

Exhibit D

Appeal

**Master Plan Amendment Case Number WMPA18-0001
(Sun Valley Area Plan)**

And

**Development Code Amendment Case Number WDCA18-
0001 (Sun Valley Area Plan Modifiers)**



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, April 3, 2018
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, April 3, 2018, 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
Philip Horan
Michael W. Lawson

Staff present: Trevor Lloyd, Secretary, Planning and Building
Chad Giesinger, Senior Planner, Planning and Building
Eva Krause, AICP, Planner, Planning and Building
Kelly Mullin, AICP, Senior Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Kathy Emerson, Administrative Secretary Supervisor, Planning and Building

2. *Pledge of Allegiance

Commissioner Donshick led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *Public Comment

Chair Chvilicek opened the public comment period. Russell Earle, 11400 Osage Road, said he was the President of the Silver Knolls Community Organization and in the next few months the Commission would see a plan for a housing development in that area. He asked the Commission to seriously consider developers asking for a much higher density. He had been a professional firefighter in the Bay area for 15 years and the preliminary investigation in the Coffee Park fire showed the contributing factor to 5,500 plus homes being lost was the density of the housing. They had considerable resources to fight that fire, but once it got started, it was an auto-ignition from structure to structure. He said in the Silver Knolls area, the density was one unit per 2.75 acres. He would like to see the Truckee Meadows and Washoe County become the leader for coming up with better fire resistivity building standards when developers wanted to build homes in a wildland interface. He noted there was a fire in Silver Knolls in July and the only thing that saved them was the five jet air tankers in Stead fighting the Long Valley fire. There were 2,500 acres burned in a matter of a couple of hours. He said the Truckee Meadows Fire Protection District and responding agencies did a great job protecting a dozen structures in the direct flame path. If there had been seven to 14 structures per acre, they would not have had the ability to protect those homes.

Stephen Wolgast, 5220 Cedarwood Drive, said he wanted to address cash bonds and how Washoe County should hold developers accountable for possible flooding, roadway damage or blasting damage to neighboring homes. He said the developers typically created limited liability corporations to support their plans, which were disbanded as soon as the work was completed. If there was damage that was not immediately evident and the corporation had been disbanded, there was no longer a corporation to hold liable for the damage. If the injured residents sued the County for damage caused by the developer, it would be the taxpayers who would shoulder the burden. Municipal bonds came in two forms; an insurance bond, and a more widely used cash bond. A municipality would ask the developer to provide a bond posted by an insurance company for the amount of potential damages they felt could occur. The reason that type of bond was no longer popular was that it would take a legal case to get the money from the insurance company. Often the legal fees ended up being as much as the damages sought by the injured residents. For the more popular cash bond, the developer would borrow a sum from a bank to cover potential liability with the agreement that the money would remain at the bank until the end of the bond. The developer would assign a municipality the right to access the bond money if the developer caused damage to the residents. The amount borrowed was usually equal to half the total estimated cost of the project and the developer only paid 1 percent per year to the bank for the money. Should the municipality need access to the money, no lawsuit was required. The bond arrangement could last for several years after the completion of the project to protect the residents.

Chair Chvilicek closed public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the April 3, 2018, meeting as written. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of March 6, 2018, Draft Minutes

Commissioner Donshick moved to approve the minutes for the March 6, 2018 Planning Commission meeting. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

A. Abandonment Case Number WAB18-0001 (Cheryl Ln.) – For possible action, hearing, and discussion to approve the partial abandonment of a 33 foot access easement by reducing its width to 15 feet. The 18 feet of the access easement proposed to be abandoned is the northernmost 18 feet of the easement that runs along the southern edge of the subject property (along Big Smokey Drive). If approved, the abandoned portion of the easement would be conveyed to the owner/applicant for the proposed abandonment. Any approval only applies to whatever interest Washoe County owns in the easement.

- Applicant: Del Roehrick & Nancy Foster
- Property Owner: Roehrick Trust / Foster Trust
- Location: 15750 Cheryl Ln.
- Assessor's Parcel Number: 017-150-44
- Parcel Size: 1 acre
- Master Plan Category: Rural
- Regulatory Zone: General Rural (GR)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 806
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 34, T18N, R20E
- Prepared by: Chad Giesinger, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3626
- E-Mail: cgiesinger@washoecounty.us

Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures. Hearing none, she opened the public hearing. Chad Giesinger, Senior Planner, presented the Staff Report. Chair Chvilicek opened questions to the Commission. Commissioner Horan said the site plan had been submitted and prepared by the Applicant. He asked if staff was in agreement with the site plan. Mr. Giesinger stated they were.

