



WASHOE COUNTY PLANNING COMMISSION **DRAFT** Meeting Minutes

Planning Commission Members

Sarah Chvilicek, Vice Chair

Francine Donshick, Chair

R. Michael Flick

Daniel Lazzareschi

Kate S. Nelson

Rob Pierce

Patricia Phillips

Secretary

Trevor Lloyd

Tuesday, December 6, 2022

6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

and available via
Zoom Webinar

The Washoe County Planning Commission met in a scheduled session on Tuesday, December 6th, 2022, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the 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 Donshick called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Vice Chair
R. Michael Flick
Daniel Lazzareschi
Kate S. Nelson
Rob Pierce
Pat Phillips

Commissioners absent: Francine Donshick, Chair

Staff present: Trevor Lloyd, Secretary, Planning and Building
Julee Olander, Planner, Planning and Building
Mitch Markey, Planner, Planning and Building
Eric Young, Sr. Planner, Planning and Building
Chad Giesinger, Planning Manager, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Office Support Specialist, Planning and Building
Brandon Roman, Recording Secretary, Planning and Building

2. Pledge of Allegiance

Commissioner Lazzareschi led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Gustafson provided the ethics procedure for disclosures.

4. Appeal Procedure

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

5. General Public Comment and Discussion Thereof

Chair Donshick opened the Public Comment period.

Public Comment:

Michael Clark, Washoe County Commissioner-elect, District two, said "I've got a comment that I'd like to share with you and I know it's not in your realm. When we hold a public meeting, it should be for the public. As I go around the complex here, the gates are locked, some gates are open, but most of the gates are locked. I had to badge myself in to get into the complex and I had to let somebody in the door over here. So, we hold a public meeting in the evening, the County should be aware to notify security not to lock the gates early."

Cliff Lowe, a resident of unincorporated Washoe County, said "I want to start out first of all by thanking you. Even though I may disagree with some things that you may do, I thank you for choosing to do your job and sticking with the job in the current environment. I know it's probably something that I could not do myself. So in the hostile, uncivil environment in which you're operating, I thank you for staying with it. I'm here tonight, and we'll speak again under item 9. A., regarding changes to the development code, I urge you not to approve those changes. I'll leave it to others to talk about substantive reasons, but I'm urging you not to approve it because it is incomplete. It is incomplete because it lacks input and it lacks that input because as the staff report says, this has been done on an expedited basis, as the Board of County Commissioners asked for. Really? Where? I've gone over the minutes, and I will read those minutes to you. These are the official records of the Board of County Commissioners, as the staff report says, 'the previous action taken on September 20. The motion the minutes from September 20 say, 'a motion by Commissioner Lucey seconded by Commissioner Jung, which motion duly carried out a three to two vote with Chair Hartung and Commissioner Herman voting no, it was ordered that the allowance of cannabis consumption lounges in unincorporated Washoe County, be approved, and staff be directed to commence drafting amendments to watch a County Chapter Code 25 and Chapter 110 for potential adoption by the board.' Did anybody hear anything resembling expedited? It's not there. The other business was on October 11, and it reads on motion by Commissioner Jung, seconded by Vice Chair Hill, which motion duly carried on a three to two vote with chair Hartung and Commissioner Herman voting no. It was ordered that the amendment be initiated as outlined in the staff report for Agenda Item nine. What does the staff report say for that? It says nothing about expedited. Now, that's not to say that maybe somebody didn't ask you. But there is no official record of the Board of County Commissioners seeking to have this handled on an expedited basis. As a result, it lacks input. Things were done in a rushed manner and you should be under no obligation to adopt something that hasn't gone through the normal process. So, I will be back later to explain why I think you should reject this. Thank you."

Rhonda Tycker, Incline Village Resident, said "My problem with cannabis lounges is there are hidden costs. Government and businesspeople will profit from the lounges. The short-term

financial benefits of cannabis outlets and cannabis monitors to businesses and the government are relatively easy to grasp. What Washoe County planners and Commissioners don't mention, our costs have long-term unintended consequences. Today's cannabis is described by expert Ben Court, author of *Weed Inc; The Truth About THC; The Pot Lobby* and the commercial marijuana industry. Today's cannabis is just as addictive as opioids and just as dangerous to the human mind because of the high percentage of THC in commercial products. Today's unregulated high potency THC products, resulting in psychotic episodes, hallucinations, and long term medical and psychological problems similar to opiates. Children are lured into thinking cannabis use is socially acceptable in public. They are naturally more likely to use today's high-powered cannabis with all the subsequent ill effects on their bodies and minds. The public pays the cost when you make public drug use socially acceptable. Children who become high-THC cannabis users pay a horrible price. Citizens also pay through taxes for the additional necessary police services, blood testing services, justice services, medical and psychological services, and other hidden costs. According to Wikipedia, cannabis impairs a person's driving ability and THC was the drug most frequently found in the blood of drivers, who have been involved in vehicle crashes. Those with THC in their system are three to seven times more likely to be the cause of the accident than those without cannabis. Yes, Washoe Police will handle THC-impaired driving like they handle all other intoxicated driving, but that may be after the accident or injury has already occurred. Please do not legitimize public drug use by allowing cannabis lounges in Washoe County and areas such as Incline Village. In the long run, they are harmful to our children, our families, and our community.”

Helen Neff, an Incline Village resident, said “I also sent my public comment by email, so I hope it got to all concerned parties. I am against this amendment to the Washoe County code for a number of reasons. It does not address impaired driving and puts public safety at risk. In my written comments, I explain that in further detail. I am the victim of a crash that happened last year and the driver that crashed into me when I was legally crossing the street in the crosswalk, showed numerous signs of impairment including disorientation, diminished coordination, distorted senses delayed reaction time and confusion. This was all confirmed on the body cam video. She had a prior DUI; she was not tested. I later learned she was a cannabis user. Since she was not tested, it couldn't be used in court. And this happens all the time in our county. My additional reasons include this amendment is contrary to public health, for which we all pay. The Washoe County Health District encourages people to join the Great American Smokeout. Yet, the other entities in the county are encouraging smoking by putting through amendment codes such as this type. This code amendment only serves a limited segment of the population. The staff report says it's only for out-of-town visitors and those with restrictions on their leases. This code amendment conflicts with the Lake Tahoe destination stewardship plan, which says Tahoe needs to shift its brand away from a party place, to a family orientated outdoor destination. There has not been sufficient time for public outreach and comment and this amendment is not required by state laws. So, thank you for denying that it go forward any further beyond where it is now.”

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

6. Approval of December 6, 2022, Agenda

Vice Chair Chvilicek asked Commissioners to consider reordering the agenda to hear item 9.B, then item 9.A. Commissioner Pierce moved to approve the agenda for the December 6, 2022, as reordered. Commissioner Phillips seconded the motion, which passed unanimously with a vote of six in favor, none against. Chair Donshick was absent.

7. Approval of November 1, 2022, Draft Minutes

Commissioner Pierce moved to approve the minutes for the November 1, 2022, Planning Commission meeting as written. Nelson seconded the motion, which passed unanimously with a vote of six in favor, none against. Chair Donshick was absent.

8. Planning Items

Master Plan Update [For possible action] – Staff will discuss progress on the EnvisionWashoe2040 project to update county's master plan and request the planning commission's approval to use the following four community derived aspirations as guiding principles for the master plan update: (1) Maintain and strengthen access to scenic outdoor recreation opportunities, (2) Strengthen access to housing, (3) Maintain and strengthen efforts to conserve natural resources, (4) Strengthen access to transportation including better concurrency of transportation infrastructure with development.

