition should be absolute that the traffic intersection be first, not sometime. He thought addressing the other issues with schools and whether the County Commissioners would or would not approve it, he did not think was in their purview. He thought they had to look at it as to how this Board could approve it or not and then move on.

Commissioner Chesney asked if the Board could add a condition to the motion that no construction could start until the traffic was mitigated. DDA Edwards stated the condition would have to be reasonably definite for everyone to know when that occurred. Commissioner Chesney stated he was referring to the signal. DDA Edwards responded that having the County condition the project off of Calle de la Plata on the construction of the signalized intersection ran into a couple of issues in the law. One of those was in Chapter 110, Article 610.30 which talked about improvements that were not normally required, such as storm drains, trunk lines, and channels for general flood control purposes. He said requiring improvements that did not solely benefit that development to be paid for by that developer were not required by the Code unless the developer agreed to it. He said this Board could not condition things that were not proportionate to the impacts of the particular development. Any conditioning of the requirement of a stop light being placed on the intersection would have to be tied to the proportionate impacts of this development on that intersection, which would require a formula and a study. He said because that was an NDOT right-of-way, a partial RTC right-of-way and a County right-of-way on the east side, those entities had their own jurisdiction and their own ability to require and place those when they decided they were appropriate. NDOT would not signalize an intersection until that formula was met. He said once the warrant level was met, even then it would not guarantee it would happen that day. Taking those road impact fees the developer would have to pay and then get that to NDOT to allow for that construction was what Mr. Smith was working on. He said they met several times to come up with a solution, and he thought this was a good one as far as the mechanisms that were available. The problem with the County requiring the signalization of the intersection prior to the signal warrants being met was the County would be including a condition in the subdivision approval which caused a violation to the Standard. The first time there was an accident at the signalized intersection prior to signal warrants being met, the County would be invited to that lawsuit and then the County would expect to hear testimony that the Standard for placement of a signal had not been met. He said the irony was it would require the traffic flow to be at a certain level before they would put the signal in. If developments were not approved, and the traffic level did not reach the warrants, then you would not get the signal.

Chair Barnes reopened the public hearing. Commissioner Chvilicek asked if there was anyway the two representatives of the developers could come together and say they would construct a signal pending all of the other outcomes that Engineer Smith outlined with NDOT, RTC and Washoe County. Mr. Garrett Gordon stated staff spoke with RTC and rather than that money

being used in other places, they would work together to use it for this intersection. He said they had to deal with warrants, and if their project came on line as would the one next door, there would be a mechanism to use their impact fees towards the signalized intersection. Both of the projects created the funding source to construct the light and now the Board had a verbal explanation from staff about the regional approach. Commissioner Chvilicek stated Counsel said if the developers said they would do this voluntarily then it could be done. Mr. Gordon stated if conditioning the applicants went above and beyond their pro rata share, the developer would have to say they would do it. He said he did not have the authority to say on behalf of his client that they would build a \$700,000 intersection for their 119 homes. But he said they were willing and always had been to pay their pro rata share for the impact they would be causing. Commissioner Chvilicek stated it was not just the two projects before them tonight; it was the other one that would come back to them on appeal. She said it was all of them working together to go above and beyond and be collaborative and not get into the minutia of the law.

Mr. Gordon stated he believed they were doing that. He said the County had a legal duty to make sure they were mitigating not only all the other public safety and public health concerns, but traffic concerns and they were saying collectively by recommending approval that the developer would be required to mitigate their pro rata impact to this development. Commissioner Chvilicek stated people were asking for was a specific timeline that the developers would signalize that intersection before a single home was built or when construction started. Mr. Gordon said he could not speak for when RTC was planning construction of the light or what it would cost. He thought it was huge that they at least had a commitment of where the funds were coming from and how they were going to be spent.

Ken Theiss stated he and Commissioner Hartung had lengthy talks about the Hawco Division years ago who said they would pay for a light in full. NDOT said they did not care; they were not going to put the light in. He said this Board could sit here and direct a light needed to go in or they would not approve it, but it would not make any difference because NDOT and RTC would have the final say.

Commissioner Donshick asked what level the development would have to be at to require the warrants to go in now. Mr. Smith stated he could not tell them what the numbers were; however, he could tell them there was a series of warrants and all those would come in to play to differentiate between when and at what point that signalized intersection would be activated. He reminded everyone that the regional road impact fees were going to be used to construct these and without the development there were no fees and other improvements could not be made. He said that might seem unfair and illogical at times, but that was the process and they were never in a situation where infrastructure was built before the funding was made available.

Commissioner Chvilicek stated when this tentative map originally came to the Board and it had the condition for a signal for both projects, had the developers agreed to that initially. Mr. Pelham stated there was no particular agreement either verbally or in writing from this applicant regarding that condition of approval. He said the County Engineer had looked at many options and tried to find different ways to come to a conclusion. Mr. Smith said he discovered a gap in the process and was working very hard to bridge the gap for the benefit of the residents that lived in this area.

