



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Philip Horan
Michael W. Lawson
Trevor Lloyd, Secretary

Tuesday, March 6, 2018
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, March 6, 2018, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Chvilicek called the meeting to order at 6:31 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Philip Horan
Michael W. Lawson

Staff present: Trevor Lloyd, Secretary, Planning and Building
Chad Giesinger, AICP, Senior Planner, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Dwayne Smith, Director, Engineering and Capital Projects
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

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

Trevor Lloyd, Secretary, recited the appeal procedure for items heard before the Planning Commission.

5. *Public Comment

Chair Chvilicek opened the public comment period. Stephen Wolgast, 5220 Cedarwood Drive, said he wanted to speak about growth and the character of the Truckee Meadows. He said Reno billed itself as the biggest, little city, but it did not aspire to be the "biggest" city. Residents did not want to live in a sprawling metropolis such as Phoenix or Las Vegas. He felt development should respect the Truckee Meadows, its unique character and rugged beauty, its amalgam of ranches and casinos, hunters and students, horsemen and professionals, runners and quad riders, which resulted in a friendly, tolerant culture. He said long-term development plans had been drawn up for the area, which included the North Valley Area Plan, the Forest Area Plan and the South Valleys Area Plan. Those Plans anticipated growth, but were intended to preserve the rural, scenic nature of those areas. For the City there was the new reimagined Reno Plan that would allow for workers to live near their jobs in a scenic setting, with less dependency on their vehicles. He was curious of all the Planned Unit Developments, rezoning, Special Use Permits and Variances, which were allowing four, five, eight and even ten homes per acre in areas that were zoned one home per acre. He said that would increase the risk of flooding to both new and existing residents. The support of infrastructure for schools, fire, police, water and sewage treatment could not keep up with high-intensity growth. The Area Plans and the Reno Plans represented a huge investment in time and effort by a large number of residents and County and City employees, which should guide all planning decisions. He said there were plenty of choices if someone wanted to live in a big city, but there was not another Truckee Meadows.

Tammy Holt-Still, 11493 Tupelo Street, said the *Reno Gazette-Journal* stated it was the developer's responsibility to build in such a way not to change the natural conditions of water movement. If they developed in such a way that by moving the water that naturally would go into the aquifer or someone else's property, they would be indulging in a form of trespassing. When the government gave someone permission to do so without requiring them to build safely and properly, it was possible the government would be putting themselves in some degree of legal liability. She said on November 16, 2017, the amount of storm runoff was tremendous. The Truckee Meadows River Drainage Manual Section 302.1, 302.4, 303.1 had guidelines, which were not followed and it was Reno and Washoe County who needed to work together as an accumulative for Lemmon Valley. Hopefully by the time all of the facts that she had heard the Commission would see that staff did not give them all the information and the Commission would find there were not enough findings to approve the Lemmon Valley subdivision. She said her focus was on the Washoe County Reclamation facility, which was built within a flood plain. If it had not been built within a flood plain, it would not cost over a half-million dollars to be raised. Also, the Washoe County Development Code was in place regrading flood hazards.

Danny Cleous, 11630 Tupelo Street, said he lived in Lemmon Valley for 39 years and the City of Reno had made a mess out of the North Valleys and they did not need the County to do the same thing in Lemmon Valley. He stated that development would not be good for anyone and the water that had accumulated there had not gone away. He noted Dave Solaro stated the water had dropped three feet; but it had actually risen six inches. Culverts were leaking because they did not have good culverts. He noted the County Engineer said at the County Commissioner's meeting that all the drainage in Lemmon Valley was inadequate and needed to be updated, but no one had money to do it. He wondered what would happen when the new developments wanted to continue in one acre+ parcels; it would just make their situation worse. He felt they needed responsible building by responsible developers. He said six, eight, or ten homes per acre did not fit in their rural lifestyle. All the farms would be gone and a recent study delivered to Reno showed there were no working areas anymore.

Donna Robinson, 11625 Tupelo Street, said she was one of the flood victims and had just

recently got back into her home. After a \$60,000 loan she was able to repair her home and her flood insurance did not pay anything. She applauded Mr. Baker from Lemmon Valley Heights Development for hiring a hydrologist to study the water issues and impacts of his subdivision. She stated, however, they needed to take a hard look at anything that was being proposed in the flood areas and realize how that would impact the homes that were already there. There were numerous homeowners who could no longer live in their homes because of the flood. She asked the Commission to look at where the effluent water would go, because the Lemmon Valley sewer plant was underwater. At the Citizen Advisory Board (CAB) meeting a couple of weeks ago, Mr. Baker said the traffic would impact the area by Lemmon, Palace and Patrician, which was a school zone where numerous children walked to school. She asked how many vehicles that would bring to the two-lane road. She did not like the idea that the traffic rating could go down from a "b" to a "d". She felt some serious issues needed to be addressed before they could build in that area, especially in an area that was a flood plain. She stated Swan Lake filled up and went on her property and she was more than a block from the Lake. She wanted to feel safe in her home and know that it was not going to flood again next time a rain or snow storm happened.

