



# 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, February 7, 2017  
6:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in a scheduled session on Tuesday, February 7, 2017, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

## 1. Determination of Quorum

Chair Barnes called the meeting to order at 6:32 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: Carl R. Webb, Jr., AICP, Secretary  
Kelly Mullin, Planner, Planning and Development  
Eva M. Krause, AICP, Planner, Planning and Development  
Dwayne E. Smith, Director, Engineering and Capital Projects  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Katy Stark, Recording Secretary, Planning and Development  
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development

## 2. \*Pledge of Allegiance

Commissioner Horan led the pledge to the flag.

## 3. \*Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

## 4. \*Appeal Procedure

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

## 5. \*Public Comment

Chair Barnes opened the Public Comment period. John Enloe, Director of Natural Resources Truckee Meadows Water Authority, said that he and Jim Smitherman would be in front of this Commission next month answering questions with respect to water and wastewater issues. The handout he provided to the Secretary contained suggested resource material regarding water rights, resources, and demand projections regarding ground water issues in Spanish Springs, which could be used as background material for the Commission to prepare for the meeting.

Jim Smitherman, Western Regional Water Commission and Northern Nevada Water Planning Commission, stated he brought to the Commission a draft report regarding a water balance budget being put together for the Regional Water Plan that was being updated now. He said it was in review and there may be some things that would change, but it would form the basis of the report he would bring to the Planning Commission next month.

Bill Whitney stated he retired as the Director of Planning and stopped by to say goodbye to the Commission. He thanked the Commission for their public service.

## **6. Approval of Agenda**

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the Agenda for the February 7, 2017 meeting. Commissioner Donshick seconded the motion, which carried unanimously.

## **7. Approval of January 3, 2017 Draft Minutes**

On motion by Commissioner Chesney, seconded by Commissioner Donshick, which carried unanimously, it was ordered that the minutes for January 3, 2017 be approved.

## **8. Planning Items**

**\*A. Presentation on the Washoe County Regional Parks Master Plan – Dennis Troy, Park Planner.** Washoe County Regional Parks and Open Space (WCRPOS) is updating the Washoe County Regional Parks Master Plan. The presentation will discuss the update process, to include developing base maps for all parks, a demographic analysis, development of a capital improvement matrix and an analysis of investment strategies throughout the districts. In addition to these updates, the master plan process will look at the possibility of consolidating several of the 20 sub-districts into a smaller number of sub-districts to allow for more flexibility with regards to funding projects. The presentation will include the efforts/timeline moving forward.

Dennis Troy, Parks Planner, said he wanted to focus on the update of the county-wide Master Plan. He noted it was started a few years ago, tabled and then had been resurrected. The County currently did not have a Regional Parks Master Plan; they had several Master Plans for individual, specific regional facilities, but not one that took a look at the Parks throughout the County. He said there were about 35 parks, 35 neighborhood parks and pocket parks and 10 regional park facilities that were over 20 acres. He said there were also a number of special use facilities such as water parks, amphitheaters, archery facilities and horse arenas. The WCRPOS received its funding through the General Fund as well as grants, WC-1 Bond money and residential construction tax. He said the residential construction tax was collected when a new residence was built and they would contribute up to \$1,000 to a specific sub-district in the County. He showed a map which depicted where the 20 sub-districts were located and he explained how the tax was distributed. He said there was a wide-range of balances, some districts had over a million dollars and one district only had \$13.

Mr. Troy stated the County contracted with Wood Rodgers to help facilitate the process, which could take from six to nine months, but there would be significant outreach to different user groups and also the different jurisdictions, including the City of Sparks, Reno and other major entities. He said they were looking at consolidating some of the sub-districts because of the differences in fund balances. They would explore options which would allow for the flexibility of funding money throughout the general area.

Mr. Troy said they would also look at the surplus and deficiencies throughout the County; what areas were lacking parks and what areas had too many parks. He presented the NRPA National Standards that were just released, which reduced the average for residents served by parks. He said the most recent housing study showed a lot of growth and the EDawn numbers showed even more growth, so what they needed to do was focus on planning for that growth and put parks at the forefront and not an afterthought.

