



WASHOE COUNTY PLANNING COMMISSION
&
CITY OF RENO PLANNING COMMISSION



Meeting Minutes

The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only), all other matters were heard by only the Washoe County Planning Commission

Tuesday, May 7, 2019 • 6:00 PM

**Washoe County Administration Complex, Commission Chambers,
1001 East Ninth Street, Reno, NV 89512**

Washoe County Planning Commissioners	
Sarah Chvilicek, Chair	
Larry Chesney, Vice Chair	Francine Donshick
James Barnes	Philip Horan
Thomas B. Bruce	Michael W. Lawson
Reno City Planning Commissioners	
Mark Johnson, Chair	
Britton Griffith, Vice Chair	Paul Olivas
Peter Gower	John Marshall
Ed Hawkins	Kevin Weiske

The Washoe County Planning Commission and Reno City Planning Commission met in a scheduled session on **Tuesday, May 7, 2019**, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

NOTE: The Washoe County Planning Commission convened jointly with the Reno City Planning Commission for a portion of the meeting (Item 8A only); all other matters were heard by only the Washoe County Planning Commission.

1. *Determination of Quorum

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

Washoe County Commissioners present: Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick

Philip Horan
Michael W. Lawson

Reno City Commissioners present: Mark Johnson, Chair
Britton Griffith, Vice Chair
Ed Hawkins
Paul Olivas
John Marshall
Kevin Weiske

Commissioners absent: Peter Gower (Reno City Planning Commissioner)

Staff present: Trevor Lloyd, Washoe County Secretary, Planning and Building
Chris Bronczyk, Washoe County Planner, Planning and Building
Kelly Mullin, AICP, Washoe County Senior Planner, Planning and Building
Dave Solaro, Washoe County Assistant County Manager
Julee Olander, Washoe County Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, Washoe County District Attorney's Office
Katy Stark, Washoe County Recording Secretary, Planning and Building
Donna Fagan, Washoe County Office Support Specialist, Planning and Building
Claudia Hanson, Planning Manager, Reno Community Development
Karl Hall, Reno City Attorney, Reno City Attorney's Office
Greg Salter, Deputy City Attorney, Reno City Attorney's Office

2. *Pledge of Allegiance

Commissioner Horan led the pledge to the flag.

3. *Ethics Law Announcement

Nathan Edwards, Deputy District Attorney, provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

Lori Beach, Washoe County Resident/City of Reno Tax Payer, requested consideration for storage containers. She stated there are many residents who live in rural areas with acreage. She said she uses the storage container to store feed for her animals and provide storage for those who are being flooded. She read from the staff report regarding visual appeal.

Tammy Holt-Still, Swan Lake Recovery Committee, said there was a commissioner who was hosting an information table at a Northern Nevada Business breakfast. There were rumors that this commissioner made fun of the residents of Lemmon Valley and the effluent water at the school grounds. Lemmon Valley residents were the butt of their jokes. She said the Commissioners need to be professionals and represent business and residents.

Denise Ross spoke for Danny Cleous and herself. She shared that there is a lot of hurt in

Lemmon Valley. She asked the Commissioners to re-examine why they serve on the board. She addressed a commissioner about making fun of Lemmon Valley residents. She said Danny Cleous is losing everything. She asked for compassion and caring.

As there were no further requests to the call for public comment, Chair Chvilicek closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the May 7, 2019 meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Possible Action to Approve April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the April 2, 2019 Draft Minutes of the Washoe County Planning Commission meeting as written. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

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The Reno City Planning Commission adjourned at 6:51 p.m.

The Washoe County Planning Commissioners took a brief recess and reconvened at 7:01 p.m.

B. Development Code Amendment Case Number WDCA18-0005 (Cargo Containers) –

For possible action, hearing, and discussion to amend Washoe County Code Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to revise the allowable quantity, location, aesthetic, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35 (h), *Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers*, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to establish a definition for “Cargo Container”; and other matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. Any material modifications that exceed the scope of the amendments being considered at this hearing, however, may require continuation of the hearing for possible action at a future meeting.

- Prepared by: Dave Solaro, Arch., P.E., Assistant County Manager
Kelly Mullin, AICP, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3624 (Dave) and 775.328.3608 (Kelly)

- E-Mail: dsolaro@washoecounty.us and kmullin@washoecounty.us

Chair Chvilicek opened the public hearing.

Chair Chvilicek called for member disclosures. Commissioner Bruce said he attended a public meeting.

Kelly Mullin, Washoe County Senior Planner, and Dave Solaro, Assistant County Manager, provided a staff presentation.

Public Comment:

Lori Beach said she appreciated the presentation. She would like reconsideration of item xi, regarding livestock. Please allow for use of livestock. She appreciated the part about neutral painting of the cargo container required.

Denise Ross declined her public comment.

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

Commissioner Bruce asked about the timeframe of six months expiration after paid permit. He suggested a 12 month time period. He inquired about cargo containers being placed side-by-side. He asked about placing them end-to-end. Ms. Mullin noted end-to-end placement of the cargo containers language was added. She said under subsection 9a, this does not allow for cargo containers to be placed end-to-end for the concern of creating a barrier or compound. Ms. Mullin addressed his question about the six month timeframe. Commissioner Bruce said he understands the limit, but he would be comfortable with 12 months instead of six months.

