



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson
Larry Peyton
Patricia Phillips

Secretary

Trevor Lloyd

Tuesday, May 3, 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, May 3, 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 6:01 p.m.

Recording Secretary Lacey Kerfoot made an announcement regarding technical difficulties. The video feed between Chambers and Zoom is not working, but the audio is not affected. Public participating on Zoom will be able to hear what is happening in Chambers, and those in Chambers will be able to hear public comments presented via Zoom. Public participating on Zoom will be able to see the presentation shared by Staff and applicants, but they will not be able to see the video feed of the Planning Commissioners at the dais. Those on Zoom wishing to watch the video feed can watch on the Washoe County Live Webstream and the Washoe County YouTube Channel. The URLs are available on the agenda.

Chair Donshick read the Zoom statement with instructions on how to join via Zoom or to access the meeting by phone.

DDA Jen Gustafson reminded Planning Commissioners to state their name when speaking. While always important, this is especially important in light of the technical difficulties.

The following Commissioners and Staff were present:

Commissioners present: Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair

R. Michael Flick
Kate S. Nelson
Pat Phillips

Commissioners absent: Larry Peyton

Staff present: Trevor Lloyd, Secretary, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Chris Bronczyk, Senior Planner, Planning and Building
Courtney Weiche, Senior Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building
Adriana Albarran, Office Support Specialist, Planning and Building

2. Pledge of Allegiance

Commissioner Phillips 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:

Emanuela Heller-MacNeilage (Chambers) provided a presentation that is available online. She spoke about the SOI Rollback in Verdi. She said she could not make finding 1. The amendment is not consistent with the Master Plan. The city has put a land use over that land. It translates into commercial in the County, but it wasn't implemented. The potential buyer, not the owner, initiated the SOI rollback. Are we progressing? We can go back to the zoning of 40-50 years ago. The City of Reno did adjust the zoning and realized it's not industrial. She said she could not make finding two which is not compatible with the surrounding use. In 2019, the City decided a development couldn't go in because of surrounding areas and traffic incompatibility. The Board of Adjustment turned down the SUP for grading. It's incompatible with surrounding areas. There is a proposed trailhead. Mogul has been mostly residential for decades. She said she could not make finding four because of transportation. She said she could not make finding five because of an undesired pattern with the natural resources. The findings of the three general plans are not met: vision, private/public development, scenic, rural heritage, conservation, scenic corridor, and cultural resources. Recently, the historical marker was removed illegally above that land, which talks about petroglyphs and Indian artifacts and an immigrant trail. Verdi Area Plan B talks about rural, non-commercial, and not industrial use. Point C will conflict with the public's safety and welfare. According to Verdi Community maintenance plan Finding A, there is no sufficient infrastructure or resource capacity. We would like to see the traffic study. There was something about that being waved.

Caryn Neidhold (Chambers), Mogul resident since 1998, showed photos on the overhead, which are available online. She provided a story of Mogul. She showed a map. We have

been dealing with this since 2018. She showed the open space, highway, residential, proposed development, and storage units. It's been a residential area since 1920. Homes were built in 1950's. The 1980's was the building boom. We have a 48-home project being put into the upper center of this area. What is not shown on the map of the staff report is the intersection under the highway with all the trucks going through; we have a significant safety issue. It doesn't show the Washoe County Parks' plan. She showed the river access and proposed trailhead. She showed the residential area by the river. The access is all through a single point. To put an active industrial business would increase traffic. Students have to go under the highway at the intersection. We have the Tahoe-pyramid trail and cyclists who ride through our neighborhoods. The staff report didn't report all the points. The interested parties in the area weren't contacted. When discussing this area and traffic impact, consider the residential and open space.

Rachel Solomon (Zoom) said she lives five houses up from the intersections on Lemming drive. She said her children walk to the school bus. They go underneath that freeway to see their friends. She said it terrifies her to think industrial going up in the neighborhood with big trucks, it won't be safe. Our children have grown up here. She said she doesn't want the neighborhood ruined by corporate interests that doesn't fit in this area.

6. Approval of May 3, 2022 Agenda

In accordance with the Open Meeting Law, Commissioner Chesney moved to approve the agenda for the May 3, 2022, meeting as written. Commissioner Phillips seconded the motion, which passed unanimously with a vote of six for, none against; one absent – Commissioner Peyton.

7. Approval of April 5, 2022, Draft Minutes

Commissioner Chesney moved to approve the minutes for the April 5, 2022, Planning Commission meeting as written. Commissioner Nelson seconded the motion, which passed unanimously with a vote of six for, none against; one absent – Commissioner Peyton.

8. Public Hearings

A. Abandonment Case Number WAB22-0002 (Chestnut Vine Drive and Cloud Berry Drive within Sugarloaf Ranch Estates) – For hearing, discussion and possible action to approve the abandonment, slight relocation and subsequent re-offer of dedication of an undeveloped roadway easement at the intersection of Chestnut Vine Drive and Cloud Berry Drive within the approved Sugarloaf Ranch Estates Subdivision Tentative Subdivision Map Case Number TM16-002.

- Applicant/ Property Owner: Silverado Silver Canyon, LLC
- Location: Approximately 2000 feet northwest of the intersection of Calle De La Plata and Pyramid Highway, within the Sugarloaf Ranch Estates Subdivision which is currently under construction.
- APN: 534-743-03
- Parcel Size: ± 0.526 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS – 3 dwellings to the acre)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets and Easements

- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3622
- Email: rpelham@washoecounty.gov

Senior Planner Roger Pelham provided a presentation.