Chair Chvilicek closed public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Barnes moved to approve the agenda for the March 6, 2018, meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of February 6, 2018, Draft Minutes

Commissioner Donshick said under the first item 8A there was no recap of the vote. Secretary Lloyd stated staff would review the item and make the correction. Commissioner Donshick moved to approve the minutes for the February 6, 2018 Planning Commission meeting contingent upon the correction to Item 8A. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

A. Tentative Subdivision Map Case Number WTM18-001 (Lemmon Valley Heights) –

For possible action, hearing, and discussion to approve a 206-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 4,500 square feet (\pm .10 acres) to a maximum size of 17,206 square feet (\pm .39 acres) with an average size of 6,540 square feet (\pm .15 acres). Side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet, and lot widths from 80 feet to 45 feet minimum.

- Applicant: JDS LLC
- Property Owner: JDS LLC and Jennifer Jory and Sunrinder Preet
- Location: 1200 Estates Road
- Assessor's Parcel Numbers: 080-635-01, 080-635-02, 080-730-35, 080-730-21, and 552-210-07
- Parcel Size: \pm 128.5 acres total
- Master Plan Categories: Rural (R) and Suburban Residential (SR)
- Regulatory Zones: General Rural (GR, \pm 59.95 acres, 1 dwelling per 40 acres) and Medium Density Suburban (MDS, \pm 68.64 acres, 3 dwellings per acre)
- Area Plan: North Valleys

- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 608, Tentative Subdivision Maps and Article 408, Common Open Space Development
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: 34 and 35, T21N, R19E MDM, Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures from the Commission. Commissioner Lawson stated he made a site visit. Chair Chvilicek opened the public hearing and Roger Pelham, Senior Planner, presented the Staff Report. He noted Condition 3yy would be changed. Commissioner Horan asked if the change would mean they would be creating a levy road. Mr. Pelham stated the County Engineer would report on the change and condition. He continued with the Staff Report presentation. Chair Chvilicek opened up questions to the Commission.

Commissioner Horan asked Mr. Pelham to address the sewer issue that was brought up in Public Comment. Dwayne Smith, Director of Engineering and County Engineer, stated Washoe County owned the Lemmon Valley wastewater treatment plant and they were permitted to accept up to three hundred thousand gallons a day of sewer for treatment. He reported they currently received about 220,000 gallons a day. That water went through the treatment process and then was discharged to the holding ponds. The holding ponds were adjacent to the plant and adjacent to the Swan Lake Playa. At several times during the year, they opened a gate and allowed for the treated effluent that had been in those ponds to go into the Swan Lake Playa. The volume of water that was actually discharged into Swan Lake was significantly less than the small amount of water that came into the plant for treatment. He said he could provide more detail, but he thought it was important to recognize the operation of the plant and that they were under their permitted values for discharge. He noted some years it might be a little bit more, some years a little bit less. He said under an agreement with the Audubon Society and others, part of the reason they discharged into the Swan Lake Playa was to provide habitat for birds.

Commissioner Horan asked if the Plant was under water at this time. Mr. Smith stated the Treatment Plant was not under water, it was surrounded by berms and those berms had been in existence since the Plant was built and with the unprecedented flood events that were experienced in 2017, they raised the berms around the Plant and two of the sludge ponds. In order for them to maintain safe access to the facility to make sure it was fully operational during the flood event, they expended ratepayer dollars to raise the berms around the Plant and ponds.

Commissioner Horan asked if the County was creating a levy road in that area. Mr. Smith stated the County and the City of Reno had been collaborating to look at alternatives to provide safe emergency access into and out of the area in the event there were future floods. He said they did not know if future floods may occur, but they had committed to acquiring development to assist in the process of providing safe access for the existing residents and new residents that came in through redevelopment. What he and the Public Works Director settled on was that Lemmon Drive, which was a City of Reno roadway, would be elevated to provide safe access during flood events. He said there were alternative ways to provide alternative access, but there were several factors driving this. First, Lemmon Valley was under the RTC's 2040 Plan for widening portions of that road. With the roadway being widened in the near future, they could incorporate an elevation project to provide benefits for the existing residents and the new

residents in the most cost-effective way. If they were able to elevate Lemmon Drive then they could eliminate some of the longer alternative routes that they had to put into place when they had to close Lemmon Drive due to flooding. Secondly, Lemmon Drive at its current elevation had to be closed during unprecedented flood events for the safety of the traveling public, which created a situation where residents had to go in and out of the developments in different ways. By raising the elevation of Lemmon Drive to 4925, the goal was to create an elevated roadway with certain passable lanes under flood events. He explained the elevation was determined through a series of events last year using assistance from DRI, the weather service and others to come up with a protection level. That protection level of 4926 was two feet above the FEMA designated flood plain elevation. He said the highest water level they saw in Swan Lake last year was 4923.3, which was still below the 100-year elevation.

Commissioner Horan asked how much of Lemmon Drive would be elevated. Mr. Smith stated the developer was conditioned to raise Lemmon Drive, but he did not know the exact length. He noted the other developer that annexed all the Washoe County land into the City of Reno a couple of years ago was the master developer for the locations immediately north and along Lemmon Drive all the way to the existing subdivision in the north. He was being conditioned to also raise Lemmon Drive to the 4926 in front of his developments. Working together with the developers and the City of Reno and RTC, who had a pre-programmed road widening project, was to bring those together in the most efficient and effective way to raise the elevation of Lemmon Drive. Commissioner Horan asked if that meant there would only be water on one side of the road. Mr. Smith said as part of the road raising and widening project, the developer would be required to construct gates or valves on the culvert pipes so that those gates or valves could be closed when needed. He said all kinds of runoff and surface drainage that came in from the East passed across and underneath Lemmon Drive as it entered the Swan Lake Basin of the Playa. The ability to close those culvert pipes was critical. He reported currently they had all those culvert pipes surrounding the Lake closed. He said the approach to include valves in the culvert pipes would make that process much easier and more efficient than the current process. The goal was to keep Swan Lake in Swan Lake.