Mr. Troy said the Parks operating budget was at about a 60 percent reduction from 2007 to 2009. One of the things they were struggling with was maintaining existing and new facilities. He said there were districts that had funding to build a facility; however, they simply did not have the staff to maintain it. When they were contacted by the homeowner's associations about improving a pocket park they could easily provide the funding to construct it, but they had to enter into a maintenance agreement with them to maintain the facilities.

Mr. Troy said he met with Wood Rodgers last week and they started updating the base map and they had a lot of facilities to go through and account for. Now they were preparing the base map and working towards the demographic analysis. During the summer they would be going out and identifying facility priorities, as well as preparing a capital improvement matrix. They would hold the public outreach process this summer, which would be the main focus of the plan and update. He said they were going to shoot for adoption in the late fall of 2017.

Commissioner Chvilicek asked if he had heard any discussion about a piece of legislation to create a separate park district. Mr. Troy said he had.

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

There was no action taken on this item.

## **9. Public Hearings**

**A. Amendment of Conditions Case Number WAC16-0001 for Tentative Subdivision Map Case Number TM05-011 (Ladera Ranch)** – Hearing, discussion, and possible action to approve an amendment to two of the original conditions of approval for Tentative Subdivision Map Case Number TM05-011 (Ladera Ranch). The amendment seeks to reduce the side yard setback from 6-feet (existing) to 5-feet (proposed), and to reduce the front yard setback from 20-feet (existing) to 10-feet (proposed) for the living area of the house and side-turned garages. The front yard setback would remain 20-feet for front-facing garages.

- Applicant: D.R. Horton, Inc., Attn: Mark Jones, 1081 Whitney Ranch Drive, Henderson, NV 89014
- Property Owner: Ladera Ranch, LLC, Attn: Kelly Burt, 2641 Talon Way, Park City, UT 84060
- Location: South of the intersection of East Golden Valley Road/West 7th Avenue and Dream Catcher Drive

- Assessor's Parcel Numbers: Total of 113 parcels: 502-700-01; 502-700-02; 502-700-03; 502-700-06; 502-250-05; 502-711-01 to 14; 502-712-01 to 09; 502-721-01 to 13; 502-722-01 to 46; 502-731-01 to 10; and 502-732-01 to 16
- Parcel Size: Total project area is ±291.92 acres, with parcels ranging in size from ±5,713 square feet to ±157.79-acres
- Master Plan Categories: Suburban Residential, Rural Residential and Open Space
- Regulatory Zones: Medium Density Suburban, Low Density Suburban, High Density Rural and Open Space
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 408, Common Open Space Development and Article 608, Tentative Subdivision Maps
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Sections 13 and 24, T20N, R19E, 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)

Mr. Webb identified the property. Chair Barnes called for any disclosures. Commissioner Horan stated he served on a Homeowner's Association Board that was in a development that D.R. Horton built and they were in the process of a construction defense lawsuit; however, he did not believe that would impact his ability to make a decision on this item. DDA Edwards asked if the destruction deficiency case Commissioner Horan referenced involved this project. Commissioner Horan stated no. DDA Edwards asked if he had a pecuniary interest in the outcome of this project. Commissioner Horan stated no. DDA Edwards asked if Commissioner Horan's commitment to the Homeowner's Association he served on would prevent him from functioning impartially in this matter. Commissioner Horan stated no.

Kelly Mullin, Planner, presented her Staff Report. Chair Barnes opened up questions to the Commission. Commissioner Horan asked if the setbacks requested were consistent with other developments in the immediate area. Ms. Mullin stated the closest development was to the west and was located within the City limits of Reno and she was uncertain what those setback requirements were. She said the average lot size was less than 7,500 square feet and was most comparable to High Density Suburban (HDS) Regulatory zone, which required five foot side yard setbacks and 20 foot front yard setbacks. She said she had seen in other subdivisions in the County where setbacks had been reduced for the living portion of the home and for side-turn garages.