There was no response to the request for public comment.

There was no questions or discussion.

MOTION: Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Abandonment Case Number WAB22-0002 for Silverado Silver Canyon, LLC, 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:

- (a) **Master Plan.** The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Spanish Springs; and
- (b) **No Detriment.** The abandonment or vacation does not result in a material injury to the public; and
- (c) **Existing Easements.** Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

Commissioner Phillips seconded the motion, which passed unanimously with a vote of six for, none against; one absent – Commissioner Peyton.

B. Tentative Subdivision Map Case Number WTM22-003 (West 2nd Ave Highlands) – For hearing, discussion, and possible action to approve a 48-lot residential common open space tentative subdivision map with lots ranging in size from 4,999 square feet to 15,058 square feet on one parcel totaling 18.27 acres; to approve associated major grading for 10.26 acres of ground disturbance, including 43,500 cy of cut and 45,900 cy of fill for the proposed tentative map; and to modify the development code standard found in WCC 110.438.45(c), which provides that finish grading shall not vary from the natural slope by more than ten feet.

- Applicant/ Property Owner: Salmon Point Development, LLC
- Location: 0 West 2nd Avenue
- APN: 085-010-44
- Parcel Size: 18.27 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 608, Tentative Subdivision Maps
- Commission District: 3 – Commissioner Jung
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3612

- Email: cbronczyk@washoecounty.gov

Senior Planner Chris Bronczyk provided a presentation. Representative Dave Snelgrove with CFA, Inc. gave a presentation on behalf of the applicant.

There was no response to the request for public comment.

Discussion by Commission:

Commissioner Chvilicek said the proposed open space includes more than just the slope. Mr. Bronczyk said it does.

Commissioner Flick said the trail system the applicant will create is in addition to the proposed trails included on the site plan. Mr. Bronczyk said he failed to mention that in his presentation. He said Ms. Kirschenman, Washoe County Park Planner, is available for any questions. Mr. Bronczyk said that his understanding is that the existing trails are proposed to be re-routed, and new trails will connect to the system. Mr. Snelgrove said that he worked with the Parks department on this; his slide shows the trail system. Mr. Snelgrove showed the aerial map of the trails, noting that the red circle is where development would be. He said the site plan shows a re-routed trail. He said the applicant would perpetuate the trail access and that it makes sense to dedicate the land for public use. Mr. Snelgrove said the maintenance will be the homeowners' responsibility, but the holding and access will be public land.

Commissioner Flick said with regard to the site plan, he understands that the one trail has been rerouted, but up above this map the trail seems to go from 37, to 30, to lot 1 and then off the land to the north. Mr. Snelgrove showed the drainage map and said that near the drainage way there is a trail that comes in. He asked if that was what Commissioner Flick was referring to. Commissioner Flick confirmed. Mr. Snelgrove stated that the area is where the subdivision will be, but pedestrian access will be maintained on the sidewalks. That footpath was created over time as it's the shortest distance between two points.

MOTION: Commissioner Chvilicek moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Tentative Subdivision Map Case Number WTM22-003 for Salmon Point Development, LLC, along with the applicant's request to vary the development code standard in Washoe County Code 110.438.45(c), with the conditions of approval included as Exhibit A to this matter, having made all ten findings in accordance with Washoe County Code Section 110.608.25:

- Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;**
- Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;**
- Type of Development. That the site is physically suited for the type of development proposed;**
- Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;**
- Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;**
- Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;**

- (g) **Easements.** That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- (h) **Access.** That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- (i) **Dedications.** That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- (j) **Energy.** That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Commissioner Chesney seconded the motion, which passed unanimously with a vote of six for, none against; one absent – Commissioner Peyton.

C. Master Plan Amendment Case Number WMPA22-0005 (Verdi SOI Rollback) – For hearing, discussion, and possible action:

To approve a resolution initiating and adopting an amendment to the Washoe County Master Plan, Verdi Area Plan - Appendix B Maps, to assign the master plan designation of Industrial (I) on two parcels (APN's 038-181-01 & 038-172-14) that have been removed from the City of Reno's Sphere of Influence (SOI) and returned to Washoe County's jurisdiction; and if approved, authorize the Chair to sign a resolution to this effect. Any approval is subject to adoption by the Washoe County Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by the regional planning authorities.

- Applicant: Washoe County
- Property Owner: Riverview Estates Properties, LLC
- Location: 10355 Mogul Rd, Reno, NV 89523
- APN: 038-181-01 (1.865 ac), 038-172-14 (26.03 ac)
- Parcel Size: 27.98 acres
- Master Plan Category: N/A
- Regulatory Zone: N/A
- Area Plan: Verdi
- Development Code: Authorized in Article 820, Amendment of Master Plan and 821, Amendment of Regulatory Zone
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3608
- Email: cweiche@washoecounty.gov

Senior Planner Courtney Weiche provided a presentation.

Chair Donshick called for disclosures. Commissioner Donshick disclosed she knows some of the people involved. Additionally, she disclosed she spoke to a member of the public this morning but didn't discuss the item being considered. She said these disclosures wouldn't impact her decision.