Vice Chair Chesney thanked Ms. Mullin and Mr. Solaro for their hard work. He said he is fine with the time limit of six or 12 months.

Chair Chvilicek referred to item xii within Exhibit A-1 and asked what would constitute an "agricultural building as a main use". Ms. Mullin explained the term and clarified that the prohibition on cargo containers being used as an agricultural building as a main use is a carryover from the previous policy.

Commissioner Lawson commended the staff for their hard work. He said he is concerned with the language and asked if changes can be made or if the Commission can only consider the language as a whole, either voting for or against it. Ms. Mullin said there is opportunity to change language within the limits noted in the agenda description. DDA Edwards stated changes depend on the specific modifications. Commissioner Lawson said he doesn't like the idea of a container on less than ½ acre, nor two containers on one acre. He said he would like to see at least one acre to have one container. Ms. Mullin noted the Board of County Commissioners (BCC) provided specific direction as to number of containers based on the sizes of parcels, but this Commission can also provide recommendations.

Commissioner Donshick said she was confused about the complaint process. Ms. Mullin said standards would need to be abided by. If there was a complaint, they would report to Code Enforcement, and Code Enforcement would go out and investigate to see if the standards weren't being met. Commissioner Donshick asked how someone who wants to place a cargo container on their property can ensure they are in compliance. Ms. Mullin recommended that someone who wishes to place a cargo container or shed on their property check with staff

ahead of time to confirm placement and make sure they are in compliance with standards. Commissioner Donshick expressed concerns with parcel size and containers. She said she is concerned with allowing a 40-foot container on a ½ acre lot. Vice Chair Chesney said they need to meet the setback requirement, but doesn't think a 40-foot container on ½ acre lot would happen. Commissioner Donshick said we need to be clear. Ms. Mullin indicated on properties 1.25 acre or less, a cargo container cannot be placed between the main home and street.

Chair Chvilicek thanked staff for their hard work.

DDA Edwards advised if the Commission wants to allow cargo containers without a permit on smaller parcels, it could most likely affect older neighborhoods without CC&Rs, rather than newer subdivisions with CC&Rs. The Commission should consider whether that would result in possible unfair impacts on older, less affluent neighborhoods. He stated the current requirement for a placement permit acts as a deterrent to some degree, and eliminating the need for a permit may open that up as an issue.

Dave Solaro, Assistant County Manager, said he appreciated the discussion held by this Commission, by the Board of County Commissioners, and community input. He said that based on the discussion, smaller lots could be limited to a 20-foot length container. He said, currently, a container less than 200 square feet doesn't require a permit anyway, and that would not change with the amendment.

Vice Chair Chesney spoke about crafting a motion to reflect the Commission's discussion about adjusting the timeframe of the permit and parcel size.

Commissioner Bruce said after a motion is made, the following amendments can be made: Section 110.310.35 (h) 6 months is changed to 12 months.

Commissioner Lawson said Commissioner Bruce is on the right track with amendments. He agreed with changing the timeframe from six to 12 months in regards to building permits. He agreed with the suggestion by Dave Solaro regarding one cargo container not to exceed 200 square feet for smaller parcels and indicated this should also address the concerns voiced by DDA Edwards. He wanted clarification from Ms. Mullin about 40x10x9 from old code, and can it be included as definition of a cargo container. She said it was proposed to take it out. He asked if it can remain in order to define the cargo container. Commissioner Bruce said a standard container is 9.5 feet tall. There are two types of container: 8 feet and 9.5 feet tall. Ms. Mullin said there are several sizes of cargo containers. She stated she was uncomfortable with establishing a new maximum size without researching sizes.

Commissioner Horan supports amending the language with the limitations discussed by the Commission so far.

Mr. Lloyd said limitations need to be specific, such as under ½ acre of land cannot exceed a 200 square foot container size.

Chair Chvilicek referenced page 4 of 9 item (ii) that addresses sizes of lot. She said 'Only one cargo container of maximum size of 200 square feet.'

MOTION: Development Code Amendment Case Number WDCA18-0005: Vice Chair 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 WDCA18-0005, to amend Washoe County Code Chapter 110 (Development Code) within Articles 306, 310 and 902 as identified in Exhibit A. Vice Chair

Chesney further moved 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 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 Bruce moved to approve the motion with the following amendments – Section 110.306.10 (g) item ii, shall be amended to read **one cargo container of not more than 200 square feet of floor space shall be allowed on a parcel of land of less than ½ acre in size. Two cargo containers shall be allowed on a parcel of land ½ and 5 acres in size; parcels larger than 5 acres are limited one container per acre or portion thereof. And Section 110.310.35 (h) is amended to read if building permit has not been issued in 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of building permit at later date will allow the cargo container to be placed on the property again. Any cargo container remaining onsite after issuance of final building inspection or certificate of occupancy shall conform to the standards within Section 110.306.10.** Commissioner Lawson seconded the motion as amended. Vice Chair Chesney adopted the amendments by Commissioner Bruce. Commissioner Lawson also adopted the amendments stated by Commissioner Bruce that were adopted by Vice Chair Chesney. Ms. Mullin wanted clarification that there were no size limitations on containers for parcels of land ½ acres to 5 acres. Chair Chvilicek said the only size limitation is on containers for parcels of less than ½ acre. The motion carried unanimously.

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12. Adjournment – The meeting adjourned at 8:29 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on June 4, 2019.

Trevor Lloyd, Secretary to the Planning Commission