Eric Young, Senior Planner, introduced the item. He introduced Planner Mitch Markey, who provided a PowerPoint slideshow.

Public Comment:

Cliff Lowe, a resident of unincorporated Washoe County, said “There's an expression some people use about blowing smoke up somebody's rear end. I just want you to know that the way I opened my initial comments, I say that I thank you for doing what you do, is not blowing smoke up your behinds. If you were to go see my public comment before the Board of County Commissioners, you would know that I am on the record as expressing severe concerns about the lack of civility that's expressed towards people who serve in positions like you and outright harassment of some people who are not even elected in their positions. As far as this agenda item goes, there's also an expression of beauty in the eye of the beholder. That kind of means that beauty is what you perceive it to be and it's kind of an individual thing. These community derived aspirations should not be open to wide interpretation, they should be precise. I would share with you that if you think about it, in the last 10 years or so there's a word that has come totally twisted, and no longer has any clear meaning. That word is 'access.' What is meant by access? It's used here three times. Access to outdoor recreation, access to housing, and access to transportation. What that used to mean is people either lack the physical ability to get there, or there was a barrier. Typically a physical barrier or some legal prohibition. Is that what's meant here? I doubt it. I would ask that you seek to have what this word access means. Does it in the case of maintain and strengthen access to scenic outdoor recreation? Does that mean to preserve what's there? Does it mean to add more outdoor recreation opportunities? Sometimes access has been used in current day. It means sometimes that people lack if the monetary resources. They can't afford something. Here it says to strengthen access to housing. Does that mean that the Envision Washoe 2040 should provide subsidies to people so they can move into the kind of housing that they want? Is that what is meant by access here and strengthen access to transportation? Does that mean to create more transportation? If so, what kind of transportation? It's totally unclear to me. Does it mean that Envision Washoe 2040 should encourage that there'll be more public transportation? Should people receive a subsidy so they can get their own vehicles? So, I decry the use of the word access here because it is ambiguous. It becomes in the eye of the beholder and while I think they're worthy probably and they're well intended, I think it should be clarified, at least on the record, before you adopt these so that people know what you meant by adopting these.”

William Naylor, 44-year resident of Washoe County/Washoe Valley, said “This whole Envision 2040 thing has been very frustrating because it's been an incredibly closed process. We got involved with it in February at kind of an ad hoc meeting down in Washoe Lake State

Park that the citizens put together to meet the consultants. At that time, we found out this thing had been going on for a year and a half and we never knew it. One of the things that had done during that period of time was this crosswalk table was created, where they stripped out 70% of the goals and policies of our South Valley's Area Plan. Seventy percent is about average. Some did worse and some did better for all the different areas in Washoe County. We asked for the crosswalk table. We asked Eric Young four times. Three times he told me he'd give it to us. He didn't. The fourth time he said he wouldn't because it was incomplete, a work in process. We asked Dave Solero for it. He said he would give it to us. And then he turned around and said no, it has to go before the Board of County Commissioners because it's not in a format that's easily readable by you citizens. We never heard back from what the Commissioners did. We never got a copy. Apparently, since it appeared in a public meeting, we probably should be getting a copy of that. Right, Eric? Regarding the aspirations, I don't know if you've all gone on the website and looked, but there were about eight or nine of them in there. The number one, as mentioned, was to maintain and strengthen access to public recreation. That was number one with almost everybody. We wonder if that includes trails and bike paths and that kind of thing. Number two strengthened access to housing, that was at the bottom of the list. People are horrified with these apartment complexes that are going on up all over the area, which will become ghettos in about 20 years. Number three, maintain and strengthen efforts to conserve natural resources, which was high with most everybody, as they pointed out, and strengthened access to transportation was again down at the bottom, absolute bottom, or within the three bottom items. It just wasn't that much of an interest. But I guess what I really wonder is why are they going with only four? All of those aspirations are significant and all of them should be considered to one level or another, one priority or another, rather than picking out for them here, for you to say that's what you want to do and that's what we want to go with. One of the ones that was high, that didn't show up at all, was to make development match local character and that definitely should be in there. You've heard the people of Verdi screaming about development and so on. Thank you very much for your time."

There were no further requests for public comment, Vice Chair Chvilicek closed the public comment period.

Commissioner Phillips stated that this is a wonderful picture of ideas with trying to condense it, but one of the things that worried her are the generalizations in it. She said she has a habit of looking for loopholes and the way this is written seems to open it up to more loopholes that will come up and who gets to deal with those in the future? How were the planners going to handle it?

Planner Markey said the main thing to take away from this is that these are overly broad in general for a reason because access doesn't mean the same thing in South Valleys as it does in North Valleys. Neither does housing or the other two aspirations. Having these general aspirations gives Eric, himself, the consultants, TAC/CAC, the flexibility to come up with policies that fit the community's needs. So having these four aspirations be overly prescriptive only addresses the needs of the community, to which you're prescribing that aspiration. So he thought having that be broad and open-ended, is kind of more advantageous.

Eric Young said the Master Plan is very high-level document working towards the implementation aspect and what they're trying to get towards eventually. Senior Planner Young stated that a good question would be, what does it mean to adopt aspirations? What would it mean to accept these? What would we really be asking you to do? What we would be asking you to do is to recognize what we will be doing. As Planning develops the draft, they need to make sure that that draft is responsive to the things that they've heard in the

past year. Senior Planner Young asked what the first question is, what did they hear? The surveys, their notes and meetings with the PC. Senior Planner Young reminded the PC that he was taking extensive notes in all of the CAB meetings. They have notes on what they heard. On a broad masterplan level, they heard housing, transportation, natural resources and access to outdoor recreation is important. Those four things they heard everywhere. They heard a lot of other things, very important things that will show up in the master plan. They're in the notes. They're not going to be set aside. But when they take their drafts that are going back and forth between the consultant and planning, they need to make sure that what we heard is in there. So, they go through those drafts, and ask themselves if they are responding to those issues and every time they create a document, they go through and check it against those four things. Senior Planner Young wanted to let the PC know that they're doing that and were double-checking what they heard universally throughout the community. Senior Planner Young wanted to get the PC's acknowledgment of that and see if something was missing. If PC had any questions about the meaning of those things, Senior Planner Young and Planner Markey would love to answer them tonight. Senior Planner Young stated that's the sense of what it means to acknowledge or adopt a community aspiration for us to build this plan around.

Commissioner Flick said in every board or commission he has served on; they always had at least three of those four items. Commissioner Flick added that it seems like they spend a lot of time gathering information on what they got and after they have that, they run out of money to implement some of the things Planning has found out. Commissioner Flick went on to say a big concern is he thinks they've certainly been responsive to housing and have gotten housing going on everywhere, but it doesn't respond to affordable housing. Commissioner Flick said it was almost like an impossible situation where people need the housing but if there's a shortage, the price goes up and as just simple economics, they've all experienced it. Commissioner Flick asked what's next? He continued by asking if more streets were going to be built and more access provided. He said it comes to light of a wide range of possibilities of what access means. Access to public transportation, private transportation. Commissioner Flick stated he doesn't know what that means. Until the PC and Planning get a little more specific, they're still dealing in general generalities, and he certainly won't be here in 2080, but the next 40-year plan will probably have the same thing, but you're going to be a little more crowded with folks. Commissioner Flick finished by saying the ability to achieve those ideals is going to be that much more difficult.

Commissioner Lazzareschi asked staff if they can answer when would be the next time that a Master Plan item would be coming before the Commission for approval? Would that be when there's a draft or is there another step before that?