Public Comment:

Jill Dobbs (Chambers), Mogul resident, Lawyer in CA and NV, runs a non-profit. She said she doesn't know how County Staff could make those findings. The proposed industrial zoning is not compatible with existing uses and would impact the health and safety of the public. She asked the Commission who had attended the area. She said the access is constrained. The sign says, 'no services.' She read part of the area plan. It's incompatible with the regional plan that states that we are rural in character. There are safety concerns with the railroad crossing without a gate and short on and off-ramps on I-80. They want to propose an industrial use which is out of character and will impact the health and safety of the public. There are public trails being developed. There is cultural and historical Native American significance.

Paul MacNeilage (Chambers), Mogul resident, provided a PowerPoint slideshow. He provided a background of the parcels. Native Americans did inhabit these lands. He said the historical marker had been removed. He said it's surrounded by residential. He said in 2017, the Reimagine Reno outreach effort put a mixed development overlay on these parcels. The owner wanted to get the rollback from Reno, but Reno denied the request due to a lack of public input. A SUP went before the City Council, and it was unanimously denied stating incompatibility with surrounding uses, traffic, and safety. It's a challenging piece of dirt. S3 development came in, not as the owner but a potential buyer. He said they initiated the rollback, which went through. Truckee Meadows Regional Planning Agency approved the rollback. Under the Truckee Meadows Regional Plan, mixed employment translates to commercial. The Washoe County staff report doesn't reference this. It references County Code 110, stating that pre-1993 zoning would be adopted. Master Plan Amendments should be timely, dynamic, and reflect the community values. Do we revert to pre-1990 zoning? Or do we reevaluate the parcels and look at community values or the interests of the developers?

Tom Potts (Chambers), a 35-year Mogul resident, said he would talk about safety issues. He said you don't realize the neighborhood. It's a beautiful spot. He spoke about the railroad. It's a transcontinental railroad within feet of this site. It's a blind corner. He said he was a brakeman for the railroad. When the trains are coming from the west, and the gates are closed, it's only 6 seconds on track 1 until the train rolls through. It won't stop for a half-mile. What is worse is the traffic underneath the freeway. When it was originally designated, there wasn't Somerset. When residents come from California, they have to use our exit to get back to Somerset. It's a very sharp exit. It's a huge problem. If they don't merge correctly, it could be a huge wreck. It's not compatible with trucks and kids playing.

Callie Brittain (Chambers), 20-year Mogul resident, said her concerns echo those of the people who spoke before her. I don't think that commercial is the right zoning for that area, as it's not in-line with the rest of the area and the current land use. On a personal note, with regard to safety concerns, she said there are semitrucks coming up the roads when I-80 is closed due to snow. Anytime we increase the use, we increase the probability of problems in our neighborhoods. We have seen that over the last 20 years. She would hate to see the Commission move forward in that fashion.

Caryn Neidhold (Chambers) said she wanted to recall the map that was displayed earlier. The Reno City Council already voted to deny this in 2018. The latest City of Reno decision was about Fire Service. And there is a fire service agreement. That shouldn't have been the only point of the decision. The sale is contingent based on approval by the County. The applicant thought that they could just go to the County if the City didn't say yes. There isn't any illustration in the staff report of the intersection we are most concerned about. She said the staff report was written from the developer's point of view but could have been written from the point of view of the residents and still held water. The parcel should have been rezoned years ago when all the residential were built in the 1980s. It's not compatible land uses. Our safety is in jeopardy. We have proposed trailheads in the Washoe County parks

master plan. There are pedestrians, truck drivers, and the Tahoe-Pyramid trail. It doesn't mix on rural roads; it doesn't consider the hikers and their dogs. We cannot change the underpass or the 5-way intersection. We disagree with finding four.

Barbara Fenne (Chambers) provided documents to the Planning Commissioners, which were made available on the County website. She said it has been a nightmare project since 2019. We have been through it with the City and now it's repeating through the County. The developer has not complied with neighborhood meetings and is inconsistent with informing neighbors of changes and holding public meetings in a timely manner. When this happened in the city, we did that job of calling and notifying the neighbors. Access through residential streets should not serve truck route traffic with some exceptions, including emergency access routes, including 4th Street, our main road in and out. We haven't seen the traffic reports. We understand they need to be submitted with the application. We have not been informed of changes or alternations to the plans. We don't see a delineation of truck routes for ingress and egress up and down Mogul Road. It's not suitable or compatible with the surrounding 94 acres of open recreation space, 2-railroad tracks, and trailheads; the developer hasn't discussed safety hazards. There are 20 serious safety hazards in the immediate area.

Lori Leonard (Chambers), a 9-year Mogul resident, shared a PowerPoint presentation. Mogul is a residential area. It is our opinion this proposal doesn't make the five findings. There are safety concerns with this area since its original designation as industrial, it's been surrounded by residential as indicated by interstate signs. Four hundred households access one on-ramp and off-ramp in order to access the public open space owned by Washoe County. The County is further developing a new trailhead. As far as it is appropriate for land use, it no longer fits that. It may have fit it when it was the first designated. From the Re-Imagine Reno survey, the residents surveyed said they wanted no noise, access to the outdoors, safety, and a sense of community. It's not conducive. This location is accessible to the residential area and is protected by the community. We are concerned about this intersection where all the truck traffic would go through. People are walking and biking in these intersections.