Chair Chvilicek asked how future flooding plans would be mitigated by Washoe County for Lemmon Valley. Mr. Smith stated on September 12, and December 12, 2017, the Board of County Commissioners (BCC) gave staff four directions; 1) maintain established protection levels, storm water and seepage pumps; 2) create a flood response action plan; 3) create mitigation plan, develop capital projects, develop costs estimates for those projects; and, 4) pursue FEMA Hazard Mitigation Grant programs. He said the Chair was asking specifically about the third item, which was the development of the mitigation plan. That process was underway and staff would come back with possible recommendations for projects, estimated costs and funding strategies. Chair Chvilicek asked if the mitigation plan was for all of Washoe County or just the closed basins in Lemmon Valley, Red Rock and Cold Springs. Mr. Smith stated it was for the closed hydro-basins including Silver, Swan and White Lake.

Chair Chvilicek asked if the discharge from the wastewater treatment plant caused flooding. Mr. Smith showed a pond curve for Swan Lake and explained the curve was developed based on the topography of the Lake. He said in the fall of 2016 Swan Lake was empty and through the precipitation events of 2016 and 2017 Swan Lake received over 9,000 acre-feet of water. He said approximately 220,000 gallons a day came into the Lemmon Valley wastewater treatment plant and if you took that and distributed it to Swan Lake at its current elevation, it would raise the Lake less than ½ inch. It was a very small amount of water compared to the significant volume that was delivered through runoff.

Commissioner Lawson said he had some concerns about the Conditions of Approval, specifically pages 10 and 11 of the Staff Report regarding final approval of the drainage

facilities. Final approval of the drainage facilities would occur during the final map review and would be based upon the final hydrology report. He said prior to finalization a detailed hydrology/hydraulic report for the unit shall be submitted to the County Engineer to determine compliance. He was concerned because his packet from a week ago had already been changed with the condition to raise Lemmon Drive to deal with the flooding. He said the preliminary reports that were presented to the public for debate were not as comprehensive as the report he assumed the County Engineer would receive. He also wondered why we invited the public out for comments, presented them with information that was subject to change and approved by someone else later on and try to convince them everything was going to be okay. He was not comfortable with that and he saw conflicting information presented between the testimony of staff, testimony of the constituency and it was difficult for him to be comfortable that this was all going to be okay when they reached final approval.

Mr. Smith stated staff looked at many, many projects over many, many years and this was the process that was in place and it was a process that worked. He said it was looking at it in a “coarse” way and then it was fine-tuned as the development progressed. Little things could change; maybe a roadway would be moved, a detention basin would get shallowed or deepened, there might be some other design element that would be put into place or taken out, but those were all-natural products as they moved through a project. However, he noted they did not make monumental changes to a hydrology report; if they did then he would stop the process and it would have to go back to an earlier part of the process and it may even have to come back for further review under a revised tentative map approval process. He explained they required a full hydrology report and that hydrology report would lay out the framework and would provide enough specifics that they could take the Code requirements and apply those to make sure they were meeting the minimum standards. As they worked together through the project and there was refinement, they would further take those Codes and make sure those refinements fell within. From his perspective, he did not have that same issue and he reiterated he dealt with this every day, so he said he was very confident in the process that they developed of working through the details. He said until a project met his and his staff’s satisfaction, it would not go on to a Final Map. He said he wanted the Commission to be confident that staff made sure everything met Washoe County Code requirements.

He said they conditioned all developments for storm water and in areas where there were FEMA flood plains, they used FEMA’s flood plain requirements per our Code and per the Truckee Meadows Drainage Manual. He said they did not design for or guarantee protection under all storm, flood, return-frequency or culvert size events. That was not the standard of practice for any municipality. He said they would look at things that had been identified through the flood and raising of Lemmon Drive was one of those, which was a reflection of the collaborative approach between the City of Reno and Washoe County. The City of Reno owned the roadway and the County currently had the majority of the residents, so they were working together to come up with strategies to help both the existing and future customers.

Commissioner Lawson wondered if there was a strategy to raise that roadway if there was no new development. Mr. Smith stated it was on the RTC’s list of regional roads, so repair work would be completed through RTC funding. If there was no development, he did not know where funding would come from, because that was one of the benefits of value-added actions through new development. He said he knew Washoe County and the City of Reno did not have capital programs for raising roadways.

Chair Chvilicek asked if no more development happened in Lemmon Valley, then what the plan to do repairs to Lemmon Drive was. Mr. Smith stated until the mitigation plan was completed that identified potential strategies or alternatives, he did not have an answer.

Commissioner Horan said it appeared the raising of Lemmon Drive would be done on a piece-meal basis and they would have to wait for another development to do some more of it and so on. Mr. Smith stated the condition required the developer to raise that portion of Lemmon Drive associated with his project. The next developer was also conditioned to do that. He said what they were managing towards was the RTC road widening project and bringing those together for the benefit of the residents.

