



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney, Chair
Francine Donshick, Vice Chair
James Barnes
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Larry Peyton
Trevor Lloyd, Secretary

Tuesday, June 2, 2020
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, June 2, 2020, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

No members of the public were allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting will be held by teleconference only.

The meeting was televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

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

Commissioners present: Larry Chesney, Chair
Francine Donshick, Vice Chair
James Barnes (Remote via Zoom)
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson (Remote via Zoom)
Larry Peyton

Staff present: Trevor Lloyd, Secretary, Planning and Building
Roger Pelham, Senior Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office (Remote via Zoom)
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Chvilicek led the pledge to the flag.

3. *Ethics Law Announcement

Secretary Lloyd provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

DDA Nathan Edwards joined the meeting via Zoom at 6:33 p.m.

5. *General Public Comment and Discussion Thereof

Chair Chesney read an introductory statement regarding Zoom procedures. He opened the Public Comment period. There were no requests for public comment. Chair Chesney closed the public comment item.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the June 2, 2020 meeting as written. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of Minutes – April 20, 2020 Draft Minutes and May 5, 2020 Draft Minutes

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the minutes of the April 20, 2020 and May 5, 2020 Planning Commission meetings as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Consent Items

A. Tentative Subdivision Map Case Number TM03-006 (Eagle Canyon IV) – Extension of Time Request for Tentative Subdivision Map Case Number TM03-006. For possible action, hearing, and discussion to approve an extension of time for expiration of the approval of the subdivision, for two years, from July 17, 2020 until July 17, 2022. The subdivision was originally approved by the Planning Commission June 3, 2003 for 527 single-family lots. The Planning Commission may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired, in accordance with NRS 278.360.

- Applicant: Lennar Reno, LLC
- Property Owner: Lennar Reno, LLC
- Location: southern terminus of Lanstar Drive
- Assessor's Parcel Number: 532-020-09
- Parcel Size: ± 63.6
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDA - 3 dwellings per acre)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 608 Tentative Subdivision Maps
- Commission District: 4 – Commissioner Hartung
- Prepared by: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328. 3622
- E-Mail: rpelham@washoecounty.us

MOTION: Commissioner Chvilicek moved that the Washoe County Planning Commission approve the two-year Extension of Time Request until July 17, 2022, for Tentative Subdivision Map Case Number TM03-006 for the Eagle Canyon IV Subdivision, subject to the attached original conditions of approval, having made the findings that the conditions of approval ensure consideration of the items enumerated in NRS 278.360, that the original findings remain valid, and that the circumstances have not appreciably changed since the original approval.

Commission Donshick seconded the motion which carried unanimously, seven in favor, none against.

9. Public Hearings

A. Tentative Subdivision Map Case Number WTM20-002 (Harmony Mesa) – For possible action, hearing, and discussion to approve a tentative map for the merger and re-subdivision of two parcels totaling ±6.5 acres in order to develop an 18-lot single-family residential, common open space subdivision. Lot sizes range from 6,000 square feet to 22,000 square feet. The subdivision will have two common areas consisting of approximately 1.3 acres. Approximately 31,400 cubic yards of earthen material will be excavated on the site. This constitutes Major Grading, which would be included in the possible approval of this application. The application also includes a request to vary general setback standards from 20 feet in the front and rear and 8 feet on the sides (per Section 110.408.25 of the Washoe County Code) to 10 feet in the front, 20 feet in front of the garage, 15 feet on the rear and 5 feet on the sides of each lot, which would also be included in the possible approval of this application. The maximum residential density is 3 dwellings to the acre, and the residential density proposed is 2.8 dwellings to the acre.

- Applicant: Doug Barker
- Property Owner: Hero Land Holdings, LLC
- Location: On Marilyn Drive between Harmony Lane and Quartz Lane
- Assessor's Parcel Numbers: 085-330-39 and 085-330-44
- Parcel Sizes: ± 2.63 and ±3.86
- Master Plan Categories: Suburban Residential (SR) and Industrial (I)
- Regulatory Zones: Medium Density Suburban (MDS) and Industrial (I)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 608, Tentative Subdivision Maps, Article 408, Common Open Space Development, and Article 424, Hillside Development
- Commission District: 5 – Commissioner Herman
- Prepared by: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Chesney opened the public hearing and called for Commissioner disclosures. There were no disclosures.