Emanuela Heller-MacNeilage (Chambers) provided a presentation on traffic concerns that is available on the County website. This intersection is complex, dangerous, and outdated. Be careful coming from the south, you have the right-of-way, and train tracks come from both sides. She showed the crossing. You don't see intersections and cars in the intersection. Cars are cutting you off. There will be additional industrial traffic. It would be detrimental. There is the Tahoe-Pyramid bike trail with pedestrians. She spoke about the westbound on-ramp. Ramps need to have a minimum distance of 300-500 feet and this one is only 230 feet. It needs to be 1000 feet long. It's hard to get cars to get on, let alone semi-trucks. Merging speed is 60 mph; for a slow car, they merge at 30 mph, and it's dangerous, which is reflected in the NDOT data. We will have five times more traffic on this ramp in the next 20 years. It's incompatible with the infrastructure. The underpass needs to be updated. Who will be paying for this? Would we use federal relief? We need an independent traffic study.

Rachel Solomon (Zoom), a mother of a 9- and 8-year-old who walk to the school bus over the freeway underpass where trucks will be driving. She said it makes her uncomfortable to have industrial. She said she feels the welfare would be affected if more traffic comes through our neighborhood.

Lori Canepa Bomberger (Zoom) said there are nine homes to the south of the project. It's not undeveloped, as previously stated. The Staff is making the same mistake as the Reno staff did in the last meetings. She said our property is 17.5 acres which are due south of the project. She said she is a 4th generation Nevadan. It's been residential and ranch land for 102 years.

We are concerned with the intersection and safety. NDOT didn't even show up to present the safety report at the last meeting. They know that the intersection is faulty and antiquated.

Garrett Gordon, on behalf of S3 Development, LLC (Chambers) provided a PowerPoint slideshow presentation. He said we aren't here for a project or zone change; we are here about a master plan designation. It's a Washoe County application. They need to give it a designation to this property. The city of Reno considered the project years ago. It has nothing to do with this MPA. It has nothing to do with S3 Development; we are brand new to this project. We have had a neighborhood meeting and will continue to work with the community. Access to this property does not cross railroad tracks; it doesn't impede access to the river; it doesn't impact the Parks' plan whatsoever. There is no historical zoning on the property. There is mini storage on this property. Access to this property does not cross the railroad tracks. It's small, quaint flex space development. He showed the Washoe County code table. It's zoned industrial; you would create non-conformance if you gave it anything other than industrial. It's the only option. It's been industrially zoned for a long time. This item is matching master plan with existing zoning.

Recording Secretary Kerfoot indicated that 12 public comment emails were received for the item, which were distributed to the Planning Commissioners and posted to the County website prior to the meeting.

Discussion by Commission:

Commissioner Phillips asked what would happen if this were to be voted down. Mr. Lloyd said we are proposing a master plan land use designation; right now, there isn't one. The proposal is to have industrial land use master plan. A decision to not do anything or deny it will get appealed to the County Commission. We are hoping to establish a land-use of some kind. Before you, tonight is not a request for another land use. We would have to come back to the Planning Commission. It could be problematic if the Planning Commission adopted something other than industrial; it would be creating non-conformity. She asked what the neighbor's options were. Mr. Lloyd said this property had been zoned industrial for decades. The owners have a right to apply for the permits for the industrial uses allowed under the industrial zoning. They have the right to develop industrial on that property right now. The options are limited. They could work with the applicant and look at what is being proposed. The community could opt to purchase the property, but that's not a popular idea. Commissioner Phillips said she walked and drove the property; she stated that it seems interesting to her that someone was already in place, ready to buy it. She asked if that would come before the Planning Commission again. Mr. Lloyd said it's not likely a project that would come before the Planning Commission unless the applicant wants to subdivide. He said a project came before the Board of Adjustments for a major grading permit. The Board reviewed grading but didn't review the project. Most of the uses under Article 302 are allowed by right and don't require Planning Commission review.

Commissioner Flick said the goal of this action is to bring the zoning in compliance with the master plan. With the industrial currently existing, they could pull permits for many things right now without it being consistent. Mr. Lloyd said yes, everything you mentioned is correct. Commissioner Flick said the only way to change this would be to change the master plan so it's not defined as industrial. Mr. Lloyd said it would likely require an amendment to the master plan land use as well as to the regulatory zone map.

Commissioner Chesney said he understands the public comment; he has been following this project since it was rolled back. He said he sits on the Regional Planning Commission, and we saw it there. He said he understands traffic and residential concerns. It is an industrial project that sits between open space and access to the river, it has residential all around it, and Reno is encroaching closer and closer. The owner has a right to develop their property.

Our hands appear to be tied at this stage. If development is proposed, they would have to hold a community meeting, and you will want to be involved. We don't have anywhere to go at this stage in the game. We aren't blind to the issues out there. We understand the access. Commissioner Chesney stated that NDOT has no intention of redesigning that intersection. He said that it's not that we don't understand, it's that we don't have any direction to go.

Chair Donshick said she has read every document and has gone through that area for many years. She said she concurs with Commissioner Chesney. Today we are talking about the sphere of influence from Reno to Washoe County. We cannot make any land use changes. All we are here for tonight is to bring it from Reno into Washoe County. Essentially, it's already there, we just need to bless what has been done.