Chair Barnes closed the public hearing and brought the discussion back to the Board. Commissioner Chesney stated the Board learned through the last two meetings that the development was not broken; the NDOT system was broken and would not allow for much flexibility to appease the issues that were pressing against the Board from the public. He believed the Board fulfilled their duties by trying to mitigate a terrific traffic problem, but it really was not within their power.

Commissioner Chvilicek moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number TM16-002 for Sugarloaf Peak LLC., with the conditions of approval included as Exhibit A to this staff report (and also as amended in the addendum dated October 19, 2016) for this matter having made all of the following ten findings in accordance with Washoe County Development Code Section 110.608.25: and to include the amendments to the conditions that the common green space, open space be expanded to 40 feet and under the Finding of Public Health that every effort be made to have a signal put at Calle de la Plata and Pyramid Highway. Commissioner Donshick seconded the motion.

Commissioner Horan asked if the addition of the signal being placed under Public Health was appropriate. DDA Edwards stated it was a gray area as to whether it qualified as Public Health. He thought the Board could make a legitimate argument that it did, but it was susceptible to a counter analysis. He said the condition had been couched in aspirational terms as opposed to mandatory terms and the Board could include it.

Commissioner Prough asked if there was going to be a timeline in the motion to coincide with any area. Commissioner Chvilicek stated she would amend her motion to include the 2017 timeline. The seconder agreed to the amended motion. In the call for the vote, the motion passed. four to two with Commissioners Chesney and Prough voting nay. **(Vote of 4 in favor, 2 against).**

- 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.

**Continued from the October 4, 2016 Planning Commission Meeting:**

**B. Tentative Subdivision Map Case Number TM15-001 (Blackstone Estates)** – Hearing, discussion, and possible action to approve a 161-lot, single family detached, common open space subdivision on a ±58.49-acre parcel. Lots will range in size from 8,595 square feet (±.19 acres) to 19,271 square feet (±.44 acres) with lot sizes averaging approximately 11,140 square feet (±.25 acres)

- Applicant: SP58, LLC,
- Property Owner: Jacie, LLC
- Location: 350 Calle de la Plata, on the north side of the road approximately 650 feet east of its intersection with Pyramid Highway.
- Parcel Size: ± 58.49 acres
- Assessor's Parcel Number: 534-571-01
- Master Plan Category: Suburban Residential (SR),
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 608, *Tentative Subdivision Maps* and Article 408, *Common Open Space Development*
- Commission District: 4 - Commissioner Hartung
- Section/Township/Range: Section 23, T21N, R20E, MDM, Washoe County, NV
- Prepared by: Kelly Mullin, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3608
- E-Mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Barnes opened the public hearing. Kelly Mullin, Planner, reviewed the Staff Report for the Board. Ms. Mullin stated there were a couple of additional conditions in Exhibit A for consideration. One was related to the installation of a six foot solid fence installed adjacent to Mr. Herman's property, which would be maintained by the Homeowner's Association. Also, there was a request that equestrian use be prohibited in the western open space area. At the conclusion of her review, Chair Barnes opened up questions for the Planner.

Commissioner Horan said there was a statement in the staff report that funding was in place for construction. Ms. Mullin stated they received written notification from NDOT regarding the acceleration/deceleration lanes on Pyramid Highway for late 2017.

Commissioner Chvilicek asked if late 2017 meant the fourth quarter. Ms. Mullin stated she was not sure. Commissioner Chvilicek asked which closest elementary, middle and high schools were not in an overflow situation. Mike Boster, Washoe County School District, responded Taylor Elementary, Shaw Middle and Spanish Springs High School. He said the Spanish Springs Elementary across the freeway did not have room. As far as middle schools, Sparks Middle School may have some room or at Dillworth, but those were both in Sparks. Sparks High School would probably be the closest. Those were the choices the District would have if they had to bus or assign children from this project. He said he knew there was a comment on the previous application about busing versus being assigned to schools; the School District, by law, did not necessarily have to bus every single student to school, just those students who were disabled. However, over the years the District had obviously set up bus routes for children out of the walk zone, which was one mile for Elementary, two miles for Middle and three miles for High School.

Commissioner Chvilicek said Mr. Boster made the statement that the District was not mandated to bus children, but she wondered where public safety would come into consideration to get children to and from schools safely. Mr. Boster stated that would fall on the parents. Commissioner Chvilicek asked if busing was provided to children when they had to cross a major intersection. Mr. Boster stated definitely; those guidelines of the walk zone were just

guidelines. If there was a major freeway such as Pyramid Highway or even a larger drainage channel or commercial development, the District would assign those children to a bus route.