Roger Pelham, Washoe County Senior Planner, provided a staff presentation.

Staff reported there were no requests for public comment. Chair Chesney closed the public comment period.

Commissioner Chvilicek stated 47% of the subject area has a slope of 15%; she asked if that is half of the development which is primarily in the drainage area. She requested additional information. Mr. Pelham said there are steep slopes in the drainage area and peripheral, primarily in the west side. Most of the area would be in the back yard of proposed lots. There will be retaining walls. He said we have conditions of approval for a guardrail to be installed wherever it is necessary so that those steeply sloped areas that are adjacent to roadways would be protected. This is not a typical hillside development. There are steep slopes, many of which were not created by nature, but rather illegal dumping, unpermitted grading over time. There aren't any pristine hillsides that need to be preserved. Commissioner Chvilicek inquired about the special use permit requested by the Park Planner. She asked if that was an error. Mr. Pelham said that was an error.

Commissioner Donshick asked about the major grading of over 31,000 cubic yards. She asked if that will be moved around on the property. Mr. Pelham stated essentially it will be balanced on-site.

Derek Kirkland, Planner, Applicant Representative, provided a presentation. He said he is requesting to replace condition, 'vehicle guardrail' to 'protective barrier'. He is requesting a condition in the traffic section: if Marilyn becomes public, we would like Harmony Lane brought up to standard. He said we haven't decided if it's going to be public or private. We do agree to bring Harmony up to standards if it becomes public.

Chair Chesney asked if Mr. Pelham accepts the changes in conditions. Mr. Pelham said yes, he spoke with County Engineering who agrees with Condition '3.II' Engineering Condition, and he said he is in agreement with the Planning Condition '1.r.'

Public Comment via Zoom:

Nanette Fink-Eaton said she whole heartedly feels this subdivision would be a benefit to the community. She applauded them coming into the community with the beautification of the homes that they are proposing. She said she has two concerns of which was already addressed, but it needs to be considered greatly. One concern is with the ingress and egress of this subdivision. As it sits right now as proposed, the ingress and egress are solely predicated on Harmony Lane. She said her concern is that Harmony Lane is not enough roadway to accommodate 18 new homes. You have approximately 2 1/2 cars per home; that's 45 cars. It's a natural expectation to see the use of Quartz Lane in that subdivision. The second concern is with the watershed and how it will be dispersed and re-appropriated once that subdivision goes in there. That's a huge issue. Planners had spoken to that matter, but that needs to be addressed because historically the watershed there goes down through that drainage ditch and there are times when it's just a flowing river. If that is addressed either by adding large culverts, it's not just in that new subdivision that's going in; it would be for the individual residents that are down below it they could have very negative effects from that disbursement of water. She said she believes that Marilyn should most definitely be public in order to have the police patrol that area. When it's private property, the Sheriff's Department can't do anything on it unless of course there is criminal activity occurring. For instance, there is dumping or abandoned vehicles that the Sheriff's Department can't do anything about it if it's not public. She said she thinks this would be a wonderful addition to the area and we support going forward. She said she doesn't know if they're going to have HOA's on the property or CC&R's but that would be nice addition. Thank you.

Renee Hanson said she shares the east property line with that subdivision. She said she agrees with Nanette Fink about ingress and egress about having one route – at least one improved route. She said it seems more likely that Quartz would be the exit or at least an alternate route because it takes up a whole side of this development. She said she agree 100% with the drainage concerns. She said she is curious how the water will fall down from those rock walls onto the existing property which is her property. Water will hit the blacktop and rooftops, and less of it will be able to soak into the ground and will have to go into drainage. She said Nanette had mentioned it is very fast running water during heavy rains. She said she was curious about the collection basin and how the water will flow through the development. She said she also noticed the application stated there were no trees on the property unless they don't consider Juniper trees actual trees; there are at least 20 of them. She said they are beautiful and hundreds of years old and hopes they save a few of them.