Commissioner Chvilicek asked Staff to clarify what she meant when she spoke about compatibility or proposed master plan category with existing master plan category on the adjacent parcel on page 5 of the staff report; when you said the compatibility rating is high because of the surrounding area, please give detail of what is surrounding the project. Senior Planner Weiche said that the Land Use Compatibility Matrix, found in the Land Use and Transportation Element in Volume One of the Washoe County Master Plan identifies the Master Plan land categories against the regulatory zones and assigns them a compatibility rating. Her understanding is that the analysis for that is immediately adjacent to. When looking at the matrix contained within the staff report, it only identifies those parcels that are immediately adjacent to; which are zoned public and semi-public within Washoe County as well as a portion of the site that is the City of Reno with mixed employment. That has a high capability rating. The west side of the parcel is zoned residential which has a low compatibility rating. Ms. Weiche shared the Verdi Planning Area maps (previous and proposed), slide four in her presentation. Commissioner Chvilicek asked if the City of Reno did a rollback to Washoe County because of all the conflict they had with developing this parcel. Ms. Weiche said she would not know those details.

Mr. Lloyd said he doesn't know if he can answer that accurately either as he wasn't part of the discussion. He does know that there were concerns and opposition. Commissioner Chvilicek said she suspects that the City of Reno couldn't come to an agreement and is now letting Washoe County deal with the problem. She said this causes me a great deal of consternation. She said she echoes what her fellow Commissioners have said; the role we can serve is to review what is allowed by Washoe County, which is industrial. It's hard to wrap around because of the history of this property. We review the facts and the situation before us. A rollback requires that we find the designation within our jurisdiction compatible with this piece of property. Mr. Lloyd said that is correct. He said there are several factors that we look at and analyze when determining the most appropriate land use. Planner Weiche provided a clear staff report addressing the role of the Planning Commission in making that determination. Commissioner Chvilicek said there is a tiny corner that buffers Washoe County land use and the City of Reno. She also stated that she wants to go on record as she doesn't appreciate being lectured about my role as a Planning Commissioner to understand the master plan amendments. She said she was fully aware of those.

Commissioner Nelson said she agrees with her fellow Commissioners. Looking at that map, it seems the planning process between the City of Reno and Washoe County is broken. For them to be able to kick back a couple of parcels and keep others is wrong. They shouldn't be able to do that. She said we need to look at changing that.

Commission Phillips asked whether there would need to be any involvement from the federal government, as the immigrant trail goes through here. Mr. Lloyd said it's a great question. He said that as part of the Special Use Permit review heard by the Board of Adjustment, we have to contact the State Historic Preservation Office in Carson City. They typically will ask for an inventory, but he is uncertain whether they involve the federal government.

Commissioner Chvilicek asked Mr. Lloyd, since this piece of property was industrial for several decades, any industrial development would have to comply with the current code. Mr. Lloyd confirmed.

Ms. Gustafson reminded the Planning Commission that if you adopt it in looking at Master Plan Amendment, it requires three of the five findings in all required area plan findings and requires a supermajority.

MOTION: Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission adopt the resolution contained at Exhibit A of this staff report to initiate and adopt an amendment to the Master Plan as set forth in Master Plan Amendment Case Number WMPA22-0005, having made at least three of the following five findings in accordance with Washoe County Code Section 110.820.15(d), and the required Verdi Area Plan findings in Goal 28, V.28.1 and V.28.3. I further move to certify the resolution and the proposed Master Plan Amendments in WMPA22-0005 as set forth in this staff report for submission to the Washoe County Board of County Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission to this effect.

WCC 110.820.15(d):

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

General Verdi Area Plan Findings (Goal 28, V.28.1)

- (a) The amendment will further implement and preserve the Vision and Character Statement.
- (b) The amendment conforms to all applicable policies of the Verdi Area Plan and the Washoe County Master Plan.
- (c) The amendment will not conflict with the public's health, safety or welfare.

Verdi Community Plan Maintenance Findings (Goal 28, V.28.3)

- (a) Sufficient infrastructure and resource capacity exists to accommodate the proposed change and all other planned and existing land use within the Verdi planning area, as determined by the Washoe County Department of Water Resources and Community Development staff;

- (b) The proposed change has been evaluated by the Washoe County Department of Water Resources and found consistent with all existing (or concurrently updated) water and wastewater resources and facilities plan provisions. The Department of Water Resources may waive this finding for proposals that are determined to have minimal impacts;
- (c) A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the Verdi planning area and the improvements likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination;
- (d) If the proposed change will result in a drop below the established policy level of service (as established by Washoe County) for existing transportation facilities, the necessary improvements required to maintain the established level of service will be constructed concurrently with any project; OR, the necessary improvements are scheduled for construction in either the Washoe County Capital Improvements Program or the short range (i.e. 5- year) Regional Transportation Improvement Program (TIP);
- (e) If roadways impacted by the proposed change are currently operating below adopted levels of service, the proposed change will not require infrastructure improvements beyond those already scheduled in either the Washoe County Capital Improvements Program or the short range (i.e., 5-year) Regional Transportation Improvement Program (TIP)

Chair Donshick seconded the motion. Commissioner Chvilicek said she agrees with Commissioner Nelson that the system is broken. Re-imagine Reno should have fixed this and hope our master plan amendment will fix this. The motion carried unanimously in favor.

The Planning Commission broke for a brief recess at 7:45pm. Chair Donshick called the Planning Commission to order at 7:59pm.

D. Master Plan Amendment Case Number WMPA22-0001 and Regulatory Zone Amendment Case Number WRZA22-0001 (Donovan) – For hearing, discussion, and possible action:

- (1) To adopt a resolution amending the Washoe County Master Plan, Appendix E – Spanish Springs Area Plan Maps to redesignate four parcels totaling 144.83 acres from Rural to Suburban (APN's 534-591-01, -02, -03, & -05); and
- (2) Subject to final approval by the Board of County Commissioners of the associated Master Plan Amendment and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, to adopt a resolution recommending amendment of the Spanish Springs Regulatory Zone Map to change the regulatory zone from General Rural (GR) to Low Density Suburban (LDS) on four parcels (APN's 534-591-01, -02, -03, & -05); and if approved, authorize the chair to sign resolutions to this effect.

