



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, March 1, 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, March 1, 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: Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson
Larry Peyton (via Zoom)
Pat Phillips

Staff present: Trevor Lloyd, Secretary, Planning and Building
Julee Olander, 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 Nelson 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:

Thomas Daly (Chambers): Estates of Mt. Rose resident, District 26 Assembly Candidate, commented on the Southwest area plan low-density zoning change. The prevailing zone designated is one house per acre, and they want to change it to two houses per acre. The staff does not have any answers as to the impacts of this proposal. The staff report is devoid of impact on traffic, schools, sewer, safety, and neighborhood character. Doubling the density will adversely impact the area. Washoe County, Reno, REMSA, Truckee Meadows Fire Protection District will have to double their ability to service this density. I don't see this in the staff report. A proposed tentative map development in Verdi was denied due to the fact that the Reno City Fire Department could not service that area with their approved response time. They do not have the resources. Based on public records, the Reno Fire Department routinely closes one or more fire stations or units two days out of three days, July through December 2021. TMFPD has claimed they lack existing resources for demands for services. Washoe County has expanded sewer capacity to meet the demands prior to this proposal. This needs further analysis before moving forward.

Paul Juhnke (Zoom): Homeowner on Ventana Parkway, near the proposed development and zone change. If this zone change goes through, we will be saddled with added traffic with a choke point at the top of Zolezzi. Those people knew the zoning when they bought and built the church. Those donating the land to the church knew the zoning. The Church wants to make more money and rezone to two-homes per acre. All of the homeowners in Southwest Vistas knew the zoning. Now, all of a sudden, someone wants to make more money, the rest of us get short-changed. What we bought and paid for is being proposed to be taken away from us. They knew the rules when they bought it. Zoning should not change. I would like to know we would be compensated for the devaluing of our properties. It's significant and should be addressed.

Lars Jensen (Zoom): Thomas Creek Road resident said he agreed with the previous commenter. The people knew the zoning when they bought the land. If zoning is arbitrarily changed, this undermines the trust between the public and the elected officials. Any zoning change must serve the public good. The public good cannot be measured by developer's interest or growth rate. Undermining the terms under which people moved to the County and purchased the land 30 years ago to attract people to the County today does not serve the public good. Rather, it would be a continuous spiral of deception. Rare zoning changes are made when it serves the public good. The zoning change proposed doesn't live up to that standard. We must oppose it.

Steve Erger (Zoom): Resident who lives Northwest of the Fellow Christian Fellowship Church. We went through this process with the CAB. He said the public asked the planning staff member if they could change the zoning, who said it would be very difficult to do, if at all. The CAB denied the request, and then it went to the Planning Commission, which reviewed the request. They were proposing 3-units per acre. There was a lot of push back by the community. The Planning Commission at that time denied the request. It went before the Board of County Commissioners, who unanimously voted to deny the request. In the meantime, the community got together and collected 500 signatures against the proposal. The churchgoers from around Reno pulled together to show support for the proposal and said it would be good for the kids. They were planning on expanding the school which would

impact the traffic. Then we heard there was a lawsuit against the County Commissioners. Out of the blue, this request is to change the master plan. It makes one wonder what is going on here. It was denied three different times. It makes you wonder if there are any backroom deals. This is not what the community wants. Everyone is opposed to this except the pastor of the church.

Cheryl Jordan (Zoom): We are opposed to item 8b, regulatory zoning/master plan amendment to add low-density suburban LDS2 to many areas listed in the County, including the area by Christian Fellowship church, West Truckee Meadows, Foothill, Thomas Creek, and lower Galena. All are mentioned as part of this master plan amendment change. We are opposed to this zoning amendment. We have provided signatures in the past. The changes are not needed to support growth out here. We have LDS1. That is the reason we bought out here. It's about traffic, schools, public safety, and the character of the neighborhood. It's about siding with developers' financial gain. It is about doing what is right for the long-time residents who want to preserve the area as it was intended to be with consistent zoning. We are in favor of preserving LDS1. She said we sent letters and hoped those were entered into the record. We are opposed to the master plan zoning amendment. Please respect our community and the character of the neighborhoods as they were intended to be.