Commissioner Chvilicek asked why they requested the change in the setback footage. John Krmpotic, KLS Planning and Design, stated he represented D.R. Horton. He referred to the PowerPoint he provided and said there was a lot that went on with regard to setbacks. What they had was typical of an HDS Subdivision with 5,700 square foot minimum lot sizes and higher. He reviewed slides he provided showing different yard designs with turned garages and different side setbacks and rear yard setbacks. He said with the 10 foot front yard setback they would expect a nicer street scape and a nicer neighborhood. He said many years ago they did it with 20 foot setbacks, garage forward, same roof lines and same elevations, which was not

what they wanted to do again. He said they believed the varied setbacks would give them more flexibility, less two-story products and more interest in the street scene.

Chair Barnes opened up Public Comment. Hearing none, he closed Public Comment and opened up questions to the Commission. Hearing none, he closed the Public Hearing and brought back discussion to the Commission. Hearing none he called for a motion.

Commissioner Prough moved that after giving reasoned consideration to the information contained within the staff report and received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number WAC16-0001 for D.R. Horton for Tentative Subdivision Map Case Number TM05-011 (Ladera Ranch), with the amended conditions of WAC16-0001 LADERA RANCH Washoe County Planning Commission Staff Report Date: January 23, 2017 Amendment of Conditions Case Number WAC16-0001 Page 8 of 8 approval included as Exhibit A to this matter, having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Chesney seconded the motion, which carried unanimously.

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. Appeal Process Planning Commission action will be effective 10 calendar days after the written decision.

**B. Tentative Subdivision Map Case Number WTM16-003 (Bailey Creek Estates) –**  
Hearing, discussion, and possible action to approve a 56-lot single-family residential

subdivision on two parcels totaling ±28.76 acres. Residential lots will range in size from 14,520 sq. ft. (±0.33-acres) to 21,780 sq. ft. (±0.81-acres) with lot sizes averaging 17,869 sq. ft. (±0.41-acres). The subdivision includes approximately ±0.75-acres of common area for drainage facilities.

- Applicant: Silver Crest Homes, Attn: Rich Balestreri, 16500 Wedge Parkway, Bldg. A, Suite 200, Reno, NV 89511
- Property Owner: Charles Maddox, P.O. Box 70577, Reno, NV 89570
- Location: Immediately south of the intersection of Geiger Grade Road and Shadow Hills Drive
- Assessor's Parcel Numbers: 017-520-03 and 017-480-02
- Parcel Sizes: 23.63-acres and 5.125-acres
- Area Plan: Southeast Truckee Meadows (SETM)
- Master Plan Categories: Suburban Residential and Rural
- Regulatory Zones: Medium Density Suburban (2 dwelling units per acre in SETM) and General Rural (1 dwelling unit per 40 acres)
- 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: Sections 27 and 34, T18N, 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)

Mr. Webb identified the property for the Commission. Chair Barnes called for any disclosures. He disclosed he had received many emails, many public comment letters and he believed each Commissioner was given a copy of those emails and letters. Commissioner Horan said he received a phone call from Wood Rodgers who inquired if he would be interested in meeting with them to discuss this item; however, he declined the request. It was noted that all the Commissioners had been contacted by Wood Rodgers to discuss this item and they all declined.

Chair Barnes opened the public hearing. Kelly Mullin, Planner, presented her Staff Report.

Dwayne Smith, Director of Engineering and Capital Projects, addressed the drainage and flooding concerns raised by neighbors of this project. He said the proposed development had to go through the review processes which included the submittal of the Tentative Map, storm water reports and designs proposed for the development. He noted his staff reviewed the designs and reviewed the reports and their review confirmed the proposed project complied with what the County requirements were for storm water. He said he was speaking about storm water and not floodwater; there was a big difference between what they expected during flooding. He noted this project was located adjacent to a FEMA designated flood plain. He said the development had plans to mitigate impacts for storm water through routing of detention; there were several detention basins included in the proposed design, which was a requirement of all developments. They would also make sure the Final Map conformed to the Tentative Map requirements.

