



# WASHOE COUNTY PLANNING COMMISSION **DRAFT** Meeting Minutes

## Planning Commission Members

Jim Barnes  
R. Michael Flick  
Linda Kennedy  
Daniel Lazzareschi – Vice-Chair  
Kate S. Nelson  
Amy Owens  
Rob Pierce - Chair  
**Secretary**  
Trevor Lloyd

Tuesday, July 2, 2024  
6:00 p.m.

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

and available via  
**Zoom Webinar**

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The Washoe County Planning Commission met in a scheduled session on Tuesday, July 2, 2024, 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>

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## 1. \*Determination of Quorum

Chair Pierce called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present:

Jim Barnes  
R. Michael Flick  
Linda Kennedy (Zoom)  
Daniel Lazzareschi – Vice-Chair  
Kate S. Nelson  
Amy Owens  
Rob Pierce - Chair

Commissioners absent: none

Staff present:

Trevor Lloyd, Secretary, Planning and Building  
Julee Olander, Planner, 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

Vice Chair Lazzareschi led the pledge to the flag.

### 3. Ethics Law Announcement

Deputy District Attorney Jennifer Gustafson provided the ethics procedure for disclosures.

### 4. Appeal Procedure

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

### 5. General Public Comment and Discussion Thereof

Chair Pierce opened the Public Comment period.

#### Public Comment:

There was no response to the call for public comment.

### 6. Approval of July 2, 2024, Agenda

Vice Chair Lazzareschi moved to approve the agenda for the July 2, 2024, meeting as written. Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.

### 7. Approval of June 4, 2024, Draft Minutes

Vice Chair Lazzareschi moved to approve the minutes for the June 4, 2024, Planning Commission meeting as written. Commissioner Nelson seconded the motion, which passed with a vote of six for, none against, with Commissioner Flick abstaining.

Deputy District Attorney Jennifer Gustafson stated not being present for a meeting was not legal grounds to abstain from voting. The Commissioner had a duty to vote on the item even though he was not present.

Commissioner Flick stated his preference to abstain.

### 8. Planning Items

**A. Resolution of Appreciation [For possible action]** - Possible action to approve a Resolution of Appreciation of Service for Francine Donshick and to authorize the Chair to sign the resolution on behalf of the Planning Commission.

Secretary Trevor Lloyd noted Ms. Donshick served on the Planning Commission from 2016 to 2024. He read and presented the Resolution of Appreciation of Service to Ms. Donshick.

**B. Resolution of Appreciation [For possible action]** - Possible action to approve a Resolution of Appreciation of Service for Patricia Phillips and to authorize the Chair to sign the resolution on behalf of the Planning Commission.

Secretary Lloyd noted Ms. Phillips was not present, but the Commissioner wanted the Resolution of Appreciation of Service read into the record, which Mr. Lloyd then did.

Chair Pierce thanked Ms. Phillips for her time and dedication to Washoe County citizens.

**C. Nomination and approval of the Washoe County Planning Commission's Chair and Vice Chair from among the Planning Commission's membership to serve a term of one year or until a successor is approved. [For possible action]**

Commissioner Nelson nominated Vice Chair Lazzareschi for the position of Chair.

Vice Chair Lazzareschi indicated he would be more comfortable remaining as the Vice Chair for another year. He then nominated Chair Pierce to hold the position for another year.

Chair Pierce accepted the nomination.

Deputy District Attorney Jennifer Gustafson noted that, according to the bylaws, Chair Pierce could be elected as Chair for one additional year since he had only served one year so far.

Vice Chair Lazzareschi moved to nominate Rob Pierce as Chair of the Planning Commission to serve a term of one year or until a successor is approved. Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.

Chair Pierce nominated Vice Chair Lazzareschi to serve another term as Vice Chair. Commissioner Nelson seconded the motion.

Vice Chair Lazzareschi accepted the nomination.

Chair Pierce moved to nominate Daniel Lazzareschi as the Vice Chair of the Planning Commission to serve a term of one year or until a successor is approved. Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.

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Regarding Agenda Item 9.A., Deputy District Attorney Jennifer Gustafson stated that some exhibits were inadvertently not provided to the Planning Commission (PC) or the public. Those exhibits contained the agency comments, the conditions of approval, and the application, all materials which would be considered by the PC in making its decision. She indicated the PC would take a recess so the documents could be reviewed; the item would officially be opened when the PC reconvened.