Senior Planner Young said that it's going to be a little while and they're going to have many more interactions with them in the future. They'll ask the PC to sponsor a community open house out in the lobby, probably the night before a planning commission meeting, and then they'll talk about it. Senior Planner Young added that significant more outreach with the community on what the draft is going to look like. They haven't shared the draft with anybody yet. They might have to make changes before asking to adopt it. Senior Planner Young stated as they develop the draft, they'll go back out to the Citizens Advisory Committee and the Technical Advisory Committee, the steering committee, the CABs and get input to find out what kind of adjustments they need to make in order to come to a draft that they would ask you to adopt. They'll be doing that in the middle of next year when they bring that to the PC. Senior Planner continued by stating the whole project was scheduled to wrap up in the current fiscal year. So, sometime in July, they'd like to get a vote. He went on to say the vote would be two different things. It will be both a Master Plan Amendment for the Master Plan and a handful of Develop Code Amendments to go along with it and the development code

process would require two hearings at the county commission. He said he was sure the PC was aware, it required one here, but that's the next step to bring forward to them. Senior Planner Young finished by saying the timeline has changed a lot from what's going to happen from now to the end. The end date has not changed. The end date of this fiscal year is June -July and they still want to have a document for the PC to act on. So that's going to require a lot of time with the community between now and then.

Commissioner Lazzareschi said if we don't take action tonight to formally adopt these aspirations, what's the impact on their process.

Senior Planner Young said he was not sure what that would mean to the Commission. He would ask them for the meaning of their no-vote and what that means. Did they want something else? Senior Planner Young asked if they were not comfortable voting or giving direction to go ahead and move forward on aspects. He would have to ask them, what's their intention of not doing that? Without further direction, they'll come in tomorrow morning at eight o'clock and just keep doing what they have been doing.

Commissioner Lazzareschi said if we do adopt these aspirations, they'll come in tomorrow and do the job and if we don't adopt these aspirations and don't give direction, they will come in and do the same job. Mr. Young confirmed.

Commissioner Nelson asked if they were planning on doing more public outreach than just surveys until the end of the fiscal year?

Senior Planner Young said the surveys are probably done. They hadn't contemplated another survey, but if the PC had an idea for one, they'll do one. The public outreach from there on out will be more in person to all of the CABs, at least one workshop, hopefully, sponsored by the PC. The primary forms of outreach would be the CAB meetings, the TAC, the CAC, community workshop and probably not a survey.

Commissioner Pierce said he received no paperwork on the update. Nothing other than their planning items and asked if this is how it would be going forward?

Senior Planner Young said no they didn't have a draft for the PC to look at.

Commissioner Pierce said he understood, but he didn't even get a motion or anything.

Senior Planner Young said that had to do with the timing of how the administrative dates of getting everything done and getting it to the PC and that's not how it would always be. That's just how the calendar fell on this particular one.

Vice Chair Chvilicek said in terms of this presentation, they had this done that day, correct? Senior Planner Young said they finished it that morning. Vice Chair Chvilicek said it could have been emailed to commissioners. Senior Planner Young said they probably could have emailed it to them, but weren't asked to do that.

Vice Chair Chvilicek said in the future, if they would consider as they did these documents, if they could just include the PC. They get the planner's report at each commission meeting, but as Commissioner Pierce had indicated and Commissioner Lazzareschi had noted, they felt left out of the process.

Senior Planner Young said nobody wants them to feel left out of the process and asked how they wanted to be included in the process.

Vice Chair Chvilicek said wasn't a criticism, but when she had her meetings with planning, the main thing that she continued to express was community input. She had assurances from planning that the area plans may change, but the area plans would be present and addressed specifically to the communities. She asked if that was a fair statement? Senior Planner Young said yes. Vice Chair Chvilicek stated that commissioners represented different districts within the county, and it mattered to them to be able to answer the community. She was involved with regional plan update and there were meetings all the time and lots of stuff to read. It gave the impression of being very transparent. She was not asking planning to change things, but was asking them to consider that the community needs to feel that the planning staff is working in their best interest and the county's best interest.

Senior Planner Young said he appreciated all that.

Vice Chair Chvilicek said what would be really helpful for starters is that the presentation that night be put up on the website and maybe even on the front page of the county website because people have a hard time when they have to make multiple clicks. It's hard for them to figure out where the plan update was. She then asked it be emailed to all of them.

Senior Planner Young said they will get it. He said the plan is for a summary of this meeting, and the feedback we got from the PC will be put up on the website. He stated that they do have some issues engaging with the county website. There were some limitations to their ability to go on the county website, but they will post on their website, on the front page. Planning wanted to wait and get the feedback from this meeting to put it up there, so they can certainly do that.

Vice Chair Chvilicek said when they were doing the Regional Plan update, there was lots of aspirational language, but as the plan was written, there were drill-downs specifically to things. The Regional Planning Commission was going through the natural resource update and it's very specified. It was aspirational and now it's drilling down.

Commissioner Phillips said the thing that kind of worries her is they come to the meetings and it's like, they go to get their marriage license, but they don't know who they're going to marry. They need to know the information when they come in here. It really helps them to provide questions that she thought would make planning's job easier.

Vice Chair Chvilicek asked if they could have that motion put back up on the screen.

Commissioner Lazzareschi said he didn't feel like they've had deliberation time with the information.

MOTION: Commissioner Lazzareschi moved to table this until next month. Commissioner Phillips seconded the motion.

Discussion:

Vice Chair Chvilicek asked Secretary Lloyd if this can come back to them next month. Mr. Lloyd said it will certainly come back to them and it was anticipated that it was just for the most part a status update. Both Senior Planner Young and Planner Markey had been doing a lot of work in the process. At that time, they didn't have any drafts to present to the PC and that was part of the reason they didn't have much in the way of paperwork. That would be coming and there was going to be a lot of information coming their way.

Vice Chair Chvilicek said not to keep beating this, but if they would have had this ahead of time, they might have been able to take more action.

Secretary Lloyd said that was understood, but this would be coming back to them.

Senior Planner Young asked if they needed anything from planning between now and then or if you just wanted it to come back? Commissioner Lazzareschi requested any information on the considered and not selected aspirations. As aspirations, he couldn't find fault with those four things, but if those are the four things that they as a county are basing all the goals, and eventually code from, some clarification of what the processes were in selecting those four out of the vast array of aspirations.

Commissioner Nelson asked if planning makes a decision log while they're going through the process and that it would be helpful if they had that.

Senior Planner Young said he thought they may have been presenting to the PC something that is somewhat informal on their part and the PC thought that planning did something very formal. Planning didn't do something very formal; they didn't create a decision log, they didn't create a spreadsheet with data. They spent an enormous amount of time with the community at the CAB meetings talking with people. They spent an enormous amount of time developing those surveys based on their feedback, going through the data and the surveys. This was staff's representation of what they felt came out of that. They didn't have data numbers to show the PC other than what the survey has and everybody can go on the website and see the survey, the summary, and all the same data they had. This was your professional staff's representation of what they felt they've understood and heard from the community over the last year. They've wanted to let the PC know that they're building the draft around those four things. There are indeed many things. Not one of which they would want to argue. But planning's representation and feeling was the things that rise to the top. Those are the things that planning felt if they came forward with a plan that does not represent those things, they will have heard about it in every community because those are the four things that came out of every community. There were individual things that came out. Those are the four things that arose universally in planning's experience and estimation. They're not going to be able to give the PC data or numbers with a decision log of how they got to that.