Chair Chvilicek opened public comment. There was no response to the call for public comment. Chair Chvilicek closed the public hearing and called for a motion.

Commissioner Donshick 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, with the conditions included as Exhibit A in the staff report, Abandonment Case Number WAB18-0001 (Cheryl Lane) for Del Roehrick and Nancy Foster, having made all three findings in accordance with Washoe County Code Section 110.806.20. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan; and

2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

B. Regulatory Zone Amendment Case Number WRZA18-0003 (Coches/Tower) – For possible action, hearing, and discussion to recommend approval of or deny an amendment to the Tahoe Regulatory Zone Map, changing the regulatory zone from Medium Density Suburban (MDS – 3 units/acre) to Low Density Suburban (LDS – 1 unit/acre) on two properties located at 1131 and 1135 Lakeshore Boulevard.

- Applicant: Coches, LLC; Tower, LLC
- Property Owner: Coches, LLC; Tower, LLC
- Location: 1131 and 1135 Lakeshore Blvd.
- Assessor's Parcel Numbers: 130-312-25; 130-312-30
- Parcel Sizes: 1.58 acres; 1.90 acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 821
- Commission District: 1 – Commissioner Berkgigler
- Section/Township/Range: Section 23, T16N, R18E, MDM
- Prepared by: Eva Krause, AICP, Planner
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Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures from the Commission. Commissioner Horan said he was a Trustee of the General Improvement District (GID) at Incline Village, but he noted the GID did not have any land use authority and any utility permissions would be dealt with by staff. DDA Edwards asked Commissioner Horan if he had any pecuniary interest or commitments in a private capacity for this item. Commissioner Horan stated he did not. DDA Edwards felt Commissioner Horan could act on this item. Chair Chvilicek opened the public hearing and Eva Krause, AICP Planner, presented the Staff Report.

Chair Chvilicek called for questions from the Commission. Hearing none, she called for public comment. There was no response to the call for public comment. Chair Chvilicek called for a 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 Planning Commission recommends adoption of the proposed Regulatory Zone Amendment Case Number WRZA18-0003 and the proposed Tahoe Regulatory Zone Map having made all of the following findings in accordance with Washoe County Code Section 110.821.15. He further moved to certify the resolution and the proposed Regulatory Zone Map as attached to the staff report for submission to the Washoe County Board of County Commissioners and to authorize the chair to sign the resolution on behalf of the Planning Commission. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

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 not result in land uses which are incompatible 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 identifies and 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.

C. Special Use Permit Case Number WSUP18-0003 (U-Haul of Spanish Springs) – For possible action, hearing and discussion to approve a special use permit allowing for the rental of U-Haul vehicles and trailers from the subject property. This use type is classified as Automotive Sales and Rentals, which requires a special use permit in the Industrial regulatory zone in Spanish Springs per the Spanish Springs Area Plan Table C-3. The use is proposed as part of a larger mini-storage and vehicle storage facility, which are allowed uses on the property and not part of this special use permit.

- Applicant: AMERCO Real Estate Co.
- Property Owner: Roger B. Primm Family Trust
- Location: NW corner of Pyramid Way and Sha Neva Rd, accessible from Digital Ct
- Assessor's Parcel Numbers: 530-491-02 (±5 ac.), 530-491-03 (±5 ac.) and 530-491-04 (±10 ac.)
- Master Plan Category: Industrial
- Regulatory Zone: Industrial
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, *Special Use Permits*
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 23, T21N, R20E, MDM, Washoe County, NV
- Prepared by: Kelly Mullin, AICP, Senior Planner
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Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek opened the public hearing and called for any disclosures. Hearing none, she called staff forward. Kelly Mullin, Senior Planner, presented the Staff Report. Chair Chvilicek opened questions to the Commission.

Commissioner Bruce asked if the applicant's business was related to the mini-storage across the street, because they had done U-Haul rentals at one time. Ms. Mullin said she was not aware of a relationship.

David Pollock, Development Manager, America Real Estate, said he represented the Applicant and he introduced Chris Piedra, President U-Haul. Mr. Piedra said they were no longer a dealer of U-Haul, but they had been a dealer about two years ago. He said there was no relationship.