Ken Greene (Zoom): For his own clarification and edification, with regard to item 8B, as it relates to Thomas Creek SCMA and RCF property and previous commenter's comment about attempts to develop that property into something that it's not currently zoned for. He has a question for the Commissioners; if not answered now, he hopes that it comes up in the future with the lawsuit and the proposal to develop 12.55 acres with RCF. Mr. Greene asked what the relationship, direct or indirect, is with the master plan amendment and the RCF property. I am opposed to the master plan amendment.

Bernice Taylor (Zoom): Southwest Vistas resident, said she is very opposed to this proposal. She would like to see each SCMA handled separately, as the SCMA is different for Thomas Creek than it is for Arrowcreek. Ms. Taylor agrees with the prior comments; she is mainly concerned with the RCF Church. Homeowners have no legs to stand on if this gets approved. I disapprove of this. I would be in favor of other SCMAs, but not Thomas Creek.

Marian Gndt (Zoom): Thomas Creek resident. She said she is against higher-density housing. Environmentally, we will run out of water; it's unfair to have people come into our community, and we won't have enough water for them. A lot of our houses are being bought by investors. Our children are having trouble finding homes here. Water is the main issue.

Gary Houk (Chambers): There is a master plan update currently going on. We have issues with roads. The roads are a disaster going up Washoe Hill. He filed complaints with NDOT. There could be consolidation with road work. They send out street sweepers on local roads, and all it does is blow dust. It's disappointing.

Genny Quintero (Zoom): Arrowcreek resident said she opposes the proposals. She agreed with the speakers. She agreed they shouldn't be consolidated into one proposal. The amendment states it will not conflict with the public's safety and welfare. She said the schools are crowded; there are no new schools proposed.

Mike Jordan (Zoom): He said he wanted to speak in opposition to the proposed master plan amendment to LDS2. He said he lives near Reno Christian Fellowship Church and their repeated attempts to change the zoning to their property. We are aware of the growth challenges facing Washoe County and the need for both affordable and high-end housing. However, we are losing the quality of life that generations have enjoyed in Northern Nevada. Agreeing to add LDS2 as a zoning option opens the flood gates for greedy landowners and developers to line their pockets. We have lived here for 22 years. Please support long-

established neighborhoods and don't add LDS2 to the existing master plan.

Steve Moraca (Zoom) echoed the previous comments about opposing this. It's about quality of life. He said he left Las Vegas 5 years ago, where developers requested zoning changes. He said he bought acreage to enjoy the land. To change the master plan is strategic and out of sorts, especially a blanket change. It's not appropriate. There is another motivation here. We are seeing high building costs, and there will be a bubble burst. He said it's been common practice for residents to receive written notice, not just through the newspaper. He suggested changing that so everyone who should be aware of this will be aware of this.

6. Approval of March 1, 2022 Agenda

Commissioner Donschick identified that there was a request to move agenda item 8C to the first public hearing item, followed by items 8A and then 8B.

Commissioner Chesney moved to approve the March 1, 2022 meeting agenda in the recommended order: 8C, 8A, 8B. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of February 1, 2022 Draft Minutes

Commissioner Chesney moved to approve the minutes for the February 1, 2022, Planning Commission meeting as written. Commissioner Phillips seconded the motion, which passed unanimously with a vote of six for, none against; one abstained – Commissioner Flick.

9. Public Hearings

C. [Development Code Amendment Case Number WDCA21-0004 \(Article 324\)](#) – For hearing, discussion, and possible action to initiate an amendment to Washoe County Code Chapter 110 (Development Code), Article 324, by repealing sections 110.324.50(e)(11) and 110.324.50(f)(9) related to placement standards for new monopole antennas and lattice towers regulating emergency service communication facilities which are owned and operated by governmental agencies; and by adding a new section governing Emergency Service Communication Facilities which shall be permitted in all regulatory zones with an approved special use permit, and which addresses requirements for: a. general; b. application; c. exemptions; d. findings; e. right-of-way; f. height and standards; g. fencing; and h. antenna types; and all matters necessarily connected therewith and pertaining thereto.