Commissioner Lazzareschi said he had absolute respect for the work planning was doing, and he thought maybe the confusion there was the PC adopting those four things as a formal step. It sounds like maybe planning didn't actually want them to vote on it. If this is planning's professional opinion, based on the vast amount of information they had gathered, then the PC doesn't have to vote on their opinion.

Senior Planner Young said he respected where Commissioner Lazzareschi was coming from. He thought it was important for them to have a mutual understanding that the PC knew what they were doing and the PC didn't have to say "no, don't do that," "we'd rather you do this," or "those aren't important to us," or "that one's not important to us, scratch it off the list." That kind of discussion. What planning needed to get out of that night's meeting was that they were all on the same page, that they were all in the same place, and that that the Planning Commission understands what their staff was doing to build the first draft. Planning wanted to make sure that when they came back to the PC and show them that draft, they won't say "what the heck is this?" "Where did this come from?" Planning was letting the PC know tonight where it came from.

Commissioner Flick said it's not that she was against the four items. They're not specific. She thought she needed a very clear definition of what it was and just as important, how do they measure their progress in achieving those goals for each one of those categories.

Commissioner Nelson said it just seems like there's a disconnect between when they initially had their meetings till now. They had gotten updates, but they haven't been really in-depth and that's maybe the tripping up that they were having. They really don't know what this means going forward. A status update is one thing, but a status update with a motion is another.

Vice Chair Chvilicek said that those tables are very small in terms of the crosswalk, so they don't know who responded and that they had the wordle. She said she was pretty familiar with wordles. The bigger the thing is, the more important it is and in the presentation in one of those wordles, housing was pulled out, but it didn't have the same significance as safety and all of those others. So if the planning staff was using that crosswalk from the public input, then somewhere in there, they needed to address that in the document to some level, such as "this is what happened during the crosswalks." "This is what happened as we went through it as different advisory groups, to the community action, and then the public input sessions. Here's where we're at today." So for next month, when planning had that for them, the community can see it as well. If there's a link in the agenda, that would be extremely helpful.

Senior Planner Young said they were not going to share the entire crosswalk. Vice Chair Chvilicek said no, just what you shared tonight. Senior Planner Young said that was the point of sharing that slide is to get across the comprehensive nature and the complexity of what they were doing. What Planner Markey showed was that they were looking at every single policy in all 18 documents and they were saying, does this exist somewhere else? Is this code? Where should it go? Planning was saying, what should we do with it? That it was a working document that can change as they go through. So the reason that they don't share it was not because it's too complicated, it is complicated, but it's because it was a working document and it can change on a daily basis, as we go through. He went through a draft of the public services elements, and our water guy said, they couldn't get rid of that stuff; you got to keep that stuff. So planning found out we needed to do something different. So that's the reason planning didn't want to share that entire document. The purpose of showing that slide is to get across to the public the comprehensive nature of what they were doing and that they were looking at every word in that document. It's a very complex and tedious process, so that was the purpose of this.

Commissioner Pierce asked if July was the drop-dead date, if they had to have it all done by then and if there was anything the PC could do to extend that date to help planning.

Senior Planner Young said he didn't know that he would call it a drop-dead date. It was the date when the contract ends with the consultant. So in that sense, it was a drop-dead date. They'll have to continue some work until they spend all the money. It was important to him to have that. If they kept moving it out, then they'll just keep moving it out. There couldn't be a point when he had to come to the PC and say, he was sorry, he couldn't do the timeline. Could you give him some more time? If that's necessary, he would do that and he very much appreciated the attitude that it might be okay. But for him, keeping a drop-dead date is important to keep planning on track.

Commissioner Pierce said he was concerned and wanted to do it right the first time and the PC appreciated their efforts.

Vice Chair Chvilicek said they appreciated planning's efforts and knew that they were doing their due diligence. People's perceptions are people's realities and if they felt like information was not being shared, they need someplace to go to be able to ask those questions.

Planner Young said he thought he knew what would make the PC's review of those four aspirations easier for them and where they came from. He had a sense of what the PC was asking for. He thought about how planning can do that. Part of it is not putting all of their eggs in the survey baskets because the surveys are nice because they have graphics as the PC can see big words come out; how come that was not number one everywhere? They had CAB meetings, one-on-one meetings, and stakeholder meetings that added to that pot of information. So he was thinking about how to present it to the PC, how planning came up with that. Planning will do a better job with that and get back to the PC at the next meeting with something they can review before the meeting. Planning will have the ability to discuss that if the PC chose to adopt those and move forward. Senior Planner Young will talk it over with Trevor, Kelly, and others about whether asking the PC to vote was appropriate. He could see that the PC had some legitimate concerns about voting on something and so they would talk over what planning was trying to do. What they wanted to do that night was to make sure that everyone was on the same page and the PC kind of knew what planning was doing and where they were coming from.

Vice Chair Chvilicek said she didn't think that the PC had reservations about voting. They just wanted to have the information ahead of time to be able to review it so they could ask informed questions.

Vice Chair Chvilicek called for the vote. The motion carried unanimously to table this until the next meeting with a vote of six in favor, none against. Chair Donshick was absent.

9. Hearings

A. Development Code Amendment Case Number WDCA22-0003 (Cannabis Consumption Lounges) [For possible action] – For hearing, discussion, and possible action to approve a resolution to amend Washoe County Code Chapter 110 (Development Code), at Articles 302 (Allowed Uses), 304 (Use Classification System), and 410 (Parking and Loading) to create the necessary code language to facilitate the Board of County Commissioner's policy direction regarding cannabis consumption lounges as provided during its regular meeting of September 20, 2022.

The ordinance will amend: (1) Article 302 (Allowed Uses) by adding new uses to Table 110.302.05.3 to allow retail and independent cannabis consumption lounges; (2) Article 304 (Use Classification System) by adding use definitions for retail and independent cannabis consumption lounges; and (3) Article 410 (Parking and Loading) by adding parking standards to Table 110.410.10.3 for retail and independent cannabis consumption lounges; and all matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. Any material modifications that exceed the scope of the amendments being considered at this hearing may require continuation of the hearing for possible action at a future meeting. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

- Staff: Chad Giesinger, Planning Manager
Washoe County Community Services Department
Planning and Building

- Phone: 775.328.3626
- E-mail: cgiesinger@washoecounty.gov

Planner Giesinger provided a presentation. There were no Commissioner Disclosures.

Public Comment:

Jay Collins said “I’m a 20-year resident of Washoe Valley. I want to go back to September 20, the County Commissioners first item on their agenda was about two social services groups who were working with people with drug and alcohol problems. One, woman with children and other individuals. The two County Commissioners, Commissioner Jung, and Commissioner Lucey waxed on and on about how wonderful these groups were and I agree with that. What they went on to say is these groups are so successful and so busy, they’re going to have to increase their campus size and build new facilities and this was done with absolutely no linkage or feeling of cause and effect to why they have to increase the size of their facilities which is what I’ll speak to last. Also, Commissioner Lucey called up a sheriff’s deputy to speak about the issue of impaired driving and in the case of a lounge, especially where I live in Washoe Valley, there is no public transportation. So anyone who leaves that lounge is going to leave in a car and unless they have a designated driver, they’re probably going to be driving impaired. The sheriff said yes, we can test people for that just like an alcohol test, but the alcohol test, you get a result immediately and they can incarcerate somebody. The test for anything else takes 10 days to be lab checked. I got that information from the sheriff after the meeting. Lucey did not ask about that information. So I’m wondering why this accelerated process to get this through when, unfortunately, the current operation in Washoe Valley has been impacting my air quality where I live when they cultivate, yet we’re very involved in the air quality inside the lounges. I think we have moved too fast. I don’t think there’s any reason to be doing this and I go back to what I said in the beginning, ‘are we just trying to create more candidates for those social services programs?’”