Commissioner Horan asked if there was screening required for the project where the vehicles would be parked. Ms. Mullin stated there was a requirement in the Spanish Springs Area Plan for buffering from Pyramid Highway. She said there was not a specific requirement for additional screening and one had not been provided in the Conditions of Approval. Commissioner Horan said the rental vehicles were closer to Digital Court and he was more concerned about that screening than by Pyramid Highway. Ms. Mullin said to the west and to the north along Digital Court was all interior to the business park and was surrounded by other industrial properties. She noted screening between industrial properties was not required in the Code, but if there was residential use adjacent, there would be screening requirements.

Mr. Pollock stated U-Haul was an American icon, a corporate owned facility that would employ 10 to 15 people and were their own business. He said what took place at the adjacent property was a dealership and that was the foundation as to how this business started in 1945. What they did was approached U-Haul and asked if they could also sell their product at their business and U-Haul said yes. However, they would have rights to control what that business did because they were not "U-Haul." He discussed renting versus equipment sharing, their sustainability program, carbon emissions, and staging areas for parking trailers. He said in order to develop this property, they needed the Commission's support for the Special Use Permit for equipment sharing.

Chair Chvilicek opened questions to the Commission. Commissioner Bruce said since the rental trucks required fuel, he wondered what their plan was for fuel storage. Mr. Piedra stated they did not store fuel on site. When a customer rented a vehicle, they were instructed to replace the fuel they used during the rental.

Chair Chvilicek opened public comment. There was no response to the call for public comment. Chair Chvilicek closed public comment.

Commissioner Chesney stated this was the ideal use of the industrial property in Spanish Springs and he commended the Applicant and staff for putting this together. Chair Chvilicek called for a motion.

Commissioner Donshick 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 with conditions Special Use Permit Case Number WSUP18-0003 for U-Haul, having made all five findings in accordance with Washoe County Code Section 110.810.30. Commissioner Chesney seconded the motion, which passed unanimously with a vote of seven for, none against.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements

are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

D. Tentative Subdivision Map Case Number WTM18-003 (Valle Vista) – For possible action, hearing, and discussion to approve a tentative map to allow the subdivision of 15.33 acres into a 75 lot common open space development. The overall density of the project would be 4.9 dwelling units per acre.

- Applicant/Owner: Landbank Development Co. LLC
- Location: 550 East 4th Ave.
- Assessor's Parcel Number: 085-122-03
- Parcel Size: ±15.33
- Master Plan Category: Suburban Residential
- Regulatory Zone: High Density Suburban (HDS – Seven units per acre)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 608 – Tentative Subdivision Maps & Article 408 – Common Open Space Development
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 20, T20N, R20E, MDM, Washoe County, NV
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Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures. Hearing none, she opened the public hearing and called staff forward. Julee Olander, Planner, presented the Staff Report.

Chair Chvilicek opened questions to the Commission. Commissioner Horan asked if there was a reason why the emergency gate was moved. Ms. Olander said Pearl was a graveled road and the Code required that if it was a permanent emergency exit, it had to be on a paved road and Gepford Parkway was paved. She said there would be improvements on Pearl for sewer and water.

Commissioner Lawson said the traffic report had been reviewed by the Applicant and a determination was made that it did not meet the threshold for peak-hour trips and he wondered if staff had reviewed the report and reached the same conclusion. Ms. Olander said that was correct and the project did not generate the traffic to meet the 80-hour peak traffic. Commissioner Lawson asked how long ago that happened. Dave Snelgrove, Planning and

Right-of-Way Manager CFA, said a traffic report had been done about seven years ago with the original project and had been updated within the last couple of months.

Commissioner Bruce said it seemed it was a given that everyone would agree to abandon Lupin Drive down to Gepford Parkway and he wondered why that was. Ms. Olander stated Lupin Drive is paved north of Fourth Street, and Fourth Street is signalized at the intersection at Sun Valley Blvd. She noted Lupin Drive circled around and went down to the houses that were south of this development. She said staff reviewed the viability of Lupin Drive being paved to see if it would alleviate the traffic and staff came to the conclusion that it was not viable. Abandoning it would remove it from Washoe County's responsibility and at this time it would make sense for the developer to take it on. She said the homes to the west were owned by the same property owner and they would be approached when the abandonment application moved forward.