Commissioner Donshick said she knew the drainage facilities and the FEMA flood plain would not be addressed until the Final Map, but according to the Staff Report, there was only three acres that were in the actual flood plain. Mr. Smith stated most of this property was not in the flood plain. Commissioner Donshick stated there were several detention basins planned and she wondered what the normal runoff was in the area. Mr. Smith stated he did not have those specific details at this time, but the development was conditioned to retain storm water runoff as part of the mitigation requirement. He said when there was development of streets, sidewalks and homes, that would eliminate the ability for water to enter the ground, so part of the conditioning process was that they build basins and routing to mitigate those impacts. He believed the developer took a further step to look at additional ways to mitigate and retain more volume than what they were generating under the pre-development condition.

Commissioner Bruce stated last year's precipitation was record-setting and unprecedented, but he wondered what it was going to be called. Mr. Smith stated there were certain rain gauges in the areas throughout northern Nevada that showed anywhere from a 60-year return frequency to a 350-year return frequency, but that was not the sole measure of flood impacts. What they saw last year specifically was a series of precipitation events that in affect saturated the ground to a point at which no additional water could go into the ground, so even small events turned into precipitation runoff events. He cautioned the Commission to think about last year's events strictly in terms of a return frequency event, because it was a combination of elements within the closed hydro basins. Commissioner Bruce stated his problem had been that people talked about record-setting, but he wondered how long they had been keeping records. He wondered how much precipitation there was when the Donner party came over the mountain and there were no records kept. He said people made all these assumptions based on the records we had and everything rolled along until it did not work and it clearly had not worked in Lemmon Valley. He thought people were talking about the weather changing and about atmospheric rivers and seeding for more precipitation, but he wondered how that would impact Lemmon Valley.

Chair Chvilicek called the Applicant forward. Chris Baker, Manhard Consulting, presented a PowerPoint presentation. Mr. Baker stated the Applicant agreed with the Conditions of Approval. Chair Chvilicek asked him if he was aware of the new condition. Mr. Baker stated they were and that would actually give them the ability to provide more storage on the south end. He noted the flood zone was included in the area and was part of their retention basin. There was a three-acre piece right next to the main outlet and a portion of it was in the right-of-way and a portion of it was on their property and they were proposing no development in that area.

Chair Chvilicek opened up questions to the Commission. Commissioner Chesney said he appreciated what the Applicant did regarding the hydrology portion. What he had heard tonight was two issues, the cure issue for flooding in the Valley and then the project, which in his opinion the Applicant had done a lot of work to mitigate the outflow to Swan Lake. However, he thought the two issues needed to be separated. Mr. Baker said he agreed and that was a very difficult port to portray through the presentations. He said they originally identified areas not for development, but areas for retention basins and detention basins. They took those identified areas to the public and what was left were the areas that could accommodate units. He said what they heard was that any development was going to be bad, it would increase flood waters and it would make a bad situation worse. To echo what the County Engineer said, development

done right and above their fair share would be the solution. It would not be done with a magic wand, it would be developments such as this that were willing to do a little more than what was required and overtime would alleviate the problem.

Chair Chvilicek stated she applauded the Applicant's efforts to do the right thing and even though this was a tentative map and things would change, she appreciated developers who did due diligence to see how their project would have negative impacts as well as positive impacts.

Commissioner Donshick commended the Applicant also, because there were a lot of places in Washoe County besides Lemmon Valley that had flood issues and if other developers would think like this Applicant it would be better all the way around.

Commissioner Lawson asked what engineering firm did the hydrology study. Mr. Baker responded Cardno, which was a local firm. He said that company was also working with the adjacent properties, which gave them lots of knowledge for this property. Commissioner Lawson asked if there was a peer review of the hydrology report, because he had seen so many engineering, hydrology and geology reports prepared by people that had an interest. He said he was not denigrating the Applicant or the firm, but staff did not include any geologists for example, so the Commission received reports and were told to believe them. He said he was hard-pressed to do that. Chair Chvilicek stated she thought the stop-gaps were in place with the Engineer and the State Water Master and everything that came in to play. Right now, the Commission was addressing a tentative map and this process would get so convoluted that when they started asking "future" questions, it was not helpful. She stated they could bring in research document after research document, but she knew that when they had the stop-gaps in place with the County Engineer and State Engineers, they were the people who had the responsibility to do their due diligence to make sure they were getting verifiable information.

Commissioner Lawson contended there was dearth of staff resources with the specific expertise in these instances to address some of these concerns and he respected this was a tentative map, but he concluded that once a tentative map was approved, the public no longer had a say. Chair Chvilicek interjected stating the public would still have a voice, in all the following map stages.

Mr. Pelham stated this would be the last time they would have substantial public input into the process. After this, staff would be looking at a set of construction drawings and those final specifications. He explained this step was getting permission to do the project more or less in this manner. If the answer was yes, the Applicant would go forward and do substantial engineering and final detail work and that might take a couple of years before they got it completed and a set of final construction drawings submitted. At that point, it would be reviewed to a very high level of detail by planning staff for planning conditions, engineering staff for all of their conditions, and health staff and all of those relevant agencies would ensure the basic Code requirements or any additional conditions placed upon the tentative approval were complied with prior to the approval of the Final Map. Chair Chvilicek stated there was a process for people to review, follow and seek information. Mr. Pelham stated there was always the opportunity for interested public to interact with the staff that was doing the review. Commissioner Lawson said his point was that there would be no more "public comment" opportunities.

