



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Philip Horan
Michael W. Lawson
Trevor Lloyd, Secretary

Tuesday, February 5, 2019
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on **Tuesday, February 5, 2019**, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Chvilicek called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Chair
Larry Chesney, Vice Chair
James Barnes
Thomas B. Bruce
Francine Donshick
Michael W. Lawson (By phone)
Philip Horan (By phone)

Staff present: Trevor Lloyd, Secretary, Planning and Building
Kelly Mullin, Senior Planner, Planning and Building
Chad Giesinger, Planning Manager, Planning and Building
Julee Olander, Planner, Planning and Building
Chris Bronczyk, Planner, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Vahid Behmaram, Water Management Planner Coordinator
Dwayne Smith, Director, Engineering and Capital Projects
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Donshick 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. *Public Comment

Pam Roberts said the Citizen Advisory Boards need expansive powers other than plan changes. She said she lives in the SPA in Palomino Valley. She said there were parcel map reviews that did not go through the CAB. She thinks the CAB needs expanded powers other than development plans. It would serve the valley and other parts of the County better.

Susan Ambrose, representing Warm Springs Rural CAB, asked the Commissioners to listen to what the CAB members have to say. Please share the information with the County Commissioners. She requested a public workshop with all the CABs to discuss restoring the CABs' power. She spoke about an incident where a speaker was not able to get on the agenda. There are many things in our community other than development projects such as fire updates. Sometimes the little things such as tumble weed removal are an important topic to hear. There is no longer a public forum for citizens to be heard.

Greg Dennis said Medium Density Rural is five acres per parcel. General Rural zoning is 40 acres per parcel. If we get into the distinction of zoning changes, we should think about parcels being eight times smaller than the 40 acre parcels we live on. Look to address this in the future. He spoke about Washoe County CAB Article 993, Ordinance 818, which talked about how the CABs were created and what a CAB could do or could not do.

For the record, Commissioners Horan and Lawson confirmed they had joined the meeting via phone. They confirmed they knew they were being recorded.

6. Approval of Agenda

Chair Chvilicek requested changes to the agenda. She said the Planning Commission meetings are supposed to end by 11:00 p.m. and she will exercise the ability to table items to a future meeting. She proposed pulling item 8A and tabling it until March. The agenda items were re-arranged to be heard in the following order: 9A, 9B, 9D, 9C, if time allowed. In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the February 5, 2019 meeting as amended. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Possible Action to Approve January 2, 2019 Draft Minutes

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the January 2, 2019 Draft Minutes as written. Commissioner Bruce seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Planning Items

***A. Presentation by Dwayne Smith, Director of Engineering and Capital Projects regarding existing sewer capacities and planned improvements to existing facilities.**

THIS IS AN INFORMATION ITEM ONLY.

This item was moved to the March 5, 2019, Planning Commission meeting.

9. Public Hearings

A. Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006 (Marshall Ranch) – For possible action, hearing, and discussion:

- (1) To adopt an amendment to the Washoe County Master Plan, Warm Springs Area Plan to change a Master Plan Category on three parcels totaling $\pm 1,088.88$ -acres to Rural Residential; to establish a character management area (CMA) with a character statement and specific policies governing these properties; and to amend Policy 4.6 to allow Medium Density Rural within the CMA. The subject parcels were recently removed from the City of Reno's Sphere of Influence, where they had a Reno Master Plan Category of Special Planning Area and which currently have a Washoe County Master Plan designation of Rural per Policy 1.2.16 and the translation table contained in Appendix 7 of the 2012 Truckee Meadows Regional Plan. If approved, authorize the Chair to sign a resolution to this effect; and
- (2) Subject to final approval of the associated Master Plan change and a finding of conformance with the 2012 Truckee Meadows Regional Plan, to recommend adoption of an amendment to the Warm Springs Regulatory Zone Map, changing the Regulatory Zone from General Rural (maximum density one dwelling unit per 40 acres) to Medium Density Rural (maximum density one dwelling unit per five acres) and Open Space (no allowable density); and if approved, authorize the Chair to sign a resolution to this effect. These changes would potentially allow for up to 187 dwelling units, compared to the 27 dwelling units allowed by the current regulatory zone.

- Applicant: Krater Consulting Group, Attn: Kenneth Krater
- Property Owner: Winnemucca Holdings, LLC, Attn: Jack Fisher
- Location: 9055 Winnemucca Ranch Rd, approx. 9 mi. north of Pyramid Hwy
- Assessor's Parcel Numbers: 079-220-23 (± 244 -ac.); 079-220-26 (± 41.5 -ac.); 079-220-37 (± 803.2 -ac.)
- Existing Master Plan Category: Rural; recently removed from City of Reno Sphere of Influence
- Proposed Master Plan Category: Rural Residential
- Existing Regulatory Zone: General Rural
- Proposed Regulatory Zones: Medium Density Rural (± 935 -ac.) and Open Space (± 153 -ac.)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs/Rural
- Development Code: Authorized in Articles 820 and 821
- Commission District: 5 – Commissioner Herman
- Prepared by: Kelly Mullin, Senior Planner and
Chad Giesinger, Planning Manager
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3608 (Kelly) and 775.328.3626 (Chad)
- E-Mail: kmullin@washoecounty.us and
cgiesinger@washoecounty.us

Chair Chvilicek opened the public hearing.