Chair Chvilicek called the Applicant forward. Dave Snelgrove, CFA, stated staff thought Lupin Drive did not really provide a beneficial connection and a little under a quarter of Lupin Drive would be in the 100-year flood plain. He continued with his PowerPoint presentation. He stated because they were providing carports, they were asking to be allowed to shorten the setback to 15 feet. He said the cars would still be out of the right-of-way area and partially under the carport or they could pull all the way under the carport since they did not have a garage front. Darren Proulx, CFA, showed some photos of the homes with awnings.

Chair Chvilicek opened questions to the Commission. Commissioner Horan stated he understood why they wanted to shorten it from 20 feet to 15 feet, but he did not understand why it was a big deal to them now. Mr. Proulx showed a photo of the carport and explained there was an on-site storage area in the back and they wanted to make sure there was enough room for two parking covered spots. If they had to hold the front face back an additional 10 feet, they may have one car covered and only half of another car covered.

Chair Chvilicek opened public comment. Garth Elliott said he was a member of the Citizen's Advisory Board (CAB) when this came through several years ago and he was also on the Sun Valley General Improvement District Board of Directors. His concern with this development was storage, because storage in Sun Valley was a real problem. He had been concerned about the product they had before being personal property and the problems with obtaining financing. He said the area desperately needed this and he was in favor of the project.

Harold Cummings, 274 E Gepford Parkway, discussed his concerns regarding no sidewalks and narrow roads. He watched the children get on and off the buses with nowhere to walk. He drove a large truck and he was always worried about hitting a pedestrian, because the lighting was not good. This would bring in a lot more people and children. He watched the kids all year long and sometimes they fell into the ditch because they were running and playing and there were no sidewalks.

Chair Chvilicek closed public comment and opened discussion to the Commission. Commissioner Donshick stated the development would have to put in sidewalks all the way down Fourth Street.

Chair Chvilicek stated staff talked about a community garden space and she asked for clarification. Ms. Olander showed the space, which was on the eastern side.

Commissioner Chesney asked for clarification of the requested change in the language. Ms. Olander stated the only change in the language she had was for the addition of the Homeowner's Association being defined. She noted she did not have any language on the length of the driveway or Condition I.

Mr. Lloyd stated this type of subdivision was a common open space subdivision and there were opportunities to modify certain standards such as setbacks. He said staff liked to have those requests addressed before they came to a meeting; however, he felt their request could be accommodated. He added that for structures such as carports, there was an allowance for a 2-foot overhang into a setback. Rather than a 20-foot standard, it would be an 18-foot standard being taken down to 15 feet.

DDA Edwards stated he did not think the condition for the abandonment was written to indicate it was a done deal. He said they had to get an abandonment in order to record a Final Map and he saw some potential problems with that. He said that was discretionary approval and this entire subdivision could potentially be derailed by the failure to fulfill that condition. He suggested the Commission give some thought to change the language to something like "they shall apply for an abandonment of the Lupin Drive right-of-way." He stated the condition as it was written under traffic and roadway said it "shall" be abandoned prior to the recordation of the Final Map. He proposed the following language under Condition I that the developer shall apply for the abandonment of the Lupin Drive right-of-way, leave the language to the word "site", then delete "shall be abandoned", and leave the word "prior" and language beyond. If the intent was to approve this subdivision, he would hate to see it come crashing down in two years because of a problem with the abandonment.

Commissioner Bruce said he felt with the abandonment of Lupin Drive and approving this at this time, was putting the cart before the horse. He asked what if the other property owners objected to the abandonment. Mr. Lloyd stated he understood the adjoining properties were all under the same ownership and they could accept half of that current right-of-way, or they could grant all of the right-of-way to the Applicant. Ms. Olander clarified there were two property owners, one to the north that was developed and all owned by one owner and the property to the south was owned by another person. She explained when the Engineering Department reviewed this they felt Lupin Drive either needed to be abandoned or developed. She said to pave the roadway would be expensive because of the floodway and to put a bridge in would have been very expensive, so this was an option to abandon it because of the lack of connectivity to the other roadways. Commissioner Bruce stated he was not objecting to the abandonment, but he was concerned the abandonment may not work out later.