Chair Chvilicek called for public comment. Tammy Holt-Still, 11493 Tupelo Street, continued from speaking during open public comment. She discussed raising the elevation of the berm, permitted capacity of the sewer plant, NDEP's official report for the sewer plant and the expected amount of effluent from the new development. She said the amount of projected gallons from the development, plus the newly approved 100,000 square foot building, full-

service restaurant and retail, it would exceed the permitted amount of effluent allowed. She said there were also three buildings going in by the Shell Station and apartments on Military Road and Lemmon Drive that would go to the sewer plant. She reported that on December 31, 2017, the permit for the sewer plant would expire and she wondered what would happen.

George Still, 11493 Tupelo Street, said he thought a Special Assessment District was not the answer. Most of the residents in Lemmon Valley were on septic tanks and did not generate effluent waters that would go into Swan Lake; therefore, he thought the developers should be assessed, not the residents. He said what was going on would definitely have an effect on the effluent going into the Lake, because the contour of the ground was being changed. Raising Lemmon Drive was a nice band-aid, but the problem was too much water. We had a big water year, but it certainly was not the record of all of them, there had been five other events that had the same amount of precipitation, but more development was what increased the problems. He said until the infrastructure was done to include the whole of Lemmon Drive, the Commission should be very careful about what was approved, because homes were still under water.

Denise Ross stated she was with the Lemmon Valley Flood Relief and Assistance and they had decades of reports that suggested there would be a serious flood issue that had been ignored. She showed on the PowerPoint where the Applicant wanted to build the retention ponds. She said those retention ponds would not do much to hold back as much water as they got. She also had pictures showing their property last year, and she did not know where they were going to build because it was under water. She said staff did a really nice presentation, but she showed the Commission some uncomfortable pictures and there was no way the detention or holding ponds could control the water or help mitigate floodwaters. She urged the Commission to stop listening to the many denials of responsibility and start doing what was right. The Commission might think this was only a 206-lot approval, but she did not think it was. She asked the Commission to think about all the development going on in the area, think of the total that would go into the Lake, not just this development. All buildings that would have an impact on Swan Lake needed to be halted until further, complete studies were done to understand what the collateral damage would be to Swan Lake.

Melissa Wiseman, 10515 Chestnut Street, stated she was opposed to unrestricted growth. The Lemmon Valley Heights North project was not conduit to the open space areas. She said she was sorry they were dealing with flood issues, but we all know Nevada weather. Hearing this five years ago, we would be upset that he was keeping the water from the basin where the wildlife and birds needed the water. She stated Lemmon Valley Drive was going to be a four-lane road and they would have to accept that, but she thought that should be in place before they increased housing. She said the north side lots were eight houses per acre. She understood there were no street lights, but that was a whole lot of porch lights that would pollute their beautiful star-line. She said she was very concerned about public access to BLM land. She thanked them for not building on all of those acres, but what would happen to the open space land when it was decided to put one house per acre there. She said the Lemmon Valley Volunteer Fire Department still had not shoveled the snow from in front of the doors for the Lemmon Valley Protection. The closest fire station was in Silver Lake and the average response time was 15 to 17 minutes. Under the best of circumstances how was that going to change when there were more people to protect. She wondered about the \$2.5 million dollars given to the Stead Airport and how that would affect different development in that area. She questioned the traffic to town and having no way to get to town safely and in a time-effective manner.

Josh Miller, 575 Werth Circle, showed a picture of the area and the County pit. He thought if there was a valve in that, it would hold a lot of water and the water retention numbers would be closer to what the Applicant planned with his six water holding areas. He said he saw some other numbers showing the Lemmon Valley Elementary being at 107 percent capacity and

North Valleys being at 117 percent capacity. He noted he was not totally against the development, but maybe they could add a park, a roundabout, speed bumps, or something like that because people sped up and down the roads and he did not think that was too much to ask.

Danny Cleous, 11630 Tupelo Street, said the north side of the development they wanted to do was right at that line, which had been there forever. That line separated the rural part of Lemmon Valley to the front part of Lemmon Valley where there were subdivisions and he felt it should stay that way. He said they did not need houses jammed up next to each other. He noted on the map were a rancher was fighting the City of Reno to place warehouses on his property. He quoted some rain fall measure from the Stead Airport in 1986, which was more than in 2017 and the area did not flood. He said the area flooded in 2017 because of too much effluent water and too much building. He said they talked about snow pack, which was estimated from Mt. Rose and not from Peavine. We did not even make it to a 100-year flood in a 24-hour period yet. We haven't even made it to a 100-year flood in the Lemmon Valley yet. If we got a 100-year flood, he would have four feet of water in his property. When his parents bought his property, it was not listed in a flood plain. He said it was now because of all the building and all the effluent water going in. He believed all the hydrology, drainage and flow reports were made up because they came off Steamboat Creek and a creek out of Gerlach. There had not been a real study in the North Valleys for a long time. He did not want retention ponds, because they turned into a mosquito pond.

Rob Sheets, 11950 Heart Pine Street, said the County had done an excellent job of cleaning out the culverts, clearing out the ditches from the mud and the waste, but all of that had been dumped into Swan Lake for years and years. He believed people changed the absorption rate for Swan Lake. He applauded these plans and ideas, but he wished the City would have done that for the residents a long time ago. When you try and separate their plans for the containers or ponds, to solving world hunger, which was a flood of Swan Lake, he felt it could not be separated. Hoping in 2040 that Lemmon Valley Drive was completely raised up was not the answer, because all the residents who lived there would be attending a meeting like this complaining they were flooded out and could not get to their homes. Swan Lake would never go back to normal.