Commissioner Donschick asked if the properties in the southern portion would automatically be mandated to have flood insurance because they were in a FEMA flood plain. Mr. Smith stated the southern portion of the site was in the shaded zone "x" area. He said everywhere had the potential to flood, so even the areas that were outside the lines on the map could flood under certain conditions. The shaded zone "x" was what FEMA designated as the 500-year probability. The Code requirements did not require any special modifications to that area for development. The developer complied with Chapters 416 and 420 of the Development Code for detention and routing. He said there was no specific requirement to deal with the 500-year flood plain. The designated 100-year flood plain would have many requirements including special issues for building anything within that flood plain and those areas would require flood insurance.

Commissioner Chvilicek stated the upper area showed it was a floodway and it looked like it abutted the property and at some points went over the border of the property. Mr. Smith said he believed the entire project, except for the southern portion, was outside of the flood plain. Commissioner Chvilicek wondered what the unintentional affects could be on adjacent properties because there was lots of different topography and designated flood zone areas adjacent to this property. Mr. Smith said through his department's review of the project and confirming that it conformed to County requirements; all storm water that was captured on the property would be routed and conveyed to detention basins so post-development would not exceed pre-development flows, which was a basic requirement of all developments. He said when there were floods, they would exceed the carrying capacities of the designed infrastructure; the County did not require development to design infrastructure to handle those large flood events; it would not be reasonable, practical or cost-effective. The only requirement was for storm water and that's what Washoe County Engineering made sure the proposed design conformed to. Commissioner Chvilicek asked if the County required notification to potential future homeowners of the adjacency to different types of floodways and flood zones. Mr. Smith said he thought through the public process such as today and even going through the rest of it, there was a lot of public notification about where flood plains and floodways were. He said this development may also have an HOA and CC&Rs which could contain information regarding flood water and storm water. Commissioner Chvilicek wondered if future homeowners were given information regarding the risks. Mr. Smith said since this project was not within a FEMA defined flood plain, he did not believe there would be a specific notification process that the County or FEMA had to provide.

Chair Barnes called for the Applicant's presentation. Stacie Huggins, Wood Rodgers, representative of the Applicant, stated Ms. Mullin did a great job of covering the project. She said the developer agreed with staff and she introduced other individuals who were present that could answer any questions the Commission may have pertaining to specific issues such as traffic or legal issues. She stated disclosures regarding flood zones were commonly provided by the lenders and the developers through the Title Report process. Ms. Huggins went through her presentation and said the developer was proposing to install an emergency access gate at Moon Lane that would be closed until and unless the residents could not get out the other way. She stated the Fire Department would control it and the residents would not be able to control it. She went over key issues including drainage, utilities, traffic, schools, open space, lot matching, building types, horse migration, and access.

Chair Barnes opened the Public Comment period. Ray Fierro, 15200 Bailey Canyon Drive; Kathleen Pfaff, 15170 Bailey Canyon Drive; Tom Aust, 14668 Gold Run Drive; Cris Damico, 13583 Gold Run Drive; Elmira Coker, Geiger Grade; Randy Coker, Geiger Grade; Stephen Schrader, 14665 Gold Run Drive; Sandi Moore, 749 Sterling Hills Court; Karen Degney, 15150 Bailey Canyon Drive; Barbara Middleton, 1440 Moon Lane; Ron Ellis, 1260 High Chaparral Drive; Cathy Brandhorst; and, Don Dalliver, 14415 Chamy Drive all discussed their concerns with the project. Highlights of those concerns and opposition consisted of the petition in

opposition, the condition of Toll Road, drainage and flooding, wild horses, views, construction traffic, construction hours, noise, emergency access, school and school capacity, water resources, maintenance of open space, privacy, quality of life, one-story versus two-story dwellings, disclosures regarding the flood plain, pets and farm animals, ingress/egress, street names, annexation, property values, exit off of Kivett Lane, infrastructure, rural landscape, Moon Lane, crime and additional safety enforcement, property taxes and the condition of Geiger Grade.