If the proposed amendment is initiated, hold a public hearing and further possible action to deny or recommend approval of the proposed amendments; and if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Location: Countywide
- Development Code: Authorized in Article 818, Amendment of Development Code
- Commission District: All Districts
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander provided a presentation. Stacie Huggins, with Wood Rodgers, and Melissa Lawney, Regional Communication Coordinator with Washoe County Technology Services were available in Chambers for questions.

There was no response to the request for public comment.

Discussion by Commission:

Commissioner Phillips asked if the type of equipment would fit in the neighborhood where it would be located, as there are different types of tower designs.

Melissa Lawney said that they would like to stick with lattice towers. Lattice towers are see-through, blend in with the surroundings, and are not reflective. Ms. Lawney stated that equipment can be added to serve fire and public safety users. Lattice towers are designed to not draw attention to themselves.

Secretary Lloyd indicated that most of these sites are very remote, not in established neighborhoods. Ms. Olander said non-established sites would require special use agreements. If there is any conflict in any neighborhoods, the towers will go before the Board of Adjustment for review.

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 recommend approval of WDCA21-0004, to amend Washoe County Chapter 110 (Development Code), Article 324, Communication Facilities, 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 Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

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

Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.

A. [Development Code Amendment Case Number WDCA22-0001 \(Article 319 Short-Term Rentals\)](#) – For hearing, discussion and possible action to initiate an amendment and approve a resolution to amend Washoe County Code Chapter 110 (Development Code),

Article 319, Short Term Rentals (STRs) by amending various sections in order to: (1) change the requirements for processing a tier 3 STR application from an administrative permit approved by the Board of Adjustment to a special use permit approved by the Planning Commission; (2) exclude overflow parking spaces in condominium or multi-family complexes in the calculation of required parking spaces; (3) require the STR property owner(s)' notarized certification to include an attestation that the subject STR property is covered by insurance that provides for a minimum of \$500,000 liability coverage per occurrence; (4) repeal the requirement to submit a certificate of insurance; (5) provide that a bear box is required in the Incline Village General Improvement District's service territory following two confirmed trash violations; (6) modify the maximum occupancy calculation from one occupant for every 200 square feet of habitable space to two (2) occupants for each legally permitted bedroom, with the remainder of the home (excluding bedrooms) calculated as one occupant for every 200 square feet of habitable space; and all matters necessarily connected therewith and pertaining thereto.

If the proposed amendments are initiated, 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.

- Applicant/Property Owner: Washoe County
- Location: Countywide
- Development Code: Authorized in Article 818, Amendment of the Development Code
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Senior Planner Courtney Weiche provided a presentation.

Public Comment:

Gary Houk (Chambers): Washoe Valley resident said he is concerned with enforcement. Where do neighbors go if they see violations of terms and conditions? He said he doesn't get the problem with requiring bear boxes in Incline. Hank the Tank, the bear, is going through houses. Mr. Houk doesn't understand why the County isn't forcing people to get bear boxes. As a contractor, he is required to get a license and insurance. They [the STR owners] are getting off easy. He said he would like them to get a business license and to show proof of insurance every year. Mr. Houk commented staff, stating that the staff report was fantastic. He said he would like to see the data maintained for the public.

Discussion by Commission:

Commissioner Chesney said since the beginning, we saw this document as a living, breathing document to be updated as things progressed. He said he appreciates Staff and all the work they put into it. Code Enforcement is up to their eyeballs in everything in the County. He commended them for the job that they do. This is a good first or second step on this document.

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 recommend approval of WDC22-0001, to amend Washoe County Code Chapter 110 (Development Code) within Article 319 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 following four findings within Washoe County Code Section 110.818.15(e):

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

Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of seven for, none against.

B. Master Plan Amendment Case Number WMPA22-0004 (Southwest Area Plan) – For hearing, discussion and possible action to approve a resolution initiating and adopting an amendment to the Southwest Truckee Meadows Area Plan, a component of the Washoe County Master Plan, for the purpose of amending Land Use, Goal 1, Policies SW.1.3, SW.1.7, SW.1.8 & SW.1.9, by adding Low Density Suburban-Two (LDS/2-Two units/acre) as a permissible regulatory zone in the West Truckee Meadows Wildland Transition Suburban Character Management Area (SCMA), Foothill SCMA, Thomas Creek SCMA and Lower Galena SCMA; and if approved, authorize the Chair to sign the resolution on behalf of the Planning Commission for submission to the Washoe County Board of County Commissioners.