Donna Robinson, 11625 Tupelo Street, said some of her concerns were that the plan to widen Lemmon Valley Road to four lanes was on the RTC Plan, but when would that happen, before the development or after the development. She wondered how that would impact the traffic on Lemmon Drive right now. She discussed six fatalities on Lemmon Drive since she lived there, both by vehicle accidents and pedestrian accidents. The fact was that until all the questions were answered, and she applauded Mr. Baker for having the foresight to look at the hydrology, but who was going to be responsible for the school kids. She said a part of Lemmon Drive would be raised, but what about the school children who could not walk on the path because it was under water. She said 206 homes with a minimum of three or four people in a home, would add to the effluent water being put in the Lake, would add to the traffic going down Lemmon Drive, and Deodar was a dirt road. She wondered if that was going to be paved and if it was paved, who would maintain it. Those were all important issues this Commission should look at during the tentative map stage because the public would lose their voice once this was passed. She asked the Commission to look at all the issues, not just the flooding, but traffic, safety, law enforcement and fire.

Chair Chvilicek closed public comment and brought discussion back to the Commission. Commissioner Lawson said page 9 of 14 of the Staff Report stated that traffic on Lemmon Drive had been identified as a concern during the review of the project. The application materials included a traffic study that indicated that "traffic generated by the proposed Lemmon Valley subdivision would have some impact on the adjacent street network. The following

recommendations were made to mitigate the project traffic impacts. It was recommended that any required signing, striping, and traffic control improvements comply with County requirements. It was recommended that the segment of Deodar Way adjacent to the site and all internal subdivision streets be constructed per County standards.” He questioned if the amendment, the raising of Lemmon Drive, would remove the condition to pave Deodar. Mr. Pelham stated the section of Deodar identified as an emergency access would no longer need to be paved. The area of Lemmon Drive would be raised instead.

Mr. Baker stated there was a Condition of Approval that required them to relocate the Deodar intersection. Right now it did not come in at a 90-degree angle, and they were required to move it further up Lemmon Drive and do a full-half street improvement. He informed the Commission that they were paving it and relocating it because it did not function properly.

Commissioner Donshick wanted the questions regarding the effluent and the sewer capacities addressed. Mr. Smith stated current flows into the treatment plant was approximately 220,000 gallons a day using planning numbers that they utilized in facility plants. The current capacity of the plant had the ability to accept flows from this development as it was today. He said he wanted to be clear that there was a requirement as part of the permit that any time they hit 85 percent of the permitted capacity for inflow, the State required them to initiate planning efforts for the next expansion phase of a treatment plant. He noted that was for the Lemmon Valley plant, the Stead plant, the South Truckee Meadows plant and all facilities. He said even though the volumes of water that was generated from the treatment plants did not have significant impacts to the water surface elevation, it was important to recognize that the City of Reno and the County were collaboratively planning to look at alternatives and options for reclaimed water and what to do with that to best serve the public as a resource moving into the future. He stated they were doing pilot programs and the City of Reno was engaged with the University and with TMWA looking at a pilot program for their facility and they were also looking at expanded pilot programs in other areas to determine what was best to do with the treated effluent. In the future, they were likely to see that effluent water would be treated to a much higher standard to be used in other areas for other purposes, which may limit the amount of water released into Swan Lake. He said they would always be required to put a sum amount of water in Swan Lake for the protection of wildlife and the agreement with the Audubon Society.

Chair Chvilicek asked what the current capacity of the plant was. Mr. Smith said 73 percent, but they would still be below that with this subdivision. He said they had already initiated the expansion planning for that facility, which was only required at 80 percent. He said they hired several local consultants to assist them through the process.

Commissioner Donshick stated fire response was brought up and she knew it went out to all the entities but there was nothing from the Truckee Meadows Fire Protection District (TMFPD) in their packet. Mr. Smith said there was a question about the timing with the RTC's road widening project, so he looked up the RTC 2040 plan and the project scheduled for 2017 to 2021, reference #13 was Lemmon Drive. Also, to widen from two to four lanes from Fleetwood Drive to Arkansas. Commissioner Donshick asked if it was set. Mr. Smith said it was fund-based. Mr. Pelham stated he did not receive a response from the TMFPD.

Commissioner Lawson said that was part of \$160 million worth of roadway projects identified in the region that was funded by Regional Road Impact Fees, and that was contingent upon approving the new fee structure. He said he thought it was not a done deal.

Commissioner Horan said he struggled with things like this from the standpoint that the tentative map was often ahead of the infrastructure. He stated no one talked about the 5,000 homes going in Cold Springs and it was difficult to continue to do this betting on what was going to get

done. He thought everyone did a good job giving the Commission the facts, but there was no guarantee.

DDA Edwards stated he did not know what the Commission would decide, but if there was a motion to deny, he would admonish the Commission to tie it to the findings. He advised the Commission to avoid making a motion to deny based on the thought there should be some sort of blanket stoppage of development in this area. He said that would have to be done pursuant to a moratorium.

Chair Chvilicek asked how the Commission could pursue getting a report from the TMFPD. Mr. Lloyd stated he did not believe the Commission could get that information at this time. He explained he spoke with Chief Moore who recognized the growth in the North Valleys area and he was looking at funding sources for expanding or new development, because it was a recognized area of need. DDA Edwards stated the fire regulations were codified and in International Fire Codes and they would apply whether or not the report was included. Mr. Pelham stated staff usually received comments back from the fire department only about half the time, but he reiterated that the developer would have to meet all the requirements of the Fire Code as the process moved forward.

Chair Chvilicek called for a motion.