Lonnie Edwards-Detrick, 15111 Kivett Lane, stated she was in favor of the proposed development. She said she had lived there a long time and she would be happy to see new homes and development instead of junk yards. She said no one from Kivett Lane had been before the Commission because most of them on that side supported the development; they were looking forward to having an upscale community on half-acre lots. Bruce Bacon, 1530 King Lane; stated he was also in favor of the project because he did not want to see land grabbed by the City of Reno. He did not think the County would ever improve the Toll Road intersection unless a subdivision of this size and caliber was developed. He noted there was a lot of trespass on the project with motorcycles and off-road vehicles, which was a tremendous nuisance.

Chair Barnes closed the Public Comment period and opened up questions for the Commission. Commissioner Chesney asked Mr. Smith if he knew of any future plans for helping facilitate the drainage on Geiger Grade. Mr. Smith stated they could come back on a future agenda to talk about flooding in that area.

Commissioner Prough said he was a Realtor by profession and when people bought homes the underwriters would require flood insurance when they were in a flood zone. He asked what financing companies would be used. Rich Balestreri, Sacramento, California, stated they would be using Wells Fargo who would not underwrite in a flood zone but would underwrite these because they were not in a flood zone. Commissioner Prough asked what the homes would be going for. Mr. Balestreri stated he did not have an exact number but believed a little higher than \$400,000. Commissioner Prough stated if they were going to be using in-house financing then there would be a disclosure to every potential homeowner that they may be required to purchase flood insurance in order to complete the deal. Mr. Balestreri said he disagreed because they were not in a flood zone. Zone "x" was a 100-year flood zone and as far as he knew that was not a requirement for flood insurance. Commissioner Prough said he bought in this area at one time and Bank of America said it was not required, but then 18 months later FEMA came back and said it was and tried to force him to purchase flood insurance. His concern for the public was that there be a disclosure by the underwriters that flood insurance may be required.

Steve Mollath, Attorney, stated they would disclose whatever they were required to disclose to the buyers under any law, statute, regulation or ordinance, whether it be federal, state or local. Mr. Balestreri stated they were very thorough on their disclosures and as they vetted out more fully through the process, everything that had to be disclosed would be disclosed. Commissioner Prough stated he was making it a point of record because the Commission had questioned the fact about flood insurance and the flood zone and the public had shown photographs of abnormal amounts of water. He understood flooding could happen at any time; however, he just wanted to make sure that everyone went in with their eyes wide open.

Commissioner Prough said Nevada law required open range disclosure with regard to the wild horses and he wanted to make sure that was disclosed as well. Mr. Mollath stated all requirements that covered every development in the state would be followed and any of the FEMA, Corps of Engineers, lenders and bank's regulations would be followed.

Commissioner Prough said there was a lot of concern regarding the wild horses and designating a wild horse to a feral horse seemed a little unjust. He asked if there was any thought about gathering them up and taking them to the project in Palomino Valley. Ms. Huggins stated they had not looked into that. Commissioner Prough said he would like to see some kind of discussion regarding gathering them up as opposed to them getting hit by cars. Ms. Huggins said Ms. Mullin reached out to the Department of Agriculture to see what could be done as they were the entity that oversaw those horses.

Mr. Webb said he knew they had tried to take some of those horses out of that area in the past, specifically from the Virginia Foothills and the Virginia Highlands. He said when the BLM cleared the Virginia Highlands and Foothills area, what was left were the strays and those were actually feral horses. There had been a lot of sentiment and controversy on both sides of the issue over the years, but the point was they were classified as stray/feral horses with certain protections that mainly protected the property owner. He pointed out there was nothing in County Code that would provide for the protection for stray/feral horses, so he cautioned the Commission from heading down that path. Commissioner Prough said he could not imagine having feral horses wandering around a proposed project that would create traffic hazards. Ms. Huggins said from the developer's perspective that was a conversation to have with the Department of Agriculture, and they did not want to see any tragedy happen.

Commissioner Donshick said traffic was a major concern and their plan was one left-hand deceleration lane and she wondered if that was because currently it met the level of standards for that area and did not warrant anything more at this time. Mr. Smith said the traffic study that was submitted, even though it was not required, gave some recommendations. He said 56 homes and the number of movements identified in the traffic report did not meet warrants for traffic signalization on Geiger Grade.