Trevor Lloyd read the agenda item.

Chair Chvilicek called for disclosures. Commissioner Chesney said he lives six miles away from the subject property. He said he received emails and phone calls but did not respond. Commissioner Bruce said he received emails, but did not respond. Commissioner Lawson said he was contacted by the applicant who invited him to meet; Commissioner Lawson said he declined the invitation to meet. Commissioner Horan said he had no disclosures.

DDA Edwards stated for the record that Ken Krater is on the Capital Improvements Advisory Committee. Mr. Krater sits with the Planning Commission in that capacity. Mr. Krater is part of the Planning Commission as advisor to the RRIF Committee.

Kelly Mullin, Senior Planner provided a staff presentation.

Ms. Mullin said Vahid Behmaram, Water Management Planner Coordinator, Dwayne Smith, Director of Engineering and Capital Projects, and members from U.S. Fish & Wildlife were in attendance if the Commissioners had any questions for them.

Ken Krater, Krater Consulting group, applicant, provided a presentation:

Mr. Krater said the subject property is the most beautiful piece of property in Washoe County. He asked why it was brought in as Truckee Meadows Service Area/Sphere of Influence for City of Reno.

Mr. Krater showed pictures of the subject property.

Mr. Krater said they are keeping the stone house for preservation; it was a stage coach stop.

Mr. Krater said in 2017, he filed an application with Truckee Meadows Regional Planning to take this area out of the Sphere of Influence/Truckee Meadows Service Area in order to protect rural area. He said staff recommended creating a Character Management Area Plan with policies to protect the wildlife and topography. If any development would occur, it would have to follow the natural topography. He said he made sure they addressed all the issues in the Character Management Area Plan with specific language that states no clustering or density can occur. Grading is specified. He spoke about noxious weeds and dark skies requirements. He said he received feedback from the CAB. He said there would be low water requirements for landscaping. He spoke about conservation and water recharge; plug-in ponds would recharge surface ground water. He said they are working with NDOW for a wildlife management plan. He said they are working on a trail system to provide access to existing and public roads. He spoke about creating a community water system for the current residents instead of individual wells. He said there are a lot of great policies in this document which take into consideration the benefits for the greater community. If any developer wanted to develop, there would be conditions of approval and deed restrictions to make sure any policies were adhered to. Traffic studies would be conducted to address traffic impacts on Winnemucca Ranch Road. Chip sealing would be required to address impacts for roads with 10% or more impacts. No density transfers can occur. Mr. Krater spoke about Article 424, Hillside Development. He said 20% of the property has slopes 15% or greater. Ken Krater said he attended CAB meetings in November and January. He said he met with community members to address concerns in Warm Springs.

On December 28, 2018, the conservation easement was recorded. The purpose of the conservation easement is to ensure the conservation area will be contained, undeveloped and protected forever. Development would be possible but they would have to follow the Character Area Management Plan. Future development is limited.

Steve Capurro has been hired to repair fences and re-establish the historic ranch. Mr. Krater said 27 homes could already be developed without any change. He said this is the second conservation easement he has done.

The conservation area shall not be used for residential or commercial, with other uses prohibited. Construction or occupancy is prohibited. Only one single family dwelling is allowed in the building area; other complimentary uses are allowed. Judicial action would be required to change the conservation easement. Eminent domain is also possible, but highly unlikely. The conservation easement runs with the land. He said they worked hard to come up with a plan with entitlement with value.

Public comment:

Susan Ambrose, speaking on behalf of the task force, said both proposals will adversely impact the residents. She said there are three projects in Spanish Springs. There will be a bottleneck where those houses are coming out on Pyramid Highway, and widening of Pyramid Highway in that area is not on the 10 year plan. The road is narrow with steep ditches on both sides. 187 homes would increase the amount of trips on Pyramid highway. Commute traffic along with these homes would cause concern for EMS to access the area in a timely manner. There is no escape route out the back.

Pam Roberts said on January 11th she submitted a two-page document outlining the disagreements with findings. It has been included in the packet. She encouraged the Commissioners to look at that as well as the survey conducted which shows opposition to the project. She read a prepared statement. The proposal would change the parcel sizes and the current lifestyle. Residents wish to maintain their current lifestyle.