Commissioner Lawson 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 deny Tentative Subdivision Map Case Number WTM18-001 for JDS LLC, having not made all ten findings in accordance with Washoe County Code Section 110.608.25, specifically the public health, that the design of the subdivision or type of improvement was likely to cause significant public health problems. He further moved that under Access, the design of the subdivision did not provide necessary access to surrounding adjacent lands and provide appropriate secondary access for emergency vehicles. Commissioner Bruce seconded the motion.

Commissioner Horan stated he did not necessarily agree that Findings were not being met. He said he would support a motion to approve the project.

Chair Chvilicek called for a vote. The motion was failed on a vote of two in favor of denial (Commissioners Lawson and Bruce), five voting nay (Commissioners Barnes, Chesney, Chvilicek, Donshick and Horan).

Chair Chvilicek called for a second 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 WTM18-001 for JDS LLC, with conditions and with the change to condition #3yy as specified by the County Engineer and having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Donshick seconded the motion, which carried on a vote of five in favor and Commissioner Lawson and Commissioner Bruce voting nay.

- 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.

THE COMMISSION TOOK A FIVE MINUTE BREAK

B. Tentative Subdivision Map Case Number WTM17-002 (Golden Mesa South) – For possible action, hearing, and discussion to approve a tentative map to allow the subdivision of a 35.85 acre parcel into a 32 lot subdivision with a 5.02 acre common area and lots averaging approximately 35,000 square feet in size.

- Applicant: Moonlight Hills Estates, LLC
- Property Owner: Moonlight Hills Estates, LLC
- Location: Northeast corner of the intersection of Golden Valley Road and Estates Drive
- Assessor's Parcel Number: 552-100-01
- Parcel Size: 35.85 Acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: 33.8 acres of Low Density Suburban (LDS – 1 dwelling per acre) and 2 acres of Medium Density Suburban (MDS – 3 dwellings per acre)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 408, Common Open Space Development and Article 608, Tentative Subdivision Maps
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: 11, T20N, R19E
- Prepared by: Chad Giesinger, AICP, Senior Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3626
- E-Mail: cgiesinger@washoecounty.us

Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures. Commissioner Bruce said he visited the site. Commissioner Donshick stated she lived in Golden Valley and was the current President of the Golden Valley Property Owner's Association and they had the developers' representatives come to their meeting for discussion. DDA Edwards asked Commissioner Donshick if this development was slated to become part of the Golden Valley Property Owner's Association. Commissioner Donshick replied no. DDA Edwards asked Commissioner Donshick if she had made any commitments in her capacity as President of the Association to the developer. Commissioner Donshick stated she did not. DDA Edwards asked if she had any pecuniary interest in the outcome of this procedure. Commissioner Donshick replied she did not. DDA Edwards stated he felt her role on the Association was peripheral, it was common place for board members to be members of other boards and agencies and he felt Commissioner Donshick could participate in this item. Commissioner Horan stated he visited the site.

Chair Chvilicek opened the public hearing and called staff forward. Chad Giesinger, Senior Planner, presented the Staff Report. Chair Chvilicek opened up questions to the Commission. Commissioner Donshick stated there would be no effluent going to Swan Lake, which meant it would go into the Reno Station. Mr. Giesinger stated this would be on a municipal sewer system and the sewer lift station would generate the flow down to the City of Reno plant on the River. Commissioner Donshick asked about the traffic left-turn and NDOT wanting something done at Golden Valley and US Highway 395. Mr. Giesinger stated that was in reference to RTC synchronizing traffic lights, which was what they were recommending.

Chair Chvilicek asked if there was an Applicant presentation. Mr. Giesinger stated that he had covered what the Applicant had intended to cover, and the Applicant chose not to present.

Chair Chvilicek called for public comment. Frank Benedickt, 750 Coht Drive, stated the traffic had been bad since the high school was built. He noted there were a lot of semi-truck and triple-trailers going through the area to the pit. Also, school buses were going both ways on Golden Valley Road and he thought it should be widened all the way to Sun Valley Drive.

Carlos Archuleta, 7095 Estates Road, said he gave the Commission a letter that stated he was not in the flood plain, but would be now. He said he came to oppose the project, but now believed the project was a done deal. He said the Marlin Ditch that the County promised to fix was still not fixed. The back of his property flooded because the storm drains were too little to handle the water and they were told that when it was put in. He asked if the FEMA flood plain requirements had been accomplished. The decision to put vehicle outlets on Estates Road was done without any concerns as to how it would impact the residents on Estates Road. There were no vehicle outlets on Golden Valley Drive because it would create an unsafe driving hazard as was described by NDOT. He wondered what it would be like on Estates Road, let alone trying to get on the freeway and if the Commission approved this, traffic would come over the hill and down Estates Road. He said he address a lot of problems; school, busing, condemning property for widening the roads in the future, wells and septic systems, but he felt no one was listening. He thought the developer would speak to the homeowners on Estates Road, not the Homeowner's Association. He said it would be difficult to get out on Estates Road, especially when he was hooked up to his horse trailer. What happened to the one dwelling per acre? Now they were talking two or three homes per acre. He said he and the homeowners were left to pay for the problems that arose from a bad decision. He felt the public had no voice and the developers should sit on these boards and commissions.

Lois Maley, 7220 Remington Road, said the back of her property faced where the street was going to come out. She requested someone's business card so she could sue them every time a car hit her horse fence and hurt her horse. She said once those houses were City lots were approved, then that meant the "gun" streets would be absorbed by the City of Reno. She did not want to be part of the City annexation. She asked the Commission to leave it low-density housing instead of going to medium-density housing.