Commissioner Chvilicek said the map displayed had two common areas and the detention area and she wondered if one was being shared as common area with the other development. Ms. Huggins asked if she was talking about the Creek common area. Commissioner Chvilicek stated that was correct. Ms. Huggins stated that common area was not being absorbed as part of this project; that common area was part of the 1994 original approval of the bigger project. Currently, the ownership of those parcels was still under Mr. Maddox's name and they were not encroaching into those with the exception of the one detention area. Commissioner Chvilicek asked if they were proposing annexation. Ms. Huggins stated no; however, several months ago they looked at the opportunity to increase the density. They discovered that could not happen so they looked at the opportunity to annex. She said that application was pulled by the developer because they decided they would rather build a project that met County Code to the density that was in the Area Plan and be consistent with the character of the neighborhood.

Commissioner Chvilicek stated a few months ago there was a preliminary presentation on approved-but-not-yet-built developments. She said she saw no reference in this submittal for approved-but-not-yet-built properties in the area. Ms. Mullin said she thought that had been provided to the Commission in Exhibit G of approved residential subdivisions in the vicinity of Toll Road. Commissioner Chvilicek asked if staff would make that more prominent within the Staff Report. Mr. Webb stated staff prepared the map and was asked to focus on the East side of the Highway and when they realized nothing was there, staff expanded the scope to try and pull in those approved and not yet built properties.

Commissioner Chvilicek said many months ago the Commission asked for a decision tree or plan of action so that at the CAB level people would know what the steps were. Mr. Webb said staff had been working on that and the flow chart was being created. Commissioner Chvilicek

stated she thought the community was not fully aware of all the steps that went into play and all of these citizens came tonight to voice their concerns. The decision the Commission would be making tonight was on a Tentative Map and these concerned citizens would have to come back and come back. She said if they saw a flow chart they would understand what was involved.

Commissioner Chvilicek asked if the County had updated FEMA maps of this area. Mr. Smith stated the FEMA map he printed out had been revised in March 2009.

Chair Barnes closed the public hearing and brought it back to the Commission for discussion. Commissioner Chesney stated this was the beginning of a long drawn out process and what occurred tonight would be the first step of months and possibly years of getting to a Final Map. He said although he had sympathy for the wild horses and the flooding, the owner of this property had a constitutional right to develop his property. He was not sure if he supported this or not, but he felt the public should know that these sorts of developments had many steps to be addressed between now, the Final Map and the actual development. He acknowledged the public would have many chances to give input and give the developer time to address those issues.

Commissioner Horan said one of the challenges he faced as a member of this Commission was that they had to look at what the Code stated and what the experts said about the project. Although sometimes they would be sympathetic about certain situations, they had to comply with the Codes and he believed what was presented was in line with what the Code required.

Commissioner Prough said when a project was brought to the Commission by staff they had to look at Code and recommendations specifically; however, they did not ignore the emotional impact on either side of those who wanted the project and those who did not want the project. He said each voice was equal when they listened to the arguments, which meant all they could do was go by the Code and determine if the Applicant met the requirements. If the public did not like the way the Code was written, he suggested they take steps to change them. He did not think this project would be detrimental to the area from a financial standpoint by lowering property values. He noted any home that started at \$400,000 and up could only bring the property values up. He said there were some things to work out, but under this Tentative Map it was okay for the Commission to go ahead and approve it because the Applicant had met the necessary requirements to take the next step.

Commissioner Chvilicek applauded staff and the developers for recognition of the Southeast Truckee Meadows Area Plan and the restrictions that the citizens developed to protect their area. She said the Area Plan was a very binding, strong document.

Chair Barnes called for a motion.

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number WTM16-003 (Bailey Creek Estates) for Silver Crest Homes, with the Conditions of Approval included as Exhibit A to this matter, having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Prough seconded the motion, which carried unanimously.

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. Appeal Process Planning Commission action will be effective 10 calendar days after the written decision.