- Applicant: Washoe County
- Location: Southwest Truckee Meadows Area Plan
- Development Code: Authorized in Article 820, Master Plan Amendment
- Commission District: District 2
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander provided a presentation.

Public Comment:

Gary Houk (Chambers): Washoe Valley resident, said we are in the middle of master plan amendment with the entire County. We should table this until we can discuss it with everyone. We don't know the status of the area plans. They took away the East Washoe Valley CAB, which he served on for nine years. We don't have anyone represented on the Southwest Area Plan. Mr. Houk stated he was meeting with Eric Young tomorrow. This proposal should not go through now as it will set a precedent for the County. He said he doesn't think that should happen. He urged the Commissioners to put this off.

William Naylor (Chambers): *Read part of the Vision Statement.* He stated that Findings A indicate you shouldn't have any growth and should instead concentrate on what's there. It's evidenced by those who spoke that their welfare is threatened. There was no study submitted, nor was it required. We have 30,000 approved parcels in Washoe County that have not been developed. Why should we go after higher density in the already nicely developed area? It's the County that submitted this request. There was no application online; you couldn't find out about the area, school, or any request. He said he reiterated Gary's comment. The area plans are under review right now under the EnvisionWashoe 2040 project; why in the world would we put this into effect while the area plans are being modified.

Cheryl Jordan (Zoom): Refuted what Ms. Olander said about this being a policy change. Ms. Jordan stated that this is a change in the zoning amendment for a broad area, a blanket policy for vacant land in South, suburban Reno. They are proposing to convert this to LDS2. We just went through this with Reno Christian Fellowship Church; the request for MDS3 was denied by the BCC and the Planning Commission previously. This blanket policy opens the door for developers. She agrees with the gentleman who said it's setting a precedent for developers. We weren't invited to the neighbor meeting. We went through this process before with the CAB, the Planning Commission and the BCC, which was unanimously denied. Reading from an email, Ms. Jordan indicated that the Galena communities have also voiced their disapproval, stating this is a broad attempt to increase residential density in the unincorporated County. It's not needed to support growth. Higher density zoning will favor the developmental interests while undermining the quality of life for existing residents. Ms. Jordan urged the Commissioners to listen and oppose this.

Paul Juhnke (Zoom): Said he only heard about this meeting an hour or two before the meeting started, because the County has decided not to publish it in the ways that have been suggested by the speakers. Staff is calling this just a policy change when it clearly is not just a policy change, it's a change to the master plan which is a strategic, long-term document. He said the County is trying to change the master plan that residents have spent a lot of money investing in. He wants to know the justification for trying to change the master plan, the strategic document upon which all of their homes are built. He asked if there was a change in the vision of the Southwest Area Plan. The goals of the current area plan are clear, to support quality of life in a rural development that's environmentally friendly. He said the vision, mission, and goals should be laid out before changing in the master plan. None of this is clear in what was presented.

Steve Erger (Zoom): Mr. Erger clarified that we aren't opposed to building homes per the current code requirements. The issue is with the change of rules after the fact. He appreciated the gentleman who read the vision statement of the area plan. There are developers who want to change the rules for profit motives. It adds to the mistrust of the government. Let's stay within the bounds that have been set. He said he understands it's a tough decision.

Hal Craddock (Zoom): Southwest Vistas resident. He supports the previous speakers and opposes item 8B. When the church tried to change the zoning before, it was a stretch from LDS1 to LDS3. To go from LDS2 to LDS3 is less. This is an end-run to the change they may want. Each property out here in the south suburban area is unique. This blanket change is not appropriate. Each property should be considered and what surrounds the existing property. We are surrounded by ½ acre lots. It doesn't apply to the pockets of properties that this is being applied to.

Recording Secretary Kerfoot indicated that in addition to the public comment identified in Planner Olander's staff report, the County had received twenty seven (27) public comment emails that were shared with the Commissioners and posted to the County website prior to the meeting; there was also one (1) further public comment that was provided to the Commissioners at the dais and would be posted to the County website within twenty four (24) hours of the meeting.