Cliff Lowe, a resident of unincorporated Washoe County, said “I spoke earlier seeking denial of the changes to the code that are being presented tonight. Certainly, my motivation is not to create more work for those employees of the county, like most every other place in the world, and certainly in our country these days, they’re probably short staffed and struggling just to keep up. Earlier in the meeting, under different agenda item, I heard one or two commissioners make reference to doing things right and that takes me to one of my book of platitudes, which is, there never seems to be time to do something right. But there always ends up being time to do it twice. Except in this case, there won’t be a second go around, there’s only going to be one chance to get this and do it right. So as it says in the staff report, due to the expedited adoption timeline directed by the board, as I brought to your attention earlier, I find no direction by the Board of County Commissioners to do this on an expedited basis. There’s nothing in the minutes from those meetings that are cited here. I searched the subsequent minutes and I submit to you that I cannot find any official direction by the board to expedite this because it doesn’t exist. You’re not being pressed by the board that you need to continue to expedite this process. They say, ‘no harm, no foul.’ While there is harm. It was not possible for staff to conduct extensive public and agency outreach regarding the proposed amendments. Only 11 people attended the quick CAB meeting. You folks build your schedules, probably because you know, there’s going to be a meeting on the first Tuesday of the month. The CAB people also probably can’t drop what they’re doing and show up to a meeting that’s hastily called and the same with the public so there was a relatively low turnout. There’s harm from that; there hasn’t been proper input, this expedited process has caused harm. Even the cannabis industry expressed as mentioned here in the staff report, concerns from a cannabis industry representative that current ordinance approach had not considered the full range of potential business models. This expedited adoption timeline may not allow for robust industry input. It’s been rushed. It’s even harming

the cannabis industry. The health district says has been meeting and coordinating with the CCB; they didn't finish their process. Don't rush this, push it back and insist the direction to them is that they do it and do it right and get the full input.”

William Naylor said “This item reflects government at its absolute worst. It's on an expedited schedule. Cliff read the quote, 'due to the expedited adoption time when directed by the board, it was not possible for staff to conduct extensive public and agency outreach regarding the proposed amendments.' There is a lack of citizen input. There was very little outreach; we had a mega CAB meeting with 14 people. Of all of Washoe County, there were only 14 people. It lacked of department coordination. You noticed in the staff report, there were no letters from any of the departments, either in the county or the state that should be associated with this or involved with this project. For example, there was no update of driving regulations. Here's a quote from Chad: ' there's no effort on staff's part to really dive into the driving part, because there's really no way to address it from my perspective at the moment based on what we've heard so far.' No update to driving while impaired. No word back from the sheriff. He pointed that out. No formal written health response. One of the things that concerns the people in Washoe Valley is we have no separate municipal septic service. What do you do with the wastewater? The reg says you wash all the utensils; you can keep everything really clean and then all that stuff goes down the sink, and down the toilet from the patrons. Where does that go? Does the water get dumped back into the ground table for people who are on wells to have drink and be exposed to? That should be included in this record before it's approved. As you as you probably know, most of Washoe County depends on Truckee Meadows Fire for their EMS service. Can they handle this? Are they educated to handle these kinds of medical emergencies that this could create if approved. Overall input from departments and citizens and data to support this item are incomplete on every level. You can't make findings if you have no information. This is very important code change and requires full due process in order to make an informed decision. I'm asking to please deny this. Finding three is the most likely one you could find. You only have to find one for some reason. It seems like you should have to make all of the findings, but obviously, public safety is an issue. There's nothing that says that finding forces you to do it.

Thomas Desano said I live in Washoe Valley, and been out there for 15 years. I live a couple hundred yards from the dispensary we're talking about and I'm asking you to deny their possible license approval. I'm concerned for my safety, my family safety, my neighbor's safety, with the possibility of a lot more impaired drivers. We're about halfway between Reno and Carson City. So that means in Carson City, you got to drive about 10 miles. It's about eight miles to Reno and depending on where you're going into Reno, it's even farther. What's the county going to do to address the fact that there's going to be a lot of people especially if they start holding parties out there? There are going to be a lot of impaired drivers. That's the only way they're going to get out there. They will have to drive out there. There's no bus out there. There's no other means of transportation other than a car or walk. Walking would be fine with me if there were stoned. But driving, I'm not okay with that. I don't think any of the people live in Washoe Valley are okay with that and you need to listen to our concerns. Also, I would like to ask why the public in Washoe Valley has not been notified? I found about out about this this afternoon. So that's why I don't have a whole lot to say. I didn't prepare a lot. But give us a notice so more people that live out there and from around the surrounding community can come out and address their concerns over this possible licensing change to allow these recreational lounges. So that's all I have to say thank you for listening, and I hope you deny this request.”

Maureen Collins said “I live in Washoe Valley, and I've lived there for 20 years. I agree with my neighbors who have spoken up here. I would also ask for you to deny this. I can't understand why it's being rushed through and why we haven't been involved in this. We live in an area that's 95% residential, our commercial is only limited to those businesses that line either side of old 395 that goes through Washoe Valley. And we have been impacted

negatively by Sol because they have not met the air quality control codes. You have to understand the growing season of marijuana almost no emissions until a few weeks before the harvest and then during the harvest, and after the harvest, during the drying process, it is almost unbearable out there. I opened up my back door, my entire home is permeated, and Sols' reason is because they can't afford to get the filtration equipment that is needed so that they're not impacting the neighbors and we have complained about it over a period of four years, we've begged people to come out there, they did one test, and they did a report and said it was fine. If it's during those other times, it is fine. So they promised to be a good neighbor of ours if they were going to be in Washoe Valley, and that hasn't proved to be true. They don't follow the air quality codes and we need some help out there about that. They have a band that they place on an elevated deck that the blast sound throughout the valley, I guess to alert the people who are driving through the valley to stop and the noise control it's just not being a good neighbor. People feel in our valley that no one listens to us, or no one asked our opinion, or no one tries to get our opinion and notify us and I was just notified this morning that this meeting was going to happen. So I'm not all that prepared as well. But I would ask you to please deny on the fact that this needs to be slowed down. People need to take their time to make the support and decision."

Marilyn Naylor said "I'm a 40-year resident of Washoe County. Please do not recommend approval of the proposed changes to the ordinances that would have a huge impact on the health, welfare, and safety of the public without first giving every citizen in unincorporated Washoe County an opportunity to voice their opinion at a CAB meeting, or an online survey. Washoe County could follow the lead of the City of Reno and their prudent decision to hold public meetings, survey citizens online seeking their feedback before approving lounges, and before authorizing changes to development codes. We can all still take the City of Reno survey to be completed by Friday, December 9. Citizens do receive verification of their submissions and all feedback from everywhere will be presented to the Reno City Council on January 25. The hope would be that they would join our neighboring counties and Carson City supervisors and not allow cannabis lounges at all. Washoe County code should not be changed without giving citizens complete information and an opportunity to provide feedback. I would like to hear from all of our community service organizations. I'd like to know their feelings also. Please do not recommend approval of the proposed changes. Please propose clear avenues for all citizens voices to be heard."