Chair Barnes asked if there were any further questions. Hearing none, he asked the Applicant to make his presentation. Mike Railey, Rubicon Group, went through his PowerPoint presentation, which was placed on file. He said the 58.5 acres would yield 175 units; however, they were proposing only 161, so their net overall density was 2.75 homes per acre. He explained he lived in Spanish Springs for almost 20 years and knew there was a problem at the intersection even before these projects came to be. The only way to get improvements to the intersection was with new development because that was where the funding would come from. As Mr. Gordon prefaced in his last presentation, this project alone would pay nearly \$700,000 in impact fees, which would almost cover the entire cost of the signal. He said they wanted the problem solved just as much as anyone else, especially for the marketability of their homes and for the safety of the residents. Mr. Railey stated that if their Tentative Map was approved tonight, that did not mean they would start putting shovels in the ground tomorrow; there was still a lot of work to be done.

Mr. Railey stated the municipal water service was through TMWA and they would not have any wells, they had open space buffers and they worked excessively with the property owner that would be most impacted by this development, Mr. Herman. He said equestrian access would not be along the western side at Mr. Herman's request. He said they had committed to do xeriscape in all the front yards to reduce water consumption. He noted that all reviewing agencies were recommending approval and they were in agreement with all the conditions.

Mr. Railey stated they would fence the open space buffer to ensure no vehicular access could get back in there and behind the homes. He said they would have a six-foot solid fence adjacent to Mr. Herman's property, at his request. He said there would be single-story homes along the entire western roadway. A fence adjacent to all the common areas would be maintained by the Homeowner's Association and the CC&R's would reflect that commitment as well. He said they agreed with Mr. Herman to limit their construction hours from 7:00 am to 6:00 pm Monday through Friday and 9:00 am to 6:00 pm on Saturday and no construction on Sunday.

Chair Barnes asked if anyone had any questions. Hearing none, he opened up discussion for public comment. Patrick Douglass, 3820 Lone Tree Lane, said his parents purchased their property approximately 50 years ago under the assumption it would always be a bedroom community. He said he was involved in the first re-zoning of the property and he felt Blackstone Estates was a great developer. He agreed with the xeriscape concept and he was sure the Final Map would be very presentable. He said the money was there to improve the intersection and he urged the Board to keep their thumb on NDOT and RTC to not divert the funds and to make sure this improvement was taken care of. He said he was voting for the increase in sales tax to help schools and this would generate money for the school system also.

Larry Thomas, 365 Calle de la Plata, stated his concern was the transition zone, which did not get addressed in the previous hearing. He said there was a 40 foot easement there and the Planner came up with an off-the-cuff definition of a transition zone. He said Commissioner Chvilicek brought that up and it was not addressed. He said they had something the width of a street or less going from this high density area to their 10-acre parcels. He stated Counsel seemed to be more worried about lawsuits, but if those houses go in and the criteria was met before the traffic signal was put in, he would bet there would be lawsuits. Commissioner Hartung campaigned on the southeast connector and if he had that kind of power, he should be pushing for a traffic light and forget appeasing the developers.

Rich Lewis, 705 Encanto Drive, stated it was a breath of fresh air to have some people who were concerned and willing to work with the neighborhood. If the other applicant (Sugarloaf) had done something similar, it would have been better. He stated his feelings about what needed to be done and he hoped things could be worked out and the traffic issues could be solved.

Lois Kolbet, 2900 Fantasy Lane, thanked the Board for the careful consideration they were giving to all of these issues because their decisions affected their communities for a long time and they were really grateful the Board gave their time to do this. When she looked at the on-line packet application it was obvious everyone had done a lot of work. She saw that NDOT considered the possibility of a traffic circle. She wondered if they had to have a warrant for a traffic circle. She was pleased that in the last presentation that the acceleration/deceleration lanes were planned to start at the end of next year.

Ann Sweder, 225 Hercules Drive, said she was against this project as well as the previous one. She stated it was hard to believe that 161 homes would only generate 77 children for the schools. She said the Board needed to look at all the projects; the 300 across the highway, the ones further out, the ones on the west side up by the Airport, because all of those would add a whole bunch of kids to the schools. She urged the Board to vote against the project because the schools needed to be fixed, and the highways need to be fixed.

Dan Herman, Campo Rico Lane, stated his property joined the subject and he was pleased the property owner, the developer and the developer's planner had worked with the citizens. He discussed the transition zone stating that it was originally envisioned in the Area Plan to be 40 acres, but then went down to 10 acres, five acres, one acre and then the medium-density. He said that did not happen. He noted citizens from the area had been to the CAB, the Planning Commission, the County Commissioners, Regionals, and to the Board of Governors and had beat this over the head. He asked the Board to put in the record the assurances that the developers had made to him.