Julie Murphy, resident of Palomino Valley, said we appreciate our beauty. She said she does not believe anyone would want to purchase a home within a high traffic area that was sold as rural. Please don't pass this.

Sharon Korn said at the November 13th CAB meeting, Ken Krater gave a verbal presentation because the PowerPoint didn't work. It was a half baked plan. Ken was not added to the January CAB agenda. He tried to put a meeting together at the Shooting Range, but there was a conflict. There was no real input from the community. She said she understood the application timing. She said this item should be delayed. The Master Plan and Area Plans should be done first to see how this fits into it. There needs to be more public input. The SPA is set up for higher density housing. It will set a precedent of subdividing 40 acre lots if this is approved. There is only one way in and one way out. If it is a good plan now, it is a good plan six months from now.

Greg Dennis said we need to look at this and discuss it. There are issues in the North Valleys. He asked how you do something when you do not have trust in the other developers, like what happen in North Valleys. Waste water plant and surface water is needed. He asked where the ground water is going to come from and if we are diminishing the water rights if other development happens. He said the conservation easement is a great idea, but the development could open a can of worms. There needs to be another meeting with more input. Look at the area plan.

Wes Cameron said there are bikers driving on that road on the weekend. There is litter all over the place. He said he lived in Vegas and has seen the growth. There has to be a place where we can get away from the crowd and lights. Something has to give. It cannot be developed. He said they developed five acre parcels across from his property on Amy. They did not have water and asked him for water. He said we want to be away from the city. It is not fair. This has to stop. He

said we know we have to have development, but there need to be parameters. Palomino Valley is the last; it is all we have out there. There will be too much traffic on Winnemucca Ranch Road. We won't have a valley anymore.

Larry Johnson, 26 year resident of Palomino Valley, said he appreciates the solitude and enjoys the canyons. He said he is in support of this proposal. He said he has heard the testimonies of those who are in opposition. He said he considers the alternatives. He said he worked for Bob Marshall to strip water from the ranch and dry it up. City of Reno would have allowed 2,500 homes on the ranch. We have a conservation easement that protects the land, wildlife, stream, and meadows. It is the best thing that could have happened for our way of life and the ground water. The conservation easement has been recorded for perpetuity.

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

The Commissioners did not have questions of staff.

Chair Chvilicek asked clarifying questions of DDA Edwards and Mr. Lloyd regarding the application. She said she wanted to confirm that the conservation easement was not part of what was being considered in the request. Mr. Lloyd said the request is for a master plan amendment and regulatory zone amendment for five acre zoning. It needs to stand on its own merits. A conservation easement has been recorded. Essentially it is difficult to separate the two. DDA Edwards said he echoed the difficulty of separating the application and conservation easement matter; it is an analytical conundrum. You are being asked to increase density, and there is a conservation easement involved. He said there were questions they could ask, such as to whom is it granted, and what are the tax benefits. DDA Edwards said that was additional information they might be interested in learning from Mr. Krater. The decision before you is, "Should development intensification change per the application?" More information from the applicant would be appropriate to get as a Commissioner. Further questions could be, "Is there infrastructure or future infrastructure?" This is a complex issue.

Commissioner Lawson said they received a packet a week ahead of time. It was extensive. He said he received emails with addendums and new language. He said it is too much to consume in a short amount of time. He said he is considering the review of face value of the original plan. If it is a good plan, then it will be a good plan in six months.

Commissioner Donshick commended everyone for their hard work. She said when it was under the Sphere of Influence of City of Reno, 2500 homes could be proposed. She asked how we make that decision within Washoe County. Ms. Mullin said City of Reno had a Special Area Plan of maximum amount of 2500 homes. In 2017, the applicant removed the properties from the Sphere of Influence/Truckee Meadows Service Area which reduced the amount of development possible on the property. It brought it back into General Rural zoning which is 40 acres per parcel.

Commissioner Bruce said there are 800 acres in the conservation easement which leaves 300 acres. There may only be three homes on the 300 acres. He asked Mr. Krater why we need five-acre parcels: "What is the point of changing the zoning from 40 to five acres?" Ken Krater said when they purchased the land, the conservation easement was the best use with value of property. MDR and open space zoning creates the value. Mr. Krater said they can show the IRS the entitlements in place. There are 32 lots you can construct held outside the easement, but you need to factor in the steep slopes and other factors. Policies in the Character Area Management Plan (CMA) would require paving, electric power, water system, and other hillside development requirements. 187 lots give value to the creation of the easement. The infrastructure required would be too expensive. Reality is the remaining land would be three lots. The CMA policies allow up to four lots on well and septic. It was to protect the rural area and it is fiscally impossible to

build. Mr. Krater said 187 lots are to satisfy the IRS with value of land. A Master Plan amendment needs to happen after the Regional Plan update. It has not happened yet. It is the value in the land of 187 lots that will keep us coming back to do more lots in the future.