**C. Abandonment Case Number AB16-005 (Havniar)** – Hearing, discussion, and possible action to approve the abandonment of a 4 foot wide strip of public right-of-way (305.5 sq. ft.) along the front (southern) property line of 70 Sunbeam Lane.

- Applicant: Jerry Havniar
- Property Owner: Jerry Havniar
- Location: 70 Sunbeam Lane
- Assessor's Parcel Number: 045-611-06
- Parcel Size: 1.022 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 806 Vacations and Abandonments of Easements or Streets
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 07, T17N, R20E, MDM, Washoe County, NV
- Prepared by: Eva M. Krause - AICP, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3628
- E-Mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Mr. Webb identified the property. Chair Barnes called for any disclosures from the Commissioners. Hearing none, he opened the Public Hearing. Eva Krause, Planner, presented her Staff Report. She said it was staff's recommendation to deny.

Chair Barnes opened up questions to the Commission. Commissioner Chesney asked exactly how the abandonment resulted in material injury to the public. Dwayne Smith, Washoe County Engineer, stated rights-of-way were present for the public's benefit and had been set aside for the benefit of the public. He believed if the County began the process of abandoning public rights-of-way that would not be good practice and he believed there was an alternative the property owner could go through. Commissioner Chesney asked what that was. Mr. Smith responded there were two processes; abandonment or a variance. He was opposed to abandonments and he believed a variance would be better.

Commissioner Chvilicek asked how the homeowner could obtain a variance to reduce the setback when the site plan stated there were few solutions, none of which were easily achieved. Ms. Krause said she could not see how planning staff could professionally make a recommendation of approval for a variance because it was a self-induced hardship. She noted another correction could be to tear down the new addition, but she hated to see that happen for this project. Mr. Webb stated that any action by this Commission or the Board of Adjustment could be appealed to the Board of the County Commissioners (BCC). He asked if the Commission recalled prior abandonments cases where Mr. Smith had appeared and stated it was his recommendation to not abandon any rights-of way. He said if the Applicant decided to go forward with the variance and the Board of Adjustment denied it, it could be appealed and approved by the BCC.

Chair Barnes called for the Applicant's presentation. Derek Wilson, Rubicon Design Group, gave his presentation. He said he did not believe this project provided any public benefit and it would not be a detriment to the public. He said the owner hired someone to build a garage and he thought that professional would adhere to the rules. The contractor took a plan to County staff, but took a shortcut and put the garage in the wrong spot. He said he did not know how the owner would know what was correct as he was not a contractor and he did not measure it; he took the builder's word for it. The owner had attempted to get in touch with the contractor, but to no avail as the contractor disappeared. He showed a picture of the property and said the neighbors did not find the garage a detriment. He said they were asking to abandon a four-foot strip of extra right-of-way that went around his cul-de-sac. By getting rid of that strip, it would change the setback and make his garage legal. He said they were proposing to protect the public's interest by removing that right-of-way and replacing it with a public's use easement so all the functions of the right-of-way would be maintained with the one exception of adding a new street. He proposed there was no scenario that would require additional street space because that street would not connect anywhere. He said staff modified their request to only abandon the section that was directly in front of the garage, which was fine with the owner. Mr. Wilson said County Engineering had a finding objection but he felt they could find that the public would not be harmed. He agreed the variance process would be difficult for them because variance language tended to refer to parcel shapes and topography and not to structures.

Chair Barnes opened Public Comment. Cathy Brandhorst spoke on issues of concern to herself. Chair Barnes closed the Public Comment period and opened up discussion to the Commission.

Commissioner Chvilicek said in the initial presentation Ms. Krause stated those findings could be found. Ms. Krause stated the No Detriment was the one they had an issue with but the Master Plan and the existing easements were fine. Commissioner Chvilicek asked if the public easement was something that would be palatable to staff. Ms. Krause said it would be.