Checo Castande, 7125 Estates Road, said he was against the project because of the traffic it would create. He urged the Commission to think about this project as if they lived there. He did not think it would make any difference to oppose this. He explained that more children coming into the area was a concern because of previous vandalism to his mailboxes. He said no one talked to any of the residents on Estates Road. He said the developers could buy the residents out and then they could do what they wanted.

Chair Chvilicek closed public comment and opened discussion to the Commission. Commissioner Lawson stated he was confused about the size of the lots. He said the report stated 33.8 acres of low-density with one dwelling per acre and two acres of medium-density, which would allow three dwellings per acre. He asked if there was any open space. Mr. Giesinger stated the lots sizes were not smaller than 35,000 square feet and the overall density was one dwelling per acre. They had 35 acres of land with 32 lots proposed. There was five acres of HOA area that would comprise the drainage facilities and would be maintained by the HOA. The net density was 1.18 dwelling units per acre. He said there would be lots that were less than one acre, but they met the minimum lot size for one-acre zoning.

Chair Chvilicek said it looked like the high school students considered this a parking lot and she wondered how that would be addressed if this was approved. Mr. Giesinger stated they were trespassing now and would no longer be able to park there once construction started. Commissioner Donshick stated this problem had been addressed with the Sheriff's Office and at property owner's meetings. She said the Sheriff's Office had gone to the School District, but because part of that land belonged to Washoe County and part belonged to the developer, there was not much they could do.

Commissioner Lawson asked why the "f" level of service at the intersection was acceptable. Mr. Giesinger stated the traffic study pointed out that the left-turn movements would reduce the level of service and the potential of improvement was to have a two-stage left-turn lane, which would mitigate the issue. Commissioner Lawson asked if it would be rated at a level of service better than an "f". Mr. Giesinger stated it would. Commissioner Lawson said he did not see the calculations or the contention that it then became a level of service "e" or greater. Mr. Giesinger said that the traffic study was included in the materials and could be reviewed for the details, but that was the conclusion of the traffic study.

Commissioner Horan questioned the runoff rates and where the water would go. Mr. Giesinger said the runoff 100-year flow rate would be reduced by 56cfs.

Chair Chvilicek 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 WTM17-002 for Golden Mesa South, 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 Donshick seconded the motion, which carried on a vote of six in favor and Commissioner Lawson voting no.

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.

C. Development Code Amendment Case Number WDCA18-0003 (Recreational Marijuana) – For possible action, hearing, and discussion to either deny or recommend approval to the Board of County Commissioners proposed amendments to Washoe County Code Chapter 110 (Development Code) at Articles 302 (Allowed Uses), 304 (Use Classification System), and 410 (Parking and Loading), to replace the existing Medical Marijuana Establishment use type with the new Marijuana Establishments use type to define the various types of marijuana establishments in accordance with state law, to designate the regulatory zones where both medical and adult use recreational marijuana businesses will be allowed in the county under state law, and to establish parking standards for new retail marijuana stores / dispensaries; and if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Applicant: Washoe County
- Location: County wide
- Area Plan: Applicable to all Area Plans
- Development Code: Authorized in Article 818, Amendment of the Development Code
- Commission District: All Commission Districts
- Prepared by: Chad Giesinger, AICP, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3626
- E-Mail: cgiesinger@washoecounty.us

Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures. Hearing none, she opened the public hearing and called for staff's presentation. Chad Giesinger, Senior Planner, presented the Staff Report. Chair Chvilicek opened up questions to the Commission.

Commissioner Donshick said page 3 showed the chart of where the facilities were allowed and not allowed and it appeared it changed what was applicable in NC and TC Mr. Giesinger stated there was no change of where they were allowed and he explained how the chart was put together. Commissioner Donshick stated the way the report came out, it looked as if it had changed, but she understood it did not change.

Chair Chvilicek called for public comment. Hearing none, she closed public comment and called for discussion or a motion.

Commissioner Lawson moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA18-0003, to amend Washoe County Chapter 110 (Development Code) at Article 302, Table of Allowed Uses, Article 304, Use Classification System, and Article 410, Parking and Loading; and, to update these sections within the Development Code. He further moved to authorize the Chair to sign the resolution contained as Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval was based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e). Commissioner Horan seconded the motion, which carried on a vote of seven in favor, none against.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

9. Chair and Commission Items

***A. Future agenda items**

There were no future agenda items requested.

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

Commissioner Chesney stated the Commission had several contentious meetings lately and there had been no one from the Sheriff's Office in attendance. He stated the Commission had no way to protect themselves and he wondered if there was a possibility to have someone available from the Sheriff's Office for these meetings. Mr. Lloyd stated he would make that request known to the Sheriff's Office.

10. Director's and Legal Counsel's Items

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

Trevor Lloyd, Secretary, reminded the Commission that at the last meeting he said the survey would be available at this meeting; however, it was not yet completed.

***B** Legal information and updates

DDA Edward stated he did not have anything to report.

11. *General Public Comment

Vice Chair Chesney called for public comment. There was no response to the call for public comment. Chair Chvilicek asked if there was a way to help the public understand what guided the Planning Commission in their decision-making process. She felt it would be helpful for all concerned.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:53 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on April 3, 2018.

Trevor Lloyd
Secretary to the Planning Commission