Ed Alexander said "I'm the owner of Sol Cannabis. I want to take a minute to hopefully remind all the Commissioners that prior to us going through a very extensive application process with the State of Nevada, we came before the BCC to seek guidance on the direction that Washoe County wanted to go as it related to lounges. We were given an indication by the BCC that the intention of Washoe County was to allow for lounges. We went through a very extensive process with the State of Nevada and were selected as a prime applicant for the lounge after essentially spending \$100,000 on a non refundable application fee. What we're talking about here this evening is amending code to include allowable uses, again, which we've been given the indication that the county intends on moving forward. In listening to the concerns of the community, and in talking with emergency services, this is the first step in identifying how we address impaired driving, how we address the safety concerns associated with facilities like this. We've got five taverns in Washoe Valley, I'm not hearing any concern about folks leaving bars impaired. As the proprietor of the facility, it's going to be on us to ensure that folks don't leave in an impaired fashion. We're the fourth largest industry in the state of Nevada. Whether you agree with cannabis or don't agree with cannabis, the voice of the people has been heard repeatedly through the legislative process through continuing to vote and all I would ask the planning commission tonight is to remember what you're being asked to approve is amendment of the tables for allowable uses. The BCC has already given direction to staff that the intention is to move forward with these. Now, we just need to make sure that we implement responsible regulatory language so that the industry can be

overseen and operate in a common sensical responsible way.”

John Strickland said “I’m developing a property down in Washoe, I am actually a loyal customer to Sol. I have nothing against Sol. However, this is the first I’ve heard of it. My neighbors told me about it. My biggest concern is the driving. There were several tests some years ago, right along that stretch. I don’t know where these other taverns are. But I just want to say I agree with all the opposing arguments.”

Mark Neumann said “I am on the Sun Valley Citizens Advisory Board. There’s two lounges in Sun Valley. The notification came, it was sent to us on our email but days before. How many CABs are in Washoe County and how many showed up because of the lack of notice and information and time? We couldn’t even talk to the people of our community as CAB members of what they wanted to bring to this meeting as it was all hastily done and unfortunately, just like Chocolate Drive, you all voted against putting apartments in Sun Valley, it just goes to Washoe County Commissioners and it’s overruled. Vote your conscious.”

Cory Solferino, Washoe County Sheriff’s Office representative, said “I just wanted to take this opportunity to clear up a couple of the comments that has been made this evening. Obviously, the biggest concern of the Washoe County Sheriff’s Office and of Sheriff Baalem is that at the public safety. The men and women of the Washoe County Sheriff’s Office every night go on their shifts, work their beats to combat our freeways and our towns or areas of impaired drivers. I want to get over the notion that marijuana consumption is a new phenomenon. We’ve been training our officers in impairment detection since the get-go. In 2015 we added to A-Ride program. It is the enhanced roadside impaired driving evaluation. There’s a series of tests, and battery of FSTs that officers are trained in to detect impairment, not alcohol, not marijuana, not cocaine, not methamphetamine, not pills, but impairment. It’s not their job to determine what the level of that impairment is, it’s just whether or not they can safely operate a motor vehicle and if they cannot do so, that gives us the probable cause that we need to arrest and get that person off the streets. Whether or not they come back at an impaired level later down the road. The conviction is up to the court. It’s up to the toxicology exams when those battery of tests are completed. Our officers are trained in impairment and to keep our roadways safe and we will continue to do so. I know this is a very, very passionate topic. I happen to be working on the Sheriff’s office government affairs team and I’ve been working in Carson City for the last three regular sessions and three special sessions, talking with legislators, talking with county commissioners. Chad and I have sat on the board for the better part of the last eight years talking about the development of code locally for cannabis consumption from the medicinal piece to the recreational piece, and now the consumption piece. While, I won’t get into the politics behind those decisions, our representation as the sheriff’s office is public safety. So however the board decides to move with this progression, we are ready willing and able to ensure that the public safety is there. I do share the residents of Washoe valleys concerns and residents all over the county. We do not have a mass transit public option for people to go to and from these locations. We would encourage to use responsibly like we do with alcohol consumption to rideshare, to have designated drivers because the fact of the matter is, there simply isn’t a mass transit option for these different locations. But we hope that people use good judgment, we hope that they use the same terminologies and campaigns that the alcohol industry does with use responsibly and consume responsibly. So I’m happy to entertain any questions that you may have. But I just wanted to get a couple of things on the record this evening.”

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

Discussion by Commission:

Vice Chair Chvilicek said before us is the development code amendment and that's what our decisions are based on. I did talk with counsel regarding the timetable for the first and second readings, which will happen on opposite ends of the seated commission. So the first reading will very likely happen with the existing condition.

Mr. Lloyd said it depends on the timeframe. That's my understanding. The first reading would happen with the current Commission. The second reading would likely happen with the second with incoming Commission.

Commissioner Lazzareschi said this is a general code amendment, but I feel like a lot of the public comment we've received are specific to the application that the State Cannabis Advisory Board approved to move forward. Does adopting this regulatory framework for allowing cannabis consumption lounges in the county in anyway, require you as staff, to then issue that license just because the state board has identified that business for moving forward in the process?

Mr. Giesinger said there are two parts there. If the proposed amendments are adopted tonight, they will apply to the entire county. So that is the answer to number one and the board was actually very adamant about that. That was why we did ask for direction on whether or not they wanted to further restrict locations, geographically or by number and they said absolutely not. At least three have voted for it. The other issue of, 'are we compelled to approve the business license that they would submit should these amendments go forward? No, not necessarily; however, it would be a by-right use, meaning that it's not discretionary use. That means that if it met all of the technical aspects of the code, so everything that's required for the application is submitted, they meet all the state regulations as prescribed for air quality and all the agencies sign off on it, it would be routed, just like all the existing marijuana establishments that were approved, they all went through an extensive review at the business license stage, that's submit security plans, all that kind of stuff. So assuming an applicant met all those criteria, then yes, the business license would be issued is not a discretionary process.

Commissioner Lazzareschi said additionally, on code enforcement, the Washoe County Air Board has said that they won't be the agency enforcing. What information do we have about the state's responsiveness in addressing issues like odor that been brought up?

Mr. Giesinger said that's also two different issues. So the odor part of it that was brought up was in regard to the cultivation facility that's already operating out there. So depending on how this goes, there could be an odor component if there were an outdoor lounge. But we're not anticipating an odor issue for indoor lounges because it's going to be so strictly regulated and contained within the facility. We do have representatives here from Health District tonight. They graciously agreed to attend and answer some questions that may arise. I understand that they have been coordinating the CCB and meeting with them because they had concerns about sending their staff in for enforcement and that the CCB did agree to take that lead and to take that responsibility. And in the state doesn't have any regulations right now for an outdoor consumption lounge. So those would have to be created by the county.

Commissioner Lazzareschi said having read the state regulations on the indoor lounge, they are very detailed in the odor mitigation requirements. They don't specify the equipment to install or anything like that. So going forward, it's foreseeable that a situation could arise where a system was installed that was compliant with expectations but then not in operation. What would be the enforcement mechanism if people do have an odor, but the state has to enforce it.

Mr. Giesinger said the state really as a big hammer because they can take that license back. If they're not complying with the requirements.

Erin Dixon, Director of Environmental Health Services with Washoe County Health District.

Thank you for the opportunity to answer some questions. Unfortunately, I don't have everything very specific. As Chad stated, we have been meeting with the cannabis compliance board has been having public workshops regarding public health impacts since the end of the last session. We've been meeting with them very regularly. Since they have the same registered environmental health specialists as we do in our office, they have agreed to be the public health enforcement on these lounges. They are the experts when it comes to this and that is one of the reasons that we have worked so closely with them on this. The workshops are still going on. What this would mean, and if there was an issue, I would absolutely anticipate that if there were odor complaints, the CCB already agreed that they would be the ones that would be responding and enforcing those regulations.