Chair Barnes closed the Public Hearing and called for discussion. Commissioner Horan said this was a case that the Commission needed to follow the recommendations and the Code and he did not support it because the Applicant could find an alternative solution. Commissioner Prough said he believed this was so minor and the Applicant's request would not disturb anyone and he supported it. Commissioner Chesney stated he felt the Applicant was more of a victim and he agreed with the Engineer that once the Commission went down this road and allowed abandonments it would set a precedent, but he believed the Commission should have the ability to make an exception. He said he supported allowing the abandonment.

Commissioner Chvilicek stated Ms. Krause referenced Exhibit D, which was not in the Commission's packet. Ms. Krause stated that was correct. Exhibit D contained the conditions of approval should the Commission approve the project. DDA Edwards informed the Commission they could make a note for the record that Exhibit D with proposed conditions of approval had been provided to the Commission and copies would be made available to the public.

Chair Barnes called for a motion.

Commissioner Prough 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 with conditions submitted by Staff as Exhibit D Abandonment Case Number AB16-005 for Havniar, having made all three of the following findings in accordance with Washoe County Code Section 110.806.20. Mr. Webb asked if the motioner could be specific to the No Detriment Finding. Commissioner Prough said when he looked at the map he did not see where that little bit of real estate would be a detriment to the County in anyway. Commissioner Chesney seconded the motion. Commissioner Horan stated he was sympathetic to the case but felt there were other avenues available to the Applicant. Commissioner Chvilicek said the owner's agent offered a viable alternative through a public easement and she supported the project. Commissioner Donshick concurred with Commissioner Chvilicek. On call for the vote, the motion carried four in favor and Commissioner Horan and Chair Barnes voting nay.

- 1) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the South Valleys Area Plan; and
- 2) No Detriment. Due to the small amount of right-of-way being abandoned, the abandonment 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.

## **10. Chair and Commission Items**

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

Commissioner Donshick stated that she would like to know where the flood plains were within the County and some storm water mitigation information that would help the Commission. Mr. Webb asked if she was referring to the flood plains or discussion about the recent flooding. Commissioner Chvilicek stated Mr. Smith indicated he would talk to the Commission about storm water runoff and flood runoff and what the County's plan was for all of that. Mr. Webb stated Water Resources would be attending the meeting in March and he wondered if it was okay if they moved that presentation to the April meeting and Commissioner Donshick stated that would be fine.

Commissioner Chesney wanted to let the Commission know that he put his home on the market and would be moving to Tucson, Arizona and would give a written resignation to the Commission once his home was in escrow. He said it had been an honor to serve on this Commission.

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

There were none.

**11. Director's and Legal Counsel's Items**

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

Mr. Webb stated the Code Amendment for cell towers in the General Residential zone in Warm Springs had been pulled from the January 10<sup>th</sup> Board of County Commissioner's agenda and was rescheduled to February 14<sup>th</sup> and February 28<sup>th</sup>. He noted it was pulled because of concerns from the Commissioner who represented that District and a CAB member.

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

There were no updates.

**12. General Public Comment**

Chair Barnes opened Public Comment. Cathy Brandhorst spoke on issues of concern to herself. Lonnie Edwards-Detrick stated earlier this evening there was mention of a petition. She said it was an online petition and she was concerned that folks from California, Arizona and Sparks were concerned about this little 56 lot development that was in her backyard. The reason she knew where some of those people were from was because she decided to go to the Assessor's Office and look them up. She hoped all of the names on the petition did not hold too much weight with the Commission because most of them did not live there and would not be affected. She mentioned as she went through the Southeast Truckee Meadows Master Plan she noticed there were two emergency roads planned for that area that was supposed to lead out of Toll Road. She was not sure any of the folks that were concerned about the accesses read the STMAP, because she had not read it either. She said that Plan was written in 2011 and she wondered what the current status was. She said the CAB meeting minutes did not address the four points she addressed in her letter and she was concerned about that because the minutes said all she spoke about was the flooding and that was not an accurate statement. She did speak about flooding but she spoke about a lot more.

**13. Adjournment**

**9:34 p.m.** Commissioner Donshick moved to adjourn the meeting, which carried unanimously.

Respectfully submitted,

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*Jaime Deller, Independent Contractor*

Approved by Commission in session on March 7, 2017.

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