Discussion by Commission:

Commissioner Phillips asked whether there was an emergency that necessitates this change to be applied now instead of waiting for the new master plan to go before the public to voice their concerns.

Ms. Olander said this did come from the Reno Christian Fellowship discussion. Ms. Olander indicated that Commissioner Phillips was on the CAB when this came before them. Ms. Olander stated that at that time, the CAB indicated that they would support 2-units per acre at the location; however, that was not an option at the time. RCF approached the County to request 2-units per acre as LDS2. As far as the EnvisionWashoe2040 Master Plan Update, that is an ongoing process. Eric Young presented last month on the process. There is another year or two until that is completed.

Mr. Lloyd said this is a commitment to fix this part of the Southwest Area Plan master plan. When that plan was originally adopted, there was no LDS2 regulatory zone. There was LDS and MDS, so the question was, why not allow 2-units per acre when you allow both 1 and 3. It was a commitment from staff to allow all options. Ms. Olander said some properties are already ½ acres, for instance, along Rockhaven. Even within Southwest Vistas there are ½ acre parcels. Some properties are currently non-confirming because they don't meet the minimum lot sizes. Commissioner Phillips said she remembers how she voted on this when it came before the CAB. Ms. Olander said the CAB voted against it, but they were also in favor of the LDS2 designation.

Commissioner Phillips said the Commissioners didn't receive maps of where these 1-acre parcels are located. She is not only referring to the church property that wants to be developed, but also the other homeowners, in the other sections. The current proposal doesn't give the Commissioners a true picture of how it will impact the neighborhoods. She said she would like this tabled until we can see that impact. Commissioner Phillips stated that some of these parcels might be close to others that could be in the Reno Sphere of Influence (SOI); the change could make it so the Reno SOI can move in.

Ms. Olander said there isn't a map. Including LDS2 in the area plan would still require that the applicant come in and apply for the zone change to get that designation. Properties that are low-density, can remain LDS.

Commissioner Phillips said her concern has to do with Southwest Area Plan. The staff report talks about how the amendment will further implement and preserve the vision, and the character statement and that the amendment conforms to all applicable policies.

Commissioner Phillips said she is concerned that the proposal changes the neighborhood and sets a precedent. The proposal doesn't conform with the policies of the Southwest Area Plan. Ms. Olander said it's adding LDS2 as an option and that some might say MDS doesn't fit the character, but it's already in the plan as an option. This proposal is a policy change that provides the option of LDS or LDS2. It's not conflicting with the master plan. If someone wants to increase the density, they will request a zoning amendment, and the Commission will decide at that point if there is sufficient school, sewer and water capacity, and whether the change impacts the neighborhood.

Commissioner Nelson said it's a policy change that allows people to come in and change their zoning. Commissioner Nelson stated that in her opinion it's almost worse to do it that way, changing one parcel at a time, as this doesn't require the same studies of road, school, and utility impacts. It's going around the system. We have a select number of lots that are available for this in those area plans. If you have a handful of lots that come in with requests, you have increased the density but haven't accounted for that in the infrastructure. Ms. Olander said each application would be looked at, including the impacts. Applicants can apply for MDS, which is currently allowed. Commissioner Nelson said that the areas have theoretically been accounted for in the design of the infrastructure but questioned whether Thomas Creek road has been developed to satisfactory levels to accommodate evacuation during a fire. Commissioner Nelson doesn't think so, stating that she was affected by the fire last year in June when Thomas Creek, Zolezzi, Arrowcreek and Wedge Pkwy were at a standstill. The infrastructure has been built based on what is there and it's already undersized. The majority of these areas that could be MDS, the majority of which are not served by water or sewer, if they go off of wells and have sewer and increase the density, they are degrading the water quality. Commissioner Nelson stated she was having trouble meeting all the findings.

Commissioner Flick said an acre is 43,560 sq. feet. There is a minimum lot size of 17,500 sq. feet, but if these are half-acre, the minimum should be 21,780 sq. feet. He said he didn't understand the math. Secretary Lloyd said density and minimum lot size requirements have been a point of confusion. If you look at the land use table and the zoning table, the acreages and densities are two different things. The LDS density requirement is 1 unit per acre, but the minimum lot size is 35,000 sq. feet, but the other has to make up the rest. LDS 2 is half of 35,000 sq. feet. It's still a density of two units per acre. Commissioner Flick said if you have 2 acres, and the minim lot size is 17,500 sq. feet, you would be picking up lots.