Chair Chvilicek stated with the change in the language suggested by DDA Edwards that could possibly ensure the abandonment would take place. DDA Edwards stated that was correct, and the point Commissioner Bruce was raising triggered his reasoning for the change to the Condition. Chair Chvilicek clarified the language under Traffic and Roadway, Item I, would read the Applicant shall apply for the abandonment of the Lupin Drive right-of-way adjacent to the site prior to the recordation of the Final Map.

Mr. Snelgrove stated the request for change to the language regarding the setback to the carport was in the last portion of the Condition wherein it stated they had a 10-foot setback to the front of the house and the covered part of the carport could start five feet back. He stated that would mean they would not have the carport adjacent to the front of the house, it would be a little way back, but not 20 feet. He stated the owner could have their car partially under the carport or all the way under.

The Commission took a five-minute recess.

The Commission reconvened with all commissioners' present.

DDA Edwards stated typically before one of these projects was presented, staff would discuss what variances may be included with the tentative map review and then those would be added in to the agenda description and notices. He said the only one that was being talked about tonight was the 20-foot standard setback being reduced to 15 feet. He suggested the Commission go forward with what was submitted on that issue, because that would be a variance, or if the Applicant was amenable to it, come back in a month for consideration.

Mr. Snelgrove stated he spoke with the Applicant and they would like to move forward and after speaking with staff, it was determined there could be other ways to work this out. Chair Chvilicek said under Item I on page 12, there would be no change to the language regarding the carport setback. Mr. Snelgrove stated that was correct.

Chair Chvilicek closed public comment and called for a motion. Ms. Olander stated the additional change would be to Item I; "the Applicant shall apply for an abandonment of Lupin Drive right-of-way adjacent to the site prior to the recordation of the first Final Map."

Commissioner Lawson 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, with the conditions included as Exhibit A as modified during this hearing to this matter and with the addition of the condition explaining the reference to a Homeowners Association, Tentative Subdivision Map Case Number WTM18-003 for Landbank Development Co. LLC, having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;
- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- 3) Type of Development. That the site is physically suited for the type of development proposed;
- 4) Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) 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;
- 6) Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) 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;
- 8) Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- 10) Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

E. Development Code Amendment Case Number WDCA18-0002 (Private and Public School Facilities) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code Chapter 110 (Development Code) within Article 302, *Allowed Uses*, Table 110.302.05.2, Table of Uses (Civic Use Types), specifying that Private Education will be allowed with a board of adjustment special use permit in all regulatory zones except industrial and open space, and that Public Education will be allowed in all regulatory zones except industrial and open space with no special use permit required; within Article 304, *Use Classification System*, Section 110.304.20, Civic Use Types, to add to the definition of Education the sub-definitions of Private Education and Public Education; and for other matters necessarily connected therewith and pertaining thereto.

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

- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Julee Olander, Planner
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Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures from the Commission. Hearing none, she called staff forward. Julee Olander, Planner, presented the Staff Report. Chair Chvilicek called for any questions from the Commission.

Commissioner Bruce inquired as to why they were treating private schools differently. Ms. Olander stated the original State law differentiated between private and public schools. She stated Section 440 only addressed public schools, which meant staff had to separate them.

Commissioner Horan asked if private schools included charter schools. Ms. Olander stated charter schools were under the Washoe County School District and included in the public-school system. She explained any school collecting public funds was the definition of a public school. Mr. Lloyd explained the Nevada Revised Statutes (NRS) governed this situation and Washoe County Code had to be consistent with State Law.

Commissioner Bruce stated it appeared that a Special Use Permit was required under education and now they were separating out private schools and public schools and opening the door for public school facilities to not be required to obtain a Special Use Permit. Ms. Olander stated the NRS stated public schools were not required to have a Special Use Permit. Commissioner Horan stated that meant the new charter school would not have come through any approval process at the County level. Ms. Olander stated that was correct.

Chair Chvilicek called for public comment. Hearing no response to the call, she closed the public hearing and called for a motion.

Initiation

Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within

Article 302 & 304, *Allowed Uses and Use Classification System*, as described in the staff report for WDCA18-0002. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

Amendment

Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA18-0002, to amend Washoe County Code Chapter 110 within Articles 302 & 304, *Allowed Uses and Use Classification System*, as described in the staff report for this matter. He further moved 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 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). Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

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.