Commissioner Chesney said he researched this project. He said something is missing. The Warm Springs Area Plan specifically states its rural agriculture character in the area. Twenty-three years ago, some forward thinking people developed the plan and set aside acreage for higher density development of the Specific Plan Area (SPA); it was upheld. There is development happening in that area now. This master plan amendment, with development of this type, pierces the veil of this area with the possibility of higher density in the valley. He said he can support the original intent in the valley. He said he will not support these changes. Commissioner Barnes said he agreed with Commissioner Chesney.

Chair Chvilicek said it was a conundrum. It was difficult to make a determination. They were reviewing an application that would allow up to 187 lots. She said she applauded the conservation easement. In terms of what was in front of them that night, it did not address the conservation easement; it was not included in the application. In terms of public safety, she said she reviewed the EMS report – response times are troubling on a road not designed for that. It is a public safety issue.

Kelly Mullin said public safety is worth considering at this stage. She said there would be additional conditions of approval from reviewing agencies in further stages of the project. Improvements would be required if it were to move forward. The tentative map would be looked at thoroughly.

Chair Chvilicek asked Mr. Krater about the tax benefits by creating 187 lots prior to the conservation easement. She asked the difference in value with the current state prior to entitlement. Mr. Krater said we could have rezoned in City of Reno with very little input from the Warm Springs community. He said they went this route to gain value in the land and tried to do the right thing. This was a compromise: to set up conservation and bring value to the land. It would have been a disaster alternatively. He said we wanted to ensure the development respects the land. Chair Chvilicek applauded Mr. Krater for pulling it from City of Reno Sphere of Influence, TMSA, and recording the easement. She said they were reviewing the MPA and RZA based on medium density up to 187 dwellings.

Commissioner Horan asked a clarifying question about the acreage totals. There are 1,088 acres total: 812 acres go into the conservatory, and 276 remain outside of the conservation. Chair Chvilicek said there are slope restrictions and open space. He said the math does not work. Chair Chvilicek said they were not considering the 812 acres of conservation easement for 187 units for what is being proposed. Commissioner Horan asked about other acreage they risked reducing to five per acre. Mr. Krater said there is a considerable part of acreage in right-of-way; there is a well site set aside if land were to be developed. The amount of acreage that could be development is 40 acres of historic amenity, 160 acres in the north quadrant, and 37 acres of open space. Chair Chvilicek said it is within the CMA, and does not affect any of the other regulatory zones.

Commissioner Lawson said he supports Commissioner Barnes' and Chesney's comments regarding the Warm Springs Area Plan.

Commissioner Bruce asked about the legal reliability of CMA: how long could it last and could it be cloned by a neighboring property owner? DDA Edwards said Ms. Mullin said this property is contained in a Character Management Area. He said neighbors could come in and ask for a zoning change for their property. You would analyze and answer the applicant just like this one.

Chair Chvilicek asked Dwayne Smith, Director of Engineering, if Medium Density on five-acre parcels allows for septic. Mr. Smith said that is a Health District question. He said five acres is the minimum size to allow for a well. Ms. Mullin said one proposal listed in the application was for an offsite waste water treatment in a batch plant. It was discussed at the Health District, and if community water system is not feasible, they would be limited to four lots on wells. The water system would be critical for allowing more than four lots on that property.

MOTION: Commissioner Bruce 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 Master Plan Amendment Case Number WMPA18-0006, not having made the following five findings in accordance with Washoe County Code Section 110.820.15(d) and the required findings of the Warm Springs Area Plan Policy SS.17.1(a-c) [sic].

The case should be denied as it does not meet the required findings:

- 1. Consistency with Master Plan. The proposed amendment is not in substantial compliance with the policies and action programs of the Master Plan.**
- 2. Compatible Land Uses. The proposed amendment will not 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 Changed Conditions. The proposed amendment does not respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment does not represents a more desirable utilization of land.**
- 4. Availability of Facilities. There are not 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 not 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 Bruce further 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 Regulatory Zone Amendment Case Number WRZA18-0006 (Marshall Ranch), being unable to make all the required findings; not having made the following five findings in accordance with Washoe County Code Section 110.821.15(d) and the required findings of the Warm Springs Area Plan Policy SS.17.2.a-1 [sic].

Commissioner Donshick seconded the motion to deny the Master Plan Amendment Case Number WMPA18-0006 and Regulatory Zone Amendment Case Number WRZA18-0006. Commissioner Horan said he was going to support the motion; reasoning behind it, if we are not to consider the conservatory, I'm not in support of this case. Chair Chvilicek said she agreed with what the other Commissioners had stated. The motion passed unanimously, with a vote of seven for denial, none against.