Chair Barnes closed public comment and opened up questions from the Board. Commissioner Chvilicek asked for a description of a road on the map. Ms. Mullin stated that was the secondary access that would go through the Sugarloaf property. Mr. Railey confirmed that if for some reason that project did not get approved, they would be able to split the lot at the southwest corner and provide another secondary, emergency only access.

Commissioner Horan wanted to know if the traffic studies required the same level of traffic regardless of whether it was in Gardnerville or Spanish Springs. Dwayne Smith, County Engineer, stated any traffic warrants were part of the standard, nationalized process. He said they would look at conditions in similar ways in other areas with the nuances for each agency. Commissioner Horan said so the volumes would be the same regardless of the location to warrant a light. Mr. Smith said each development would have its own specific impact, own specific geometry of intersections, other traffic volumes, and other impacts. He said it was a very complicated process.

Commissioner Chvilicek stated she understood warrants and what constituted whether one or more warrants needed to be met, but that warrant could be overridden based on a perception. She gave an example that crosswalks could be put in; signals could be put in based on public outcry or pedestrian death. Even though there were benchmarks for warrants some other power could come in and say because of public safety, a signal would be put in. Mr. Smith stated that warrants in those situations were not being modified or changed.

Chair Barnes closed the public hearing and brought it back to the Board for discussion. Commissioner Prough commended Mr. Railey for working with the neighbors to make it the best possible scenario.

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 approve Tentative Subdivision Map Case Number TM15-001 for Blackstone Estates with the Conditions of Approval included as Exhibit A to the staff report, having made all ten of the following findings in accordance with Washoe County Development Code Section 110.608.25:

Commissioner Horan stated Commissioner Chvilicek wanted public health and the conditions that Mr. Herman had placed and the developer agreed to included. Ms. Mullin stated there were two commitments that were made that were not included as Conditions of Approval that he had requested. The first one was a six foot solid fence along Mr. Herman's property line, maintained by the HOA and the other was to not allow equestrian uses in the common open space along the western property line. Another one that Mr. Herman requested was limiting construction hours Monday through Saturday 7:00 am to 6:00 pm and it was to be changed on Saturday from 9am to 6pm and no construction on Sunday. Commissioner Chesney stated he did not choose to amend it. The motion failed for a lack of a second.

Commissioner Horan 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 TM15-001 for Blackstone Estates with the Conditions of Approval included as Exhibit A to the staff report, having made all ten of the following findings in accordance with Washoe County Development Code Section 110.608.25: with the addition of the conditions just mentioned by Ms. Mullin and also adding to public health the aspiration that the traffic light be put in as quickly as possible. Commissioner Chesney seconded the motion. . **(Vote of five in favor, 0 against).**

- 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.

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

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

Commissioner Donshick stated they had discussed the school situations a lot and she would like to get a report that would make it easier for them to look at and see what school would be impacted, at what percent of capacity that school was and how many more students they could take. Mr. Whitney stated he would look into getting that report for the Board.

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

Commissioner Chvilicek requested the approved, but not yet built statistics for projects. Mr. Whitney asked for clarification if she wanted that information for the entire unincorporated County. Commissioner Chvilicek stated Spanish Springs was the target area, but she would like to see an approved but not yet built for each plan that came before them. She applauded staff for including in the staff report the condensed version of the history and she applauded staff for their diligence and efforts.

Commissioner Prough stated they had been talking about warrants regarding traffic, but he wondered if there would be warrants when a school needed to be built. Mr. Whitney stated he did not believe they had warrants, but the School District had a whole system to decide where to locate new schools and they used growth projections from the three local jurisdictions. Commissioner Prough stated he would like more information on that because there was too much happening now and even though they approved this project, the schools were still paramount and needed to be looked at more closely.

Commissioner Chvilicek stated she would also like information regarding how the allocations were projected and how they determined how many children would be living in the new subdivision.

Commissioner Horan stated he thought it was not necessarily important when they would build a new school, but when double sessions and multi-track would be triggered by these projects and excess students. He thought they had come up with some figures as to when they would trigger that in 2019 or 2020.

Chair Barnes inquired if the Board felt a Sheriff's Deputy would be needed at these meetings being held in the Health Department. Commissioner Donshick asked what was going to be on the agenda that would necessitate a Deputy. Mr. Whitney felt there was nothing controversial on the next agenda. The Board discussed the possibility of not having a quorum on November 16<sup>th</sup>. DDA Edwards said if anyone had concerns about the Deputy being present, he asked them to speak with the Director individually.

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

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

Mr. Whitney stated he had nothing to report.

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

DDA Edwards stated he did not have any legal items.

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

There was no response to the call for public comment.

## 12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:00 p.m. without objection.

Respectfully submitted,  
*Jaime Deller, Independent Contractor*

Approved by Commission in session on December 6, 2016.

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