F. Master Plan Amendment Case Number WMPA18-0001 (Sun Valley Area Plan) – For possible action, hearing and discussion to amend the Washoe County Master Plan, Volume 2, Sun Valley Area Plan, at Policy SUN.1.2 to remove the sentence, "New single family detached residential, including mobile homes, will not be allowed within the DCMA." If approved and subsequently found in conformance with the Truckee Meadows Regional Plan by the regional planning authorities, the Sun Valley Area Plan would no longer prohibit new single family detached residential units in the Sun Valley DCMA. Because this is a possible amendment to the master plan, approval must be by resolution supported by a 2/3 vote of the entire planning commission membership.

AND

Development Code Amendment Case Number WDCA18-0001 (Sun Valley Area Plan Modifiers) – For possible action, hearing, and discussion to amend to Chapter 110 of the Washoe County Code (WCC) at 110.218.35(a) to remove "Neighborhood Commercial / Office" zoning from the areas in which mobile homes and manufactured homes are prohibited to be placed within the Sun Valley area. If approved, placement of mobile homes and manufactured homes within these zones would instead be subject to the general

placement rules found in Table 110.302.05.1, which allows them with a board of adjustment special use permit.

- Applicant: Washoe County Planning and Building Division
- Location: Downtown Character Management Area (DCMA) of Sun Valley
- Master Plan Category: Commercial
- Regulatory Zone: Neighborhood Commercial
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 818, Amendment of Development Code and Article 820, Amendment of Master Plan
- Commission District: 3 and 5, Commissioners Jung and Herman
- Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Trevor Lloyd, Secretary, read the item into the record. Chair Chvilicek called for any disclosures. Hearing none, she called staff forward. Trevor Lloyd, Secretary, presented the Staff Report. Chair Chvilicek called for any questions from the Commission. There were none.

Chair Chvilicek opened public comment. Ron Bell, 109 Grumpy Lane, said he took an old manufactured home off his parcel and wanted to put a new one on and improve the area, but that did not quite work out. Now it was a vacant lot and he was stuck with it, like a lot of the other homeowners. He was still moving junk cars and garbage off the lot, which had been ongoing for years. He said what the CAB did not realize was many of these properties were a block or two away from Sun Valley Blvd., which was going to be tough to improve in this day and age. His property was back a block and surrounded by manufactured homes. He really wanted this project to go through so that it would improve the area. He stated Don Ellis wanted him to present a letter to the Commission in support of this project.

Garth Elliott said he was representing the area plan update group that met for at least five years. He presented a PowerPoint presentation regarding unintended consequences. He showed several businesses that had moved in to Sun Valley Blvd., which he thought were a good thing.

Carmen Ortiz, 847 Cloudy Ct., said she was with the Sun Valley CAB. She stated she was not present when the original DCMA zoning process happened, but what she remembered from the CAB meeting was that they wanted the ability to replace and fix existing mobile homes on Sun Valley Blvd. As a Sun Valley resident, she was all for it but what they did not want was any new homes going in on Sun Valley Blvd., they wanted to keep that commercial. She said they were not concerned about two blocks away, the parcels that were not touching Sun Valley Blvd., they were only concerned with the parcels that faced Sun Valley Blvd. She wanted Mr. Bell on Grumpy Lane to put a new unit on that parcel. She said the language was there originally, but it fell out somehow.

Harold Cumming, 274 E Gepford Parkway, said he was in favor of improving Sun Valley Blvd., but he was wondering how deep it would go from the Blvd. He said they had airplanes and trees around there also. He stated one thing he did not think people mentioned was with all this building, there would be more people, more business and more traffic and the streets were small. He was concerned about there being little lighting on Sun Valley Blvd., and when you got

off the main street there was no lighting, especially east of the Blvd. If there were big vehicles, there were no sidewalks, and if there were sidewalks in the improvements, he was hoping lighting would be part of that also.

Chair Chvilicek closed public comment and brought it back to the Commission for discussion. She believed this item was to clean up language that had not been present and had created this blight situation; however, if someone tried to remove an existing home and replace it with something better, they could not do that. Mr. Lloyd stated those homes were zoned Neighborhood Commercial (NC). He said most of them had historically been residentially zoned; however, now there was a situation where there were many homes that were single-wide or smaller, but they were grandfathered non-conforming uses. What that meant was if the property owner wanted to replace it with something, they would have to replace it with something that was similar in size, not something larger. That became problematic because they just could not find newer homes of similar size, which really restricted their ability to improve their property. He said staff is not talking about a change in the zoning, but rather a change in the overall policy of that DCMA, to provide relief to property owners. Chair Chvilicek said it was grandfathered in as non-conforming when the Area Plan was first proposed and that commercial area was created on Sun Valley Blvd. She stated the pictures that were presented to the Commission in public comment, which were properties facing Sun Valley Blvd., showed that area was out of compliance and a Code violation. They were also saying that homes that were not on Sun Valley Blvd. could do whatever they wanted, but that was not what was before the Commission for action. Mr. Lloyd stated this would allow for them to bring those properties back into conformance.