**6:17 p.m. The Planning Commission recessed.**

**6:33 p.m.** Chair Pierce indicated more time was needed by some Commissioners to finish reviewing the files.

**6:43 p.m. The Planning Commission reconvened with all Commissioners present.**

## 9. Public Hearings

**A. Abandonment Case Number WAB23-0004 and Variance Case Number WPVAR24-0006 (Sheets) [For possible action]** – For hearing, discussion, and possible action to approve an abandonment of Washoe County’s interest in a 55-foot construction grading easement on a 5-acre parcel (APN 055-021-02) bordering JS Bar Ranch Road and to vary the front yard setback on the same parcel from 30 feet to 15 feet to construct a garage due to the slope.

- Applicant/Property Owner: Kenneth Sheets
- Location: 2050 JS Bar Ranch Road
- APN: 055-021-02
- Parcel Size: 5 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: Medium Density Rural (MDR)
- Area Plan: South Valleys

- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets & Article 804, Variances
- Commission District: 2 – Commissioner Clark
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- E-mail: Jolander@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; maps; Abandonment Request; historical map; site plan; Variance Request; two site maps; slope map (2 slides); Views from JS Bar Ranch Road (2 slides); Variance Requirements; Requirement 1 & 2; Requirement 3; Garage Request; Garage Design; Noticing; Reviewing Agencies & Findings; and Possible Motions. She indicated the Applicant was available to answer any questions.

Public Comment:

Mr. Duane Steidley stated he built his home in 1978 and rebuilt it after it was destroyed in the Little Valley Fire in 2016. He expressed opposition to the request because the covenants, conditions, and restrictions (CC&Rs) under which most of the surrounding homes were built had expired around the time of the fire. Building a garage right by the road would not have been allowed under those CC&Rs, and none of the buildings in the area were closer than 30 feet from the road.

Discussion by Commission:

Commissioner Nelson observed the flattest area on the parcel was to the northeast of the proposed location of the garage.

Applicant Kenneth Sheets responded that the proposed area was the flattest possible point on the property.

Commissioner Nelson felt like placing the garage where it was proposed would result in the removal of more trees than where she suggested.

Mr. Sheets argued that moving the garage to the east would drop it into a 20 percent slope. The orientation of the driveway, he noted, was such that a car could enter the street with at least 150 feet of visibility. There was a 14- to 16-foot-deep drainage ditch to the east put in by the original developer as well as a second drainage ditch on the west side of the parcel. He said the original house was placed on the flatter area cited by the Commissioner, but the Health Department informed him they wanted half that area for a backup septic system, so he could not build it there.

Vice Chair Lazzareschi asked about the relationship between County Code and CC&Rs.

Deputy District Attorney Jennifer Gustafson confirmed the Vice Chair's assertion that CC&Rs could generally impose conditions that were unrelated to the Code, and the Planning Commission (PC) would not get involved in that. She remarked CC&Rs were private agreements between homeowners and homeowners' associations. The County did not enforce CC&Rs.

Commissioner Flick asked whether a variance to the setback would be needed if the grading easement did not exist on any of the parcels in the subdivision.

Ms. Olander said the item before the PC was an abandonment of a 55-foot grading easement; part of the proposed garage would be in the easement. The Appellant also requested a 15-foot setback from the property line.

Commissioner Flick inquired about the owner of the easement.

Secretary Trevor Lloyd replied that the purpose of the grading easement was for the potential construction of the roadway put in place before the roadway was ever completed. If needed, it could have been used as a grading and construction area.

Commissioner Kennedy was unsure that the relatively minor slope on the parcel constituted an extraordinary event. She asked whether the County had guidelines defining extraordinary.

Ms. Olander said 30 percent or more was typically viewed as extraordinary, and a portion of this property had slopes greater than that, so it would be deemed as exceptional. She opined that the applicant could do what the Commissioner suggested, which was to dig out and level their property.

Mr. Lloyd noted the PC did not typically consider variances. Those usually went to the Board of Adjustment, but it went to the PC since this was packaged with the abandonment request. He mentioned the findings for a variance were very different and focused on constraints and hardships. He reiterated the special circumstances that needed to be found. The PC should focus its attention on determining whether there was an exceptional constraint, in this case the severe topography of the parcel, such that strict application of the regulation would result in an exceptional and undue hardship on the property owner.