- Applicant: Christy Corporation, LTD
- Property Owner: Donovan Land LLC
- Location: 11600 Pyramid Way Sparks, NV 89441
- APNs and Sizes: 534-591-01 (49.49 ac), 534-591-02 (45.34 ac), 534-591-03 (5 ac), 534-591-05 (45 ac)
- Existing Master Plan Category: Rural

- Proposed Master Plan Category: Suburban
- Existing Regulatory Zone: General Rural
- Proposed Regulatory Zone: Low Density Suburban
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 820, Amendment of Master Plan and Article 821, Amendment of Regulatory Zone
- Commission District: 4 – Commissioner Hartung
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3608
- Email: cweiche@washoecounty.gov

Chair Donshick called for disclosures. Commissioner Flick stated since he resides in Shadow Ridge; as a result, his participation may appear to be a conflict of interest and could appear that he is not able to make an independent and reasonable judgment. Ms. Gustafson asked him questions regarding his disclosure and asked him to state the location of his property. Commissioner Flick said his property is contiguous to the haul road. He said his property is on the map of the staff report. He said he would recuse himself in good conscious, so there is no appearance of a conflict of interest. Ms. Gustafson said he elected to recuse himself and should leave the room during this item.

Commissioner Flick left Chambers at 8:02pm.

Senior Planner Courtney Weiche provided a presentation. Mike Raley, the applicant representative, provided a PowerPoint presentation.

Public Comment:

Gwen Reeves (Chambers), Shadow Ridge resident, said she has concerns about changing plans and master plan zoning. There is one road, Horizon View, in and out. Donovan proposed that this would be an extension of Shadow Ridge. That will add more traffic through our community. New homes in place of the mine will create traffic onto Pyramid through our community. Donovan said NDOT wouldn't let it be a road when asked why they don't use the mine road. How can the mine be in business on the two-lane road that the trucks and customers have used for 70 years? The proposal is to rezone it to match Shadow Ridge. He said Donovan would sell to a developer who could change the plans. Harris Ranch is also building a community that will add more traffic. He said he could not imagine the traffic at the Horizon View intersection. A comment that Donovan is located near commercial zoning is misleading. The commercially zoned businesses at that intersection are storage units. We fail to see the walking distance for new homeowners. We understand the need for homes, but there are underlining issues.

Nick Dawson (Chambers), Shadow Ridge resident who lives two houses from Horizon View Drive, said he sent his objection via email. He said his concerns are mainly with transportation, safety, and security. Pyramid Highway is overloaded. Much of what is built out there should not have been built until the infrastructure could have caught up. He said you have to wait 15-20 minutes at Calle De La Plata. It's bumper to bumper. Using Horizon View as ingress and egress are unreal. It will create more traffic, noise, construction, and dust abatement, and it's only one way in and out. The haul road for Donovan will be for emergency use only. They should move that subdivision up there and leave our subdivision alone.

Rhadie Kho (Chambers), Shadow Ridge resident, said the traffic in and out is bad. This would add another 130 houses, which could be divided into 260 houses. Donovan pit access road is used for services. It's an access road they should use for their development. The original designated plan was a water treatment plant. In front a Ryder homes, they are testing water. We need water. We need a water treatment plant.

Brad Young (Chambers), Shadow Ridge resident and Board of Directors for LMA, said that he agreed with the previous speakers. He said it's interesting they keep Horizon View for ingress and egress. There is the haul road. He said he had never heard of a designated road used for emergency vehicles. He asked how it could be designated for emergency only. It seems 140+ homes could be doubled. That is what we are nervous about. There are 2.5 vehicles on average per house. You are adding that many more to an uncontrolled intersection and Pyramid Highway. The speed limit was changed to 65 mph. We try to make left turns on that road. He worries that no signals will be put in at Harris Ranch. There are many more homes going in up there. Do we have to wait for a fatal accident? The high-speed traffic is mowing over our residents. They are doing 80-85 mph, especially in the morning hours.

Worma Saracino (Chambers), Shadow Ridge resident, said she is opposed to the Donovan Paster Plan totaling 144 acres. They want to take it from rural to low-density suburban. Donovan would sell it to a builder who will rezone it and put 2-3 houses on each lot. That will add more traffic to Horizon View and Pyramid Highway. Trying to get out of there will be impossible. Putting more traffic in with one ingress and egress will be impossible. It will add wear and tear to the roads. There are already cracks on the road. She said she has complained to Ryder and the County about the cracks on the road. We will have more traffic without a traffic signal. It's going to be terrible. It's a quiet neighborhood.

Edward Albright (Chambers), Shadow Ridge resident, said he lives in the first home as you enter the community. He congratulated Donovan for 70 years. Because of Donovan's efforts, he helped solve a washout behind Mr. Albright's home. Mr. Albright said he is looking for a compromise. He said the long road to the gravel pit is possible emergency access. He said there could be 700 trucks a day. The access road was meant for it. Horizon View was not meant for that truck traffic. He asked if they could do something during the construction phase to use the pit haul road and not Horizon View. He said Donovan's pit road doesn't have intersections, no school bus stop, no mailbox pick up, no stop signs, no houses, or garages. It's a good place to have a safe truck route. There is no boat or RV access. He said elderly people who walk Shadow Ridge would be inundated by construction traffic.