Commissioner Donshick stated anyone who had a home on a piece of property could make a change and put a home back on the property, but she wondered what if someone owned one of the properties that never had a home on it. Mr. Lloyd stated currently the way the Master Plan and the Code are established, if they had a property that was in the NC zone, if it was vacant, they could not put a home on it. This change would allow them to put a home on it with a Special Use Permit. He said many of those properties were not just along Sun Valley Blvd.; in some cases, they were three or four properties back. He did not know if those properties would ever be developed commercially and so to take away their opportunity to place or take away an existing home on the property, seemed like a violation of their property rights. He said it was a good intent back in the day to remove some of the blighted properties and place newer commercial-type properties on those parcels, but they discovered over the last eight years it worked in some cases, but not in most of the cases.

Commissioner Lawson stated it seemed this was an intent to provide relief, but at a great cost to the concerns of the CAB. He wondered if staff considered redrawing the DCMA boundaries so that the properties that were not abutting Sun Valley Blvd., were excluding from that particular zoning rather than change the entire commercial plan. Mr. Lloyd stated they did want to come back and revisit all of those issues at a later date. The zoning was not changing; all of the current opportunities were still there; however, we wanted to provide immediate relief to those property owners that had been held hostage because of the current Master Plan and Code. What they were anticipating was that following the upcoming update to the Regional Plan, staff would reopen all of the Area Plans and hold meetings with the communities and CAB's and look at all of these issues and see what policies worked and which ones did not. Commissioner Lawson said with consideration to the CAB recommendation, he would like to find a way to provide immediate relief without contaminating the intent of the people who worked so hard to develop a plan wherein their community looked like they wanted it to. Mr. Lloyd said they wanted to address all of those issues, but not with this process. Staff wanted this to be a simple process; looking for relief to the current property owners who came to the County begging for something they could do and staff believed this was the simplest way forward. He said what

staff was proposing tonight would not invalidate all of the work that those folks had put into it, it was simply one avenue to allow for relief to property owners. It would still require a Special Use Permit, so in that instance staff would still get to review what was being proposed and what the impacts would be.

Commissioner Chesney said he did not believe that this would eliminate the blight on Sun Valley Blvd. He said once you got off the frontage of Sun Valley Blvd., those folks could put in whatever they wanted, but on the face of Sun Valley Blvd., in many areas it was totally blighted and he did not believe this would fix that.

Chair Chvilicek asked legal counsel if this could be construed as a "taking" for the property owners that were removing housing that was either unlivable or degraded and wanting to replace it and then could not. DDA Edwards stated it was not that they could not, it was that there were limitations on what they could replace it with. He stated if someone wanted to change the size or increase the size by more than 10 percent, they were not allowed to. What staff was saying was that some of those older homes were manufactured in an era when they were a lot smaller and now they were much more commonly larger than by 10 percent, so they could not find something that would fit. He did not think it was likely that it was a "taking" because there were avenues that were available for people in those circumstances. He noted Mr. Lloyd's point regarding the placement in the NC zone of a new detached single-family would require a Special Use Permit if this was approved, so some of the issues that had been brought up would allow for control of what was being placed on properties that did abut Sun Valley Blvd.

Commissioner Bruce stated all actions had an equal and opposite reaction, and the law of unintended consequences meant you did not get the results you wanted. He asked if staff knew when they would be reviewing the Master Plan and Area Plans. Mr. Lloyd stated they anticipated the Regional Plan update would take place sometime in 2019. He said they hoped it would happen sooner and they would like to begin the Area Plan updates immediately after the Regional Plan was updated. He said it may take several years. He said in the meantime all of these property owners were still being held hostage, versus addressing this one need now and then they could address all of those other issues later.

Commissioner Barnes stated he did not have a problem with this.