Commissioner Pierce said I wanted to ask you one question along that line. As far as air circulation inside it, I heard a comment from a lady who said that when her doors are open and they're cultivating, she can smell it. And I can relate to that just driving down I-80, by the Nugget during certain times of the month. There's a smell, and it's strong, and it's coming in my car. Is there any mitigation or anything these people should be doing?

Ms. Nixon said our Director of air quality management is the one that responded to those complaints, and they have a very strict regulations, and I'm happy to get those strict regulations to you. They're the ones that went out. I do not have the details of that investigation and report. I can get through those air quality regulations.

Commissioner Phillips asked if this amendment is necessary to comply with the state legislature.

Mr. Giesinger said as I mentioned in my presentation, the County is not required to allow cannabis consumption lounges. The amendments are necessary to respond to the initial board direction that staff has received if they are to be allowed, then these amendments would need to be passed.

Commissioner Flick said I'm ready to make a motion. Vice Chair Chvilicek said I want to take comments first.

Commissioner Flick said it's my understanding marijuana is used for medical reasons. But what is to do to keep these lounges from letting anybody go in there and use marijuana just for the sake of using? Mr. Giesinger said it will not be restricted to just a medical. Recreational use has been approved in Washoe.

Commissioner Flick said I have a real problem with the statement that the amendment will not adversely impact the public health, safety, and welfare. You can't tell me that people who are high on marijuana are not going to impact innocent citizens and that reason, I wouldn't support any motion to move forward with this.

Vice Chair Chvilicek said to the staff, council, and the secretary. I just want my fellow Commissioners to know that I feel this is a really untenable position for this planning commission to be taking on because of the change in the county commission. We don't know what will happen with the second ordinance. We're also putting our staff in untenable opposition because if we deny, they have to go and appeal our denial to the BCC because the applicant is Washoe County. As the sheriff's officer alluded to driving impaired driving, and apparently it doesn't matter what the substance is and we have impaired people driving in our community all the time. I'm not tipping my hand how I'm voting or not, I just want everyone to know that we have multitudes of impaired substances that people use on a regular basis and make poor decisions.

Commissioner Pierce asked whether you could tell us why this was rushed. Mr. Giesinger said I'm just operating in the direction that I've received. Commissioner Pierce said I couldn't find anything in any minutes on that either.

Mr. Giesinger said that I did ask the board for very specific direction when I took the item on September 28 and many of the requests went unanswered. The overall discussion was to bring these amendments back as soon as possible. So I was asked to create timelines of what could be possible, and I provided those to the Manager's office, and this is the timeline. I was told to pursue it.

Commissioner Nelson said I guess my concern lies with it's going to be a split board. The board direction that you are given that board is changing.

DDA Gustafson said I'd like to reiterate that whether the Board of County Commissioners would ultimately vote yes or no on these amendments is not the question before the planning commission today. It's your job to look at these development code amendments and then decide whether you'd like to approve or deny based on the four findings that are listed in the development code. Whether its consistency with the Master Plan; promotes the purpose of the development code; response to change conditions; and no adverse effects. I will just point out that in the development code under findings, it says when making its recommendation to the Board of County Commissioners for approval, modification of amendment, or denial, the Planning Commission shall, at a minimum, make at least one of the following findings of fact. So if you ultimately vote to approve this, you need to make one of the findings of facts. If you ultimately vote to deny it, you also include the failure to make one of the findings of facts here. So that's the appropriate consideration for the item based on the findings in the development code for a development code amendment.

Mr. Lloyd said just reading excerpts from the minutes from September 20 on this item. Commissioner Jung wanted a timeline provided to staff so for this item to be voted on, and wanted it done before January and then Commissioner Lucey didn't give a timeframe, but he said he believed the draft presentation on potential regulations could be brought to the board soon.

Commissioner Lazzareschi said a question for counsel, under change conditions, would change conditions include the state laws that apply?

DDA Gustafson said it says the development code simply says to respond to change conditions or further studies that have occurred since the Board of County Commissioners adopted the development code. So given the fact that there have been legislative changes, I believe that that would constitute changed conditions since the development code was amended.

Commissioner Pierce said I wanted to state that I've gone over these findings and understand that we only have to find one, but I have a hard time finding any.

Commissioner Lazzareschi said I think that as a prelude to that motion, I'd like to say, I do take to heart the people's comments on this. Where I'm drawing my logic is that fundamentally, in terms of personal consumption of an intoxicant that is allowed by law is pretty much in line with the kind of rules that we have on alcohol consumption in public places and in private establishments to support that consumption. I appreciate the Sheriff calling in to give their comments on their enforcement of driving while intoxicated roles that they can enforce those rules, regardless of whether or not there's a breathalyzer test available for the particular intoxicant.

MOTION: Commissioner Lazzareschi moved that, after giving reasonable consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommended approval of WDCA 22-003 to amend the Washoe County Code, Chapter 110 development code, articles 302, 304 and 410 as reflected in the proposed ordinance contained in Attachment A.1. I further move to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the

Planning Commission, and to direct staff to present a report of this Commission's recommendation to the Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the finding within Washoe County code section 110.818.15e, number three, a response to change condition and that the legal conditions within this state have changed to allow the legal consumption of recreational marijuana in consumption lounges. Commissioner Nelson seconded the motion. She added she seconded the motion because the state has made it legal. And it's no different now than alcohol. So I do find finding number three is the only finding I can make.

Roll call vote:

Vice Chair Chvilicek said I vote in favor of the motion with a response to change conditions. I want the record to reflect that I feel this is being rushed. And I have grave concerns about that compressed timeline.

Commissioner Flick: I vote against the motion. The motion will adversely affect the health safety welfare of the citizens of Washoe County.

Commissioner Phillips – I vote against it for number four, no adverse effects. I feel especially about this with the outdoor lounges. There is really no containment or regulations that would help. The bottom line is, does this make things better or worse?

Commissioner Pierce said I vote against it. And I can pretty much go against all these findings. First of all, consistency with the Master Plan. It says substantial compliance. That's considerable importance. I can't find that with this. No adverse effects on public health safety or welfare - that's unknown at this time. There weren't enough studies done. Number three, it says to allow for a more desirable utilization. Well, the word desirable means wise, the lands already being utilized. So I can't find that one, and no adverse effects. It says policies and actions programs with a controversial element of the Washoe County Master Plan. I feel that more studies are needed on that. It's not a good thing for the area. So, no.

Recording Secretary noted Francine Donshick is absent. We have three in favor and three opposed. DDA Gustafson said the motion did not pass.

B. Tentative Subdivision Map Case Number WTM22-004 and Variance Case Number WPVAR22-0003 (Highland Village Phase 2) [For possible action] – For hearing, discussion, and possible action to approve a common open space tentative subdivision map on ±18.4 acres for 73 lots, ranging in size from 3,533 SF to 10,460 SF; and to vary the grading standards in WCC 110.438.45(a) to allow 2:1 slope. The site is located between Highland Ranch Parkway and E. 9th Avenue, east of Klondike Drive.