Commissioner Flick surmised that the request was to move from a 30 percent to a 20 percent grade.

Ms. Olander replied that the garage would sit in an area of between 15 and 30 percent slope, and at least one floor of the garage would be below grade.

Chair Pierce asked how many structures on the same road were as close to the road as this proposal.

Ms. Olander responded there were four, though she was corrected by a property owner that there were three.

Chair Pierce wanted more information about the phone calls staff received.

Ms. Olander said there were questions about the variance.

Chair Pierce asked whether approval of this proposal would result in any concerns from neighbors about safety, access to their homes, or first responder access.

Ms. Olander noted the reviewing agencies thought it was a reasonable request and none had recommended denial.

Chair Pierce indicated he visited the property and there were steep slopes, adding that the

applicant did not have much area to build on. That should not sway anyone's vote, but he felt the proposal was reasonable.

Vice Chair Lazzareschi moved that Abandonment Case Number WAB24-0004 for Kenneth Sheets be approved with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20. Commissioner Nelson seconded the motion, which passed unanimously on a vote of seven for, zero against.

Commissioner Kennedy moved to deny the variance.

Ms. Gustafson reminded the Commissioner she needed to state which findings she was unable to make and why.

Commissioner Kennedy felt the applicant did not demonstrate severe hardship due to the topography of the property.

Commissioner Nelson seconded the motion for failing to meet the special circumstance and special privilege findings. Commissioner Kennedy confirmed that she agreed with the seconder's reasoning.

Commissioner Kennedy moved that Abandonment Case Number WAB24-0004 for Kenneth Sheets be denied, having been unable to make the following findings in accordance with Washoe County Code Section 110.806.20: (a) special circumstances and (c) no special privileges. Commissioner Nelson seconded the motion, which passed with a vote of five for, two against, with Chair Pierce and Commissioner Flick voting no.

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

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

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

There were no requests for future agenda items.

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

Commissioner Kennedy recalled there had been a request at a prior meeting for clarification about occupancy of certain types of buildings, but she had not heard an update. Vice Chair Lazzareschi clarified the request was for a list of approved but unbuilt housing.

Secretary Trevor Lloyd responded he would send that information out to all Commissioners this week.

Vice Chair Lazzareschi stated there had been a request for information about any potential Code amendments.

Mr. Lloyd indicated that there was a request at the last Planning Commission meeting to discuss current staff-initiated project that would be coming before the PC but did not feel a separate, agenda item was needed. He said there were a series of affordable housing packages coming before the Planning Commission (PC). He commented that three community workshops were held to discuss some of the amendments, and he expected the item to come before the PC in September. Additionally, amendments to the Tahoe Area Plan were being worked on, some of which cleaned up language while others would address

affordability issues in the Tahoe area. They would be brought before the PC for recommendations as well.

Chair Pierce noted the Commissioners were invited to speak with staff planners about affordable housing package 2.5 if they had questions. Mr. Lloyd strongly recommended that the Commissioners do so.

Recording secretary Brandon Roman indicated that the August meeting was scheduled to hear eight cases, so it would be very busy.

Deputy District Attorney Jennifer Gustafson cautioned the PC to be aware of Open Meeting Laws by not holding discussions with each other in a quorum, and she suggested meeting individually with the planners.

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

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

Secretary Trevor Lloyd stated the Board of County Commissioners (BCC) heard the first reading of package 2 of the affordable housing amendments at its June 18 meeting. The second reading was scheduled for July 16. Additionally, at the June 25 meeting, the BCC appointed three new Regional Planning Commission members – Chair Pierce, Vice Chair Lazzareschi, and Commissioner Flick – as well as alternate members.

Mr. Lloyd noted the BCC would hear the grading code ordinance changes that the Planning Commission heard last month, as well as the short-term rental cleanup language that was also previously heard.

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

There were no updates.

## **12. General Public Comment and Discussion Thereof**

There was no response to the call for public comment.

## **13. Adjournment**

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:24 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor.

Approved by Commission in session on August 6, 2024

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Trevor Lloyd  
Secretary to the Planning Commission