Chair Chvilicek stated when this Area Plan was written and the input from the community was brought forth, they wanted this zoned commercial to clean up the appearance of Sun Valley Blvd., but when the Commission saw pictures of what appeared to be obvious violations, it appeared enforcement was not taking place. Mr. Lloyd stated that much of what the Commission saw tonight, there was very little that Code Enforcement could do. He said staff had the ability to screen certain violations, such as inoperable vehicles, but they did not have the authority to tell the property owner to remove a boat, for instance. He said a lot of what the Commission saw was not in violation of County Code.

Chair Chvilicek asked when the Area Plans would be revisited and rewritten would there be a strong recommendation to put that kind of enforcement language within their Area Plan. Mr. Lloyd stated that was definitely something that would be considered.

Mr. Lloyd stated the Development Code Amendment was for the allowance of a manufactured home within that regulatory zone. He said the Master Plan Amendment talked about any new single-family detached residential, which could be stick built or manufactured homes.

Commissioner Lawson said if the Commission denied the Master Plan Amendment and approved the allowance of commercial, would that solve the property owner's problems. Mr.

Lloyd stated it would not, because the Master Plan Amendment allowed for putting in manufactured homes. The Master Plan Amendment would remove the language that said they could not have a single family detached residence on an NC zoned property regardless of whether it was stick built or manufactured. The Code Amendment said now they could not have a manufactured home in the NC zone in Sun Valley. He said the Commission would need to approve both to provide relief to the homeowners.

Commissioner Bruce said as long as a Special Use Permit was being required, if someone wanted to improve or develop on Sun Valley Blvd., he felt this would not be a problem. He was concerned because special use permits went before the Board of Adjustment and not the Planning Commission.

Commissioner Horan said he thought screening could not be a condition on a residential property. Mr. Lloyd stated the Board of Adjustment would have some flexibility in imposing conditions if there were some concerns about possible screening.

Chair Chvilicek called for a motion.

Development Code Amendment:

Commissioner Lawson 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 Development Code Amendment Case Number WDCA18-0001, to amend Washoe County Chapter 110 (Development Code) at 110.218.35(a) to remove "Neighborhood Commercial/Office" zoning from the areas in which mobile homes and manufactured homes are prohibited to be placed, being UNABLE to make at least one of the following findings of fact as required by Section 110.818.15(e). Commissioner Chesney seconded the motion, which carried unanimously with four in favor (Commissioners Bruce, Chesney, Horan and Lawson) and three against (Commissioners Barnes, Chvilicek and Donshick).

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.

Master Plan Amendment:

Commissioner Lawson 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 NOT adopt the resolution contained at Attachment A to this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number

WMPA18-0001, and deny the amendment request, being UNABLE to make three of the six findings of fact in accordance with Washoe County Code Section 110.820.15(d). Commissioner Bruce seconded the motion, which carried unanimously on a vote of four in favor (Commissioners Bruce, Chesney, Horan and Lawson) and three against (Commissioners Barnes, Chvilicek and Donshick).

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 Changed 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; and
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.
6. Effect on a Military Installation. The proposed amendment will not affect the location, purpose and mission of the military installation.

9. Chair and Commission Items

***A. Future agenda items**

Commissioner Lawson stated a public comment was given regarding cash bonds being required and he asked staff to look into that. Mr. Lloyd stated he would bring it back at a future time. Commissioner Chesney asked if there was any action the Commission could take to help with the issues in Lemmon Valley. Mr. Lloyd stated staff was working on that and they had planned for the County's Engineer to attend meetings to discuss those issues with the Commission. DDA Edwards stated he would have to look up the issue of a moratorium, because he was not sure if only the Board of County Commissioners could act on a moratorium. He stated he believed the Commissioners could have a conversation regarding it; however, he suggested against it due to them not having any authority to act on it.

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

Mr. Lloyd reminded the Commission there was going to be a joint Planning Commission meeting with the City of Reno on April 26, 2018 at City Hall. He said on October 8th through the 10th, there would be a State APA Conference and he needed to know if any of the Commissioners would be attending. He said all the Commissioners should have received the link to the Metro Quest Survey and he asked them to please take the survey.

10. Director's and Legal Counsel's Items

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

Mr. Lloyd stated he had nothing to report.

***B** Legal information and updates

DDA Edwards stated he did not have anything to report.

11. *General Public Comment

There was no response to the call for public comment.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:36 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on May 1, 2018.

Trevor Lloyd
Secretary to the Planning Commission