Diane Craig (Chambers), Shadow Ridge resident, said she is concerned. When we met with Tom Donovan about rezoning for 144 lots, he said they could get up to 4 homes per acre. If they had that, we would have 576 homes. None of this was disclosed to us when we bought our Ryder homes. No one said Horizon Views would go up. We live in the back, where the construction trucks will go. We were told there would be trails. We will have 1,100 cars in and out of Horizon View. What if there is an emergency; how do we evacuate? It shouldn't be rezoned to low-density housing. She said she was disappointed that it wasn't disclosed. We love our quiet and beautiful community.

Michael Craig (Chambers), Shadow Ridge resident, provided photos to the Commissioners, which are available on the County website. He showed a picture of a stop sign to go up the hill. They have a parking lot for the trails on Sugar Loaf Hill. The problem is using Horizon View. There has to be an alternate route as it's not logical. Donovan pit road can be accessed by cutting a road and going up. He distributed the photos to the commissioners.

Carol Casper (Zoom), Shadow Ridge resident, said she agreed with the previous speaker. We have a great community. The last phase of the community sold for \$700,000-\$800,000. We moved in thinking we had a quiet place to live. The representative from Christy Corporation showed a picture that showed Shadow Ridge was meant to connect to Donovan pit. What is left out of the conversation was an easement filed by Ryder Homes without input from the residents. She said the residents aren't getting any protection in 116. We have no voice in our LMA. The trails are where we walk our dogs, and our kids ride their bikes. Those details are left out. Take a closer look at the aerial view and how the haul road would connect to a new neighborhood. Without any power in our LMA, we are controlled by Ryder Homes, and we don't have decision-making power. They still have 1,000 votes per lot that they own versus the 400 that everyone else has. It's nice we have the Sugarloaf trail that we have been tasked to maintain.

Chuck Harkins (Zoom), a Vista Park Drive resident near the proposed road, said he is against this proposal. It would add more than 144 homes. We have less than 1 acre lots. He said he believes two homes are on one-acre lots. They would have to access it through Horizon View. It would add more traffic. They need to use the road north of Horizon View. It's currently used by the pit and could be zoned for residential use. To have 700 homes use Horizon View Road during an emergency would be a disaster. The north end needs to be available for the new homes and not in our area. Larry Peyton was the only Commissioner to reply. He said it would be one truck every minute. He said he is against the developer's rezoning to increase the number of homes per lot, creating more traffic.

Dan Gearhart (Zoom), Shadow Ridge resident, said he agreed with previous speakers. He said he doesn't see why they can't use the Donovan pit road. We would get too much traffic on Horizon View road.

Alan Loeffler (Zoom), a new Shadow Ridge resident, said he checked the roads coming into Calle De La Plata. El Caballo Trail goes out towards Donovan pit. Could we explore if that road could be used to access the new development? It would help mitigate the traffic of the new homes. The development will be sold and multiplied. This other road would help elevate some of the stress off of Horizon View and could be a possible solution for this situation.

Recording Secretary Kerfoot indicated that 16 public comment emails were received for the item, which were distributed to the Planning Commissioner and posted to the County website prior to the meeting.

Discussion by Commission:

Commissioner Chesney stated for the average daily round trips; it was claimed that you are eliminating 750 trips. However, if you are using the number of 1300 daily trips, you are actually adding 550 trips. It's smoke and mirrors. He said he doesn't appreciate that in these reports.

Chair Donshick said that she understands that we are looking at the master plan and zoning amendment. However, she asked for clarification about the statement that NDOT won't allow the haul road to be used in the future. Mr. Raley, with Christy Corporation, said the haul road is a grandfathered, non-complying access road per NDOT standards. He said that the road has been there so long that NDOT recognizes it and allows its use; however, upon the change of use that road would no longer be permitted. It doesn't meet NDOT access management standards. To address the comment about the truck traffic, there will be an increase in traffic. The 750 truck trips will be eliminated. The haul road could be used as a gated secondary emergency access, which NDOT permits. Mr. Raley says he needs to confirm but believes it could be used for construction traffic since it's temporary use. That's something that could be

addressed during the tentative map process. Chair Donshick stated that the haul road can't be used because it's not up to code. She asked that in the tentative map process, it be brought up to code to cut back on the traffic. Mr. Raley said that the road could not be brought up to code due to current access points that are approved through NDOT; it cannot meet the minimum spacing requirements and that access is not permissible under NDOT standards.

Commissioner Nelson said NDOT would not allow a new encroachment permit for that access road. Mr. Raley said that is correct. The road could be used and improved to standards, but the road isn't the issue it's the spacing between other existing roads on the highway that doesn't meet the access standards.

Commissioner Chvilicek said for the proposed master plan amendment, it's low-density suburban which is one house per acre. Because of the land use, it will be one house per acre. She acknowledged again that the Commission only has a master plan and regulatory zone amendment before them, not a tentative map for a subdivision. However, in terms of what would come from that, we are aware of the traffic on the Pyramid and the impact of the 'approved, but not yet built,' which will also bring in significant traffic onto the Pyramid. As commissioners, we ask for these 'approved, but not yet built' maps because we look at the future impact. We have to stay within the framework of our job. She asked Secretary Lloyd whether a future developer would need to conduct traffic studies with a tentative map. Secretary Lloyd said it's very likely. Some thresholds need to be triggered for traffic analysis. He said he would need to know the volumes before answering that.