With no further requests for public comment, Chair Chesney closed the public comment period.

Commissioner Nelson asked Mr. Kirkland about Exhibit D drainage and culvert. She asked if they will improve culverts. Mr. Kirkland said they do plan to improve those culverts based on grading and new storm drain systems. He said there is a lot of trash in there and it needs to be cleaned out. He said we will have to build V ditches to ensure water enters and exits the site per code.

MOTION: Commissioner Donshick 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 WTM20-002 for Doug Barker, with amended conditions, having made all ten findings in accordance with Washoe County Code Section 110.608.25:

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

Commissioner Chvilicek seconded the motion to approve with amended conditions Tentative Subdivision Map Case Number WTM20-002 (Harmony Mesa). The motion carried unanimously, seven in favor, none against.

10. Planning Items

A. Resolution to Initiate Development Code Amendment Case Number WDCA20-0001 (Article 412, Landscaping) – Possible action to adopt a resolution initiating an update to Article 412, Landscaping of the Washoe County Development Code in order to:

- a. Clarify where the standards of Article 412 apply
 - b. Clarify the process for review of extenuating circumstances for modification of standards
 - c. Clarify the requirements for landscaping plans
 - d. Require water conservation measures
 - e. Require preservation of Significant Trees
 - f. Provide for greater flexibility in design of civic and commercial required landscaping
 - g. Clarify that durable materials are required for screening fences
 - h. Update standards for numbers of required trees, shrubs and ground cover
 - i. Provide standards for revegetation of disturbed areas
 - j. Update standards for financial assurances
-
- Applicant: Washoe County Planning and Building
 - Area Plan: All
 - Citizen Advisory Board: All
 - Development Code: Authorized in Article 818 Amendment of Development Code
 - Commission District: All Commissioners
 - Prepared by: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
 - Phone: 775.328.3622
 - E-Mail: rpelham@washoecounty.us

Chair Chesney opened the public hearing.

Roger Pelham, Washoe County Senior Planner, provided a staff presentation.

Commissioner Chvilicek requested confirmation that as we do these updates to the development code, the regional plan is taken into consideration. Mr. Pelham said absolutely.

Staff reported there were no requests for public comment. Chair Chesney closed the public comment period.

MOTION: Commissioner Chvilicek moved that after giving reasoned consideration to the information contained in the staff report, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate an update to Article 412, Landscaping of the Washoe County Development Code; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.

Commissioner Chvilicek further moved to direct staff to bring the amendment back to this Commission for a hearing within 125 days of today's date.

Commissioner Donshick seconded the motion. The motion carried unanimously, seven in favor, none against.

B. Update of Regulatory Zone Amendment Case Number WRZA19-0010 (Highland Village) – For possible action, hearing, and discussion for an advisory recommendation to the Board of County Commissioners on whether to adopt Regulatory Zone Amendment Case Number WRZA19-0010, if it were coupled with an associated development agreement under NRS 278.0201 and related provisions limiting the gross density to 4.2 dwelling units per acre. WRZA19-0010 is for a regulatory zone amendment for 2 parcels totaling 54.5 acres from Low Density Suburban (LDS) (1 dwelling unit/acre maximum) and General Rural (GR) to High Density Suburban (HDS) (7 dwelling units/acre maximum), with the 3 acres that are currently GR to remain GR. Zoning amendments cannot be conditioned; accordingly, the development agreement would be a separate transaction which, if approved, would limit the development of the property to a maximum density of 4.2 dwelling units per acre for the duration of the agreement.