Secretary Lloyd clarified that if the designation is LDS2 and you have two acres, you cannot exceed two units per acre; the most you could do is four lots. Commissioner Flick asked whether this master plan amendment was creating a new classification. Secretary Lloyd stated that it's an existing classification that's referenced in the Washoe County Development Code, but it's not identified as an existing allowable regulatory zone within the indicated SCMAs. Commissioner Flick said that he isn't saying it's right or wrong but agrees that we need to get a more defined look at all the affected areas, as this is a massive process. Commissioner Flick stated that he's been through this elsewhere and there is a lot of mistrust. If there isn't an emergency to get this done, for the benefit of the public and everyone concerned, he recommends delaying this to allow the County to adequately describe and show where in the county this will affect.

Commissioner Chvilicek said she understands what is being presented, but she has also been taught that the area plans take precedence over everything else. She read a portion of the staff report case description that refers to this proposal as "an amendment to the South[meadows Truckee] Area Plan." This is counter to what Staff has been saying, that this is just a policy change. The description says it's an amendment.

Ms. Olander said we are proposing to amend the Southwest Area Plan, proposing to add the LDS2 option to those areas. Ms. Olander referred to slide 6 of 10 which shows the regulatory zones that are currently permitted. She pointed out that item F is in bold, indicating that it is an addition to the zoning options.

Commissioner Chvilicek said it's an amendment to the area plan and more than a policy change. Ms. Olander said it's a policy change, reiterating that it would not change anyone's zoning. You still have to come in and show you they can accommodate it at that specific location. Commissioner Chvilicek said that when the Southwest Truckee Meadows Area Plan was initiated, for whatever reason, LDS2 was left out of the current plan. Commissioner Chvilicek read from the area plan vision statement. Commissioner Chvilicek stated that while she understands the process, the current proposal is not in alignment with the character statement. She read SW.20.2, "For any amendment that proposes to: revise the vision and character statement, to revise goal one or its associated policies, the Washoe County Planning Commission must find the department of community development has conducted a series of community visioning workshops with the appropriate Citizens Advisory Board and the result of that process including any CAB and Staff recommendation must be included and discussed in further staff analysis." Commissioner Chvilicek stressed that there was one neighborhood meeting held to ask for feedback on this. Ms. Olander stated that five people came to the neighborhood meeting and they discussed holding another meeting, however they concluded that with the low turn-out another meeting wasn't needed.

Secretary Lloyd posed a philosophical discussion. He stated that he constantly hears the frustration from numerous sources, including staff, that in comparison with what a master plan is supposed to be and with what a master plan is in other jurisdictions, Washoe County's master plan area plans have become far too regulatory, which wasn't the intent. It was intended to be a broad overview and vision of the community instead of providing development code level standards. Mr. Lloyd believes that the question the Planning Commission needs to address is whether it's appropriate to include another regulatory zone within those areas. He said if you go back to the original area plan, these policies did not exist; there was no list of regulatory zones. There are master plan level designations: urban, suburban, rural, commercial. The idea is if there is a regulatory zone associated with one of those master plans, then a zone change would be appropriate. Secretary Lloyd stated they recognize that LDS2, when this area plan was adopted, didn't exist in the County. Since it's a suburban regulatory zone, it should fall in with the other suburban regulatory zones of LDS and MDS. It's up to the Planning Commission how they want to decide on this, but Secretary Lloyd wanted to provide background on how it's become more regulatory in nature. Commissioner Chvilicek said she appreciates and respects that, but believes that Planning Staff, elected officials and the Planning Commission are eroding the public trust. We say they have a voice in their community, but we are eroding that.

Commissioner Nelson read from page 3 of the Southwest area plan, which she said gives the Planning Commission clear direction on the desired outcome of zoning in this area.