Commissioner Nelson asked if they come in and develop in phases, and their first phase is under the threshold, and phase two is still under the threshold, but phase three tips the threshold, are they required to do a traffic analysis? Mr. Lloyd said typically, they will show all the units they are proposing when they come in. The phasing happens with a final map. There are rare exceptions. It would have to be a case-by-case situation. If we know there are a number of closely submitted applications that exceed the number for traffic analysis, we would ask for one. Commissioner Nelson said she has sat on the Planning Commission for a few years now, and she said she could count on one hand how many traffic studies she has seen triggered by development. There are ways to get around it.

Commissioner Chesney said he wanted to put this into perspective. There seems to be a sense of entitlement that because this project has been going on for 25 years, it should be an easy pass. A lot has happened in 25 years. On the proposed unbuilt map, Highway 445, about a mile to the south of Eagle Canyon, goes from 4 lanes to 2 lanes; it turns into a choke point. We have approved 2,463 homes in the choke point. It doesn't include the industrial developments on Calle De La Plata and other commercially zoned properties that haven't applied for anything yet. At this chokepoint, we would dump another 150 homes. This is a destination highway up to the Oregon border.

The Donovan pit proposal is adding more fuel to the fire. This traffic will not get better. NDOT has no intention of making improvements in all the studies. He said he sits on the RTC committee. They have no intention of studying this highway. They just broke ground on Harris Ranch. When is enough enough? In his opinion there is no sense in this entitlement that because you own a piece of property and you want to continue to make money off of your pit for 7-8 years while you built Shadow Ridge and then take the pit and turn it into a subdivision. He said he could not support either one of these. You have to consider the communities north, outside of the Truckee Meadows Service Area (TMSA). They are doing multi-million dollar studies to use the aquifer as storage for water for the Spanish Springs area within the TMSA. We have water and sewer issues; it's time to put the brakes on some of this stuff. He said that he does not support this.

Mr. Lloyd said this requires a super majority of four members voting in the affirmative.

MOTION: Regarding the request for a master plan amendment, Chair Donshick moved to deny WMPA22-0003, which was seconded by Commissioner Chesney. The motion passed with a vote of four in favor of the motion, one opposed, one Commissioner absent and one Commissioner who recused themselves due a conflict of interest and did not participate in the hearing of this item.

Commissioner Chvilicek asked for clarification. She said a regulatory zone amendment is dependent on a master plan amendment. Why do we need to take a vote on a regulatory zone amendment? Mr. Lloyd said that because it was agendized; it makes a clean record if there was an appeal. It's an option not to take action. It's the board's discretion.

Regarding the request for a regulatory zone amendment, Commissioner Chesney moved that after giving reasonable consideration to the information contained in the staff report and information received during public hearing, the planning commission deny the resolution included as exhibit B, recommending the adoption of WRZA22-0001, which was seconded by Chair Donshick. The motion passed with a vote of three in favor of the motion, two opposed to the motion, one Commissioner absent and one Commissioner who recused themselves, as stated above.

Votes by the Planning Commissioners were as follows:

1. Commissioner Chesney: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 2, 3, 4, and 5; unable to make RZA findings 4, 5, and 6.
2. Commissioner Chvilicek: Voted in favor of denial for MPA; unable to make MPA findings 3, 4, and 5; voted in opposition to motion to deny RZA.
3. Commissioner Donshick: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 3, 4, and 5; unable to make RZA findings 2, 4, 5, and 6.
4. Commissioner Nelson: Voted in opposition to denial for MPA; was able to make MPA findings 1, 2, and 5; voted in opposition to motion to deny RZA.
5. Commissioner Peyton: Absent.
6. Commissioner Phillips: Voted in favor of denial for both MPA and RZA; unable to make MPA findings 2, 3, 4, and 5; unable to make RZA findings 2, 3, 4 and 5.

The Master Plan Amendment findings for Washoe County Code Section 110.820.15(d) are:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based

on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

The Regulator Zone Amendment findings for Washoe County Code Section 110.821.15 are:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions; more desirable use. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

Mr. Lloyd read the appeal procedures.

Commissioner Flick re-joined the meeting at 9:19pm.

9. Chair and Commission Items

- A. Future agenda items

None

- B. Requests for information from Staff

Commissioner Chvilicek asked for clarification on whether the Planning Commission has the authority to recommend a change in a land-use category. She also asked for clarification on voting structure when considering an MPA and RZA.

11. Director's and Legal Counsel's Items

- A. Report on previous Planning Commission items

Secretary Lloyd announced that the Board of County Commissioners (BCC) heard the second reading of Article 324 (Emergency Communication Facilities) on April 26, 2022. Secretary Lloyd also indicated that the BCC continued the MPA/RZA for Highland Village Phase II.

- B. Legal information and updates

DDA Gustafson reported that the Abandonment of Pahute Road, which the Planning Commission approved, was appealed to the BCC. The BCC affirmed the decision of the Planning Commission. The BCC's decision was appealed to the District Court which affirmed the decisions of both the BCC and the Planning Commission. This item has now been appealed to the Nevada Supreme Court, and litigation is ongoing.

12. *General Public Comment and Discussion Thereof

There was no response to the request for public comment.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9.22 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on June 7, 2022.

Trevor Lloyd

Trevor Lloyd

Secretary to the Planning Commission