- Applicant: Regal Holdings of Nevada LLC
- Property Owner: Charles J. Fornaro et al
- Location: North of Highland Ranch Pkwy. & North of Midnight Drive

- Assessor's Parcel Numbers: 508-020-41 & 43
- Parcel Sizes: 21.0 & 33.5 acres
- Master Plan Categories: Suburban Residential (SR) & Rural (R)
- Regulatory Zones: Low Density Suburban (LDS) & General Rural (GR)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 821, Amendments of Regulatory Zone

- Commission District: 5 – Commissioner Herman
- Prepared by: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3627
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Chair Chesney opened the public hearing and called for Commissioner disclosures. Chair Chesney noted he had a phone conversation with the applicant representative; however, it didn't affect his decision to vote one way or another.

Trevor Lloyd, sitting in for Julee Olander, Washoe County Planner, provided a staff presentation. He provided background information: this Commission had recommended denial, but it was remanded back to this Commission by the Board of County of Commissioners.

John Krmptotic, Applicant Representative, provided additional project information with changes in the compromise.

Commissioner Bruce asked if it's still proposed that there is a single entry of access on Highland Park Road with no traffic control. Mr. Krmptotic said there are two access points that are well separated with traffic controls. He said, if warranted, we can install a traffic light. There was

discussion at CAB about traffic impact. There were several people who spoke about safe routes to schools. He said we are committed to meet those concerns at the tentative map process.

Chair Chesney thanked Trevor and John.

Staff reported there were no requests for public comment. Chair Chesney closed the public comment period.

Commissioner Chvilicek applauded staff and applicant for working on a consensus. Chair Chesney agreed.

MOTION: Commissioner Chvilicek moved to recommend approval to the Board of County Commissioners of Regulatory Zone Amendment Case Number WRZA19-0010 if it were coupled with an associated development agreement under NRS 278.0201 and related provisions limiting the gross density to 4.2 dwelling units per acre.

Commissioner Donshick seconded the motion. The motion carried unanimously, seven in favor, none against.

11. Chair and Commission Items

- *A. Future agenda items – Chair Chesney recognized it's Jim Barnes' last meeting and thanked him for his service. Chair Chesney said we will have a presentation of a certificate of appreciation next month. Commissioner Chvilicek said Jim Barnes has been so supportive of her growth in Regional Planning. He has been a true leader and calming force. She said it is privilege to call him a friend.
- *B. Requests for information from staff – Chair Chesney requested direction from staff. He said he wants to know who is responsible for specific road improvements. He provided examples of jurisdiction. Road infrastructure is far behind, and it would be nice to ask the specific entities. Mr. Lloyd said it's a collaborative effort, but it would be helpful to invite them to answer questions. Commissioner Donshick added it would be nice to know what impacts are occurring, especially with COVID. Commission Chvilicek inquired if Mr. Lloyd can update the Planning Commission regarding the scheduled additions of the Regional Planning Commission and timeline for area plan updates. Mr. Lloyd noted those scheduled additions will be brought to the Planning Commission over the summer.

12. Director's and Legal Counsel's Items

- *A. Report on previous Planning Commission items – None. Mr. Lloyd welcomed new Planning Commissioner Larry Peyton.
- *B. Legal information and updates – DDA Edwards noted a lawsuit was filed against the County in 2015 for a cell tower that was constructed in Washoe Valley. The lawsuit claimed the County was negligent in its inspection of the cell tower and allowed it to be built within an easement that served another piece of property out there. The Judge in the case granted the motion to dismiss back in 2015-16. The case sat for years. It was finally appealed to Supreme Court last year. We got the decision that they affirmed the dismissal of the County from the Lawsuit. The inspections took place in 1999 when the cell tower was constructed. The dispute arose around 2006 according to the plaintiff. The lawsuit wasn't filed until 2013 by the cell tower people and neighboring property owner, and the County was added in 2015, and he moved to dismiss based on that time. This claim has now expired. It's been 21 years since the building permits were issued on that cell tower. It took 21 years to get a resolution.

13. *General Public Comment and Discussion Thereof

With no requests for public comment, Chair Chesney closed the public comment period.

14. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:35 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on July 7, 2020

Trevor Lloyd
Secretary to the Planning Commission

DRAFT