Commissioner Chesney said that because there is an ongoing revision to the master plan and area plans, he doesn't see an emergency to move on this. He said he could not support this and could not make four of the findings. Commissioner Chesney said that something doesn't seem right with this being pushed through ahead of an ongoing, existing process that allows for a tremendous amount of public input. In contrast to Commissioner Lloyd's statement about the area plans being too regulatory, Commissioner Chesney stated that if it weren't for the area plans, all hell would break loose from a development standpoint.

Commissioner Phillips stated that she has always told her children that just because others do it doesn't make it right, and that applies with this change. She said that she's been involved with CABs since 2006. Since then, there has been a growing mistrust and the decision that are made and what is pushed down their throats. Commissioner Phillips stated that the Planning Commission needs to hold off on this to let the public know that they can trust us to protect them.

Chair Donshick said she knows staff worked hard on this. She said she has uncomfortable feelings about this and making some of the findings. Chair Donshick said she lives in an area where we had to deal with this going on. She would like to find out a legal way of postponing it to come back with master plan. She said she knows a lot of people sent in emails, so she knows that someone was notified somewhere, but there is still a disconnect in the community and understanding this. She said she is uncomfortable with this.

Commissioner Chesney asked Legal for options. DDA Gustafson said that the Development Code states that if no motion is made and seconded, in this case, since no action has been taken by the Commission, if it's appealed, it would be heard by the Board of County Commissioners. Individual Planning Commissioners may comment on the application, for the record, but it's not required. If the Planning Commission does not make a motion, the item can still be appealed to the BCC. The Planning Commission also has the option to approve or deny the request that is before you. DDA Gustafson stated that she was unsure whether tabling a Master Plan Amendment triggered automatic approval and deferred to Secretary Lloyd, who was also unsure.

Commissioner Chvilicek said we could table it, time certain, to gather more information because the community is also confused. She questioned, in terms of when we say this would apply to SW 1.3, SW 1.7, SW 1.8, SW 1.9, so that LDS2 is not carte blanche for the entire area plan, and it's just for these specified areas. In terms of tabling it, time certain, to allow for more clarify for the Planning Commission and citizens, she said if her hand were forced, she would vote to deny.

DDA Gustafson said based on the Development Code, she would recommend taking action either to approve or deny the request as the best, cleanest way to approach this.

Commissioner Peyton said they have LDS and MDS, and they want to add LDS2. He can understand where staff is coming from as they can already do it. Commissioner Peyton said they (the applicant) would have to apply to the County to have the regulatory zone changed to two-units per acre. If that's the case, someone would have to do that with a special use permit in the future, so he doesn't see the point of approving the master plan amendment if the applicant has to go back to the County anyways. If the Planning Commission didn't vote to approve the master plan amendment, he believes that applicants can still apply for a SUP anyway. Secretary Lloyd clarified that if the master plan amendment is not approved tonight, applicants can either get one unit per acre or requesting MDS, which is three units per acre.

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 DENY the resolution contained as Exhibit A to this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA22-0004 being unable to make the findings identified in Washoe County Code Section 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.

Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven in favor of denial, none against.

Commissioners stated their inability to make the required findings as follows:

- Commissioners Chvilicek, Donshick and Nelson could not make findings 1,3,4,& 5;
- Commissioner Chesney could not make findings 2, 3, 4,& 5;
- Commissioner Flick could not make findings 1, 2, & 4;
- Commissioner Peyton could not make findings 2, 4, & 5; and
- Commissioner Phillips could not make findings 1, 2, 3, & 4

10. Chair and Commission Items

A. Future agenda items

With no response from the Commission, Secretary Lloyd requested time at the next meeting to present the new Neighborhood Meeting HUB pre-application process.

B. Requests for information from staff

Chair Donshick requested that the Commissioners be provided with "Planned, Not Yet Built" maps on a constant basis, as it impacts the understanding of both Commissioners and the public.

Commissioner Nelson stated that she reviewed the figures at the end of the Southwest Area Plan. She stated the information there is from 2010 and that availability has changed. It would be nice to see what is there currently.

11. Director's and Legal Counsel's Items

A. Report on previous Planning Commission items

In February, the Board of County Commissioners approved the Master Plan Amendment for the Mae-Anne Ave Rollback.

B. Legal information and updates

None

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 8:07 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on April 5, 2022.

Trevor Lloyd

Trevor Lloyd

Secretary to the Planning Commission