- Applicant: Krater Consulting Group, PC
- Property Owner: LC Highland 2, LLC
- Location: Between Highland Ranch Parkway & E. 9th Avenue & east of Klondike Drive
- APN: 508-020-04, 42 & 44
- Parcel Size: ±4.94ac (508-020-04), ±10.13ac (508-020-42) & ±3.33ac (508-020-44)
- Master Plan: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: High Density Suburban (HDS) & General Rural (GR)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 438, Grading; Article 408, Common Open Space Development; Article 608, Tentative Subdivision Maps and Article 804, Variances
- Commission District: 5 – Commissioner Herman

- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander provided a presentation. Applicant/Representative/Consultant Ken Krater provided a presentation. Vice Chair Chvilicek called for disclosures. There were no disclosures.

Public Comment:

Mark Neumann said "I'm on the board for the HOA, and on November 16 we had a big meeting about raising our dues. So there was nobody at the November 16th meeting. I was there that night with them. But there were about 300 people at the board meeting at the HOA. And for your record, to the west is Highland Ranch to the south is Highland Ranch. I have no idea where Stone Canyon is in her report. We have gone over numerous things, and Mr. Krater has been very good with working with our community and getting that school zone in because we're worried about the kids crossing Highland Ranch from phase one. Originally, when Phase One was approved at Midnight and Highland Ranch, there was going to be a right-in and a right-out for the Highland Village phase one. The pork chop intersection got removed, and now it's going to be a four-way. There have been numerous discussions about a stoplight being put in there. Highland Ranch Road is a very busy road. Now you're going to have people trying to make rights, lefts, and going forward and that needs to have a stoplight put in at that intersection. And everything else Mr. Krater has gone over has been well accepted by our HOA, the Sun Valley Citizens Advisory Board, and by the GID, which I sit on all three of them. I'm also on the Senior Services Citizens Advisory Board. I appreciate your help and I know what you guys all go through. Our Chair asked that those stipulations of the school zone, the intersection, and the money that is generated for the parks be given to Sun Valley. And that'd be written in as well that if anything has happened to him or he sells a property, it stays there."

There were no further requests for public comment. Vice Chair Chvilicek closed the public comment period.

Discussion by Commission:

There was no discussion amongst the Commissioners.

MOTION for Tentative Subdivision Map: Commissioner Flick moved that, after giving some reasonable consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approved tentative subdivision map case number WTM 22-004 for Highland Village 2, with the amended conditions 2.s.s. from Engineering included as Exhibit A to this matter, having made all 10 findings in accordance with Washoe County Code Section 110.608.25 Commissioner Pierce seconded the motion, which passed unanimously with a vote of six for, none against. Chair Donschick was absent.

MOTION for variance: Commissioner Lazzareschi moved that after giving reasoning consideration to the information contained in the information received during the public hearing, the Washoe County Planning Commission approved variance case number, WPVAR 22-0003 for Highland Village Phase Two, with the conditions of

approval included in Exhibit A for this matter, having made all four required findings in accordance with the Washoe County development Code Section 110.804.25. Commissioner Pierce seconded the motion, which passed unanimously with a vote of six for, none against. Chair Donshick was absent.

The Commission took a brief recess.

9. Chair and Commission Items

- A. Future agenda items - None
- B. Requests for information from staff - Commissioner Pierce requested the same report the BOA requested regarding the voting history of the BCC.

Director's and Legal Counsel's Items

- A. Report on previous Planning Commission items – None.
Mr. Lloyd introduced Brandon Roman. He's our newest staff member, and he's a terrific addition.
- B. Legal information and updates – None

10. *General Public Comment and Discussion Thereof

William Naylor said “I want to make a couple more comments on the Envision Washoe 2040. By the way, thank you very much for your work and I think your decisions were very well thought out and very accurate. I also was quite amazed that there was no staff report provided and I would suggest, maybe Mr. Lloyd can be listening also, that this cannot be done again. That you'd be given a complete staff report with backup data to support the recommendation. I went to the website and went through all those local surveys. It took me quite a while to do it. I didn't record all the numbers and do the math to get the averages. There were comments made several times 'that it came out in every case.' Yeah, they came on every case because it was a question on the survey. It had to be answered every time. So that's why it came on in every case. It was mentioned that the information came from the CABs, and the CABs weren't working sessions. The public had no input in them. They were presentations. So I would put that at a lower level regarding providing meaningful input. One of the things that I think they could do would be to expand on the four items they came up with. I alluded to it in my conversation. For example, access to recreation, does that include bike path, does that include trails, and trailheads? In other words, come back with a matrix that shows the general heading and then the subheadings that are under it that the public was asked about. You can do that for resources; dark skies could fall under there. Eric said he would never give the crosswalk table to me. This is a public record. We wanted to get that when 70% of your area plan is stripped out, and you're totally unaware that it's happened. We wanted to look at that matrix and confirm that. We haven't seen it before. We know we don't need a language currently in the code. Yes, this should be strengthened. We're not doing it maliciously. We want to be involved with the process and we have not been involved with the process. The people selected to be on these committees, the one from Washoe Valley, is the drug dealer. He's the only one. If I look at the list of people on those committees, where is the Forest Service, where is the BLM? and where is the Nevada Land Conservancy? Where is the Audubon Society? Where are the people who really care about improving the standards in the valley rather than making money off and so to speak? There are no citizen organizations like the Washoe Valley Alliance, which I'm a part of, or the West Washoe Association. Those should be changed.”

Cliff Lowe, a resident of unincorporated Washoe County, said “I'm pleased with the result, of course, the motion did not carry for making the change for the code for cannabis consumption lounges and I would share with you, although this is water over the bridge, that even a response to change conditions is something you don't necessarily have to find because this is the proposed development code amendment response. Does it mean any changes? How did they get there?”

The process has to be proper, and the substance has to be proper, not just whatever they bring, because the laws have changed. But it has not passed and yes, it was difficult to find yourself in, in many regards, both with the changes in the county commission come in and otherwise. Misery loves company. The very few of us who are trying to pay attention to Envision Washoe 2040 suffer from a degree of misery and I heard some misery expressed here amongst you. I think there's a lesson to be learned here for staff. It was alluded to by one of you the failure to be very transparent. Perceptions are people's reality and if people perceive that the process is not transparent, it leads to resistance. That's some of the staff met with from this board tonight. Getting materials that you need to speak to the morning of your meeting, I'll come out and say it if you didn't say it explicitly, that's awful. It's unreasonable to expect you, whether you have part-time jobs, full-time jobs or you're retired, to have the time to digest and discuss them intelligently tonight. You need to have these things at a reasonable amount of time. We are feeling our perception is that the Envision Washoe 2040 process is anything but transparent to the public. There have been requests for information that had been stalled, and then it had been turned down. The website does not provide much information at all and the input process says the Citizens Advisory Committee and TAC haven't met since June. There was no action for them to take. So even that group has very little input.”

Mark Neumann said “As far as the Envisions 2040 goes, I have met with our CAB once and didn't ask many questions. He gave a presentation similar to what he did tonight and told us to go on to the computer and fill out this survey. Being on a Senior Services Citizens Advisory Board for District 3, I go to all the different CAB meetings in Washoe County that I can attend. The biggest complaint at every single CAB meeting is the traffic. I encourage you to attend your CAB meeting. How was traffic fourth on the list? Traffic is the number one biggest concern in Washoe County and there was a lot of stuff on the Visions 2020 that was supposed to happen in the North Valleys and Sparks area. That all got put aside because of all the big development going in this way and still, everything is reactive instead of proactive, so you keep building, building, building, and nothing's getting done because it's a reactive state that we're living under.

Vice Chair Chvilicek closed the public comment period with no further requests for public comment.

11. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 09:10 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on January 3, 2023

Trevor Lloyd
Secretary to the Planning Commission