

Attachment C

Appeal of Denial of Tentative Subdivision Map

Case Number WTM18-004



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, May 1, 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, May 1, 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 6:31 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
Eva Krause, AICP, Planner, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Chris Bronczyk, Planner, Planning and Building
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 Barnes led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *Public Comment

Chair Chvilicek opened the Public Comment period.

Tammy Holt-Still of Lemmon Valley/Swan Lake Recovery Committee presented NRS278.335 for tentative maps. She read number 2: "A district board of health which conducts reviews and inspections under this section shall consider all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities..." For number 4, she said there should be a letter submitted with this. She stated that two and four were the first two things that were not done with the Lemmon Valley Heights. She said shame on counsel for advising the Planning Commission to turn around and approve something without having all of the proper documentation. She said shame on staff for allowing the Planning Commission to do that, because they did not provide the information and they pushed it forward. Ms. Holt-Still referred to NRS278.0261 and said that it would affect their health and welfare out there, and it was done anyway. She said that before they vote on another project, they need to make sure that their packets and information from staff have everything that they need to make their findings. She said that they should not have made findings on this.

Michael Welling, 11655 Summertime Lane, Red Rock, said there were items still coming before the Planning Commission with regards to build out and adding more properties in the North Valleys. He said that planning two weeks ago at city came out and said that they needed to do some more calculations and figure things out before they could figure out what the capacities are in the North Valleys. Mr. Welling said they were at 100 percent, plus, right now, also with the Lemmon Valley pumping facility to possibly go offline this year, because they cannot get a renewal on their permit. He asked the Planning Commission to consider all of the ramifications with regards to water, sewage, and the likes that they still have as much water this year as last year, regardless of the amount of evaporation that has taken place. He asked the Planning Commission to ask Planning to stop coming before them with new projects based on the idea that they have zero resources as of today to work with.

6. Approval of Agenda

Chair Chvilicek said they had been requested to move Item 8.C. to the front of the agenda. In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the May 1, 2018 meeting with the change to move Item 8.C. to the beginning. Commissioner Horan seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of April 3, 2018 Draft Minutes

Commissioner Chesney moved to approve the minutes for the April 3, 2018, Planning Commission meeting. Commissioner Lawson mentioned inconsistencies on Pages 16 and 17 of the draft minutes, in which it was stated that the motions carried unanimously, while also indicating votes of four in favor and three against. Commissioner Lawson moved to make those corrections. Commissioner Bruce seconded the motion to amend the minutes as noted. The motion passed unanimously with a vote of seven for, none against.

8. Public Hearings

Item 8.C. was heard before Items 8.A. and 8.B.

C. Tentative Subdivision Map Case Number WTM18-004 (Lemmon Drive Estates) –
For possible action, hearing, and discussion to approve a tentative subdivision map for a 98-lot single-family residential, common open space subdivision. Lot sizes are proposed to range from a minimum size of 5,218 square feet (\pm .12 acres) to a maximum size of 10,811 square feet (\pm .25 acres) with an average size of 6,011 square feet (\pm .14 acres). Front yard

setbacks are proposed to be reduced from a minimum of from 20 feet to a minimum of 10 feet adjacent to a public street or common driveway, and maintain 20 feet in front of each garage. Rear yard setbacks are proposed to be reduced from a minimum of 20 feet to a minimum of 10 feet. Side yard setbacks are proposed to be reduced from a minimum of 8 feet to a minimum of 5 feet. Required lot widths are proposed to be reduced from a minimum of 80 feet to a minimum of 75 feet.

- Applicant: Lakes at Lemmon Valley, LLC
- Property Owner: Lakes at Lemmon Valley, LLC
- Location: On the east side of Lemmon Drive, approximately 700 feet south of its intersection with Military Road
- Assessor's Parcel Number: 552-210-18
- Parcel Size: ± 33.97 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS, 3 dwellings per acre)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in: Article 608, Tentative Subdivision Maps; Article 408, Common Open Space Development and Article 424, Hillside Development
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 09, T20N, R19E, MDM, Washoe County, NV
- 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

Secretary Lloyd read the item.

Chair Chvilicek called for ethics and ex-parte disclosures. Commission Donshick disclosed that she attended the North Valleys Citizen Advisory Board (CAB) meeting to listen. She also received a phone call from a Golden Valley resident because it abuts his property, although she did not know at the time that it was this project. Commissioner Donshick advised the resident to contact the project representative or to attend the night's meeting. Commissioner Bruce drove out to the property. Chair Chvilicek and Vice Chair Chesney attended the North Valleys CAB meeting to listen. Commissioner Lawson made a site visit.

Senior Planner Roger Pelham presented the staff report dated April 10, 2018.

Applicant representative, Dave Snelgrove, Planning and Right-of-Way Manager with CFA, introduced himself and Applicant Chuck Bluth. Mr. Snelgrove gave a PowerPoint presentation. He discussed the project location and its close proximity to commercial services. He indicated rock outcroppings in an area that would not be disturbed. He showed a drainage channel that would not be impeded. He stated that the property is in the Reno-Stead Corridor Joint Plan and is identified as Medium Density Suburban/Suburban Residential, which allows up to three dwelling units per acre. The property is served by two bus routes, both of which serve down to City Center. He discussed the slope analysis map; they are staying away from the steeper properties. He showed the site layout, planting plan, pedestrian paths, and sidewalk along the frontage. They attempted to be proactive in the sidewalk placement so that it will not need to be removed if Lemmon Drive is widened in the future. Regarding drainage and detention on the site, he stated that the runoff on the new impervious surface on the site will be more than

adequately detained by the detention basin. Rather than being at a one to one, they will be at a 2.38 to one mitigation with the project. The detention area will far exceed the code requirement. Considering project access and traffic, there will be 926 estimated average daily trips. The a.m. peak hour trips were identified by Traffic Works at 73 and the p.m. peak at 97. Lemmon Drive is classified as a Moderate Access Control Arterial. There will be two access points coming out of the project, both of which will be required to be right in, right out only. All cars leaving would need to go up to Military Road and make a U-turn at Military Road. One of the requirements would be a modification to meet the geometric requirements for U-turns. The project was fashioned after a project in Sparks called The Preserve. Mr. Snelgrove provided photos. He agreed with staff that all the legal findings could be made for the project. He mentioned conditions fashioned in order to address the concerns of Mr. Reinhardt. He had a telephone conversation with Dan Harold, a nearby property owner, regarding concerns of people driving across the property onto his property. Mr. Snelgrove said that development of the property will remove that problem. In the common area that abuts Mr. Harold's property, there will be fencing to try to prevent trespassing.

Chuck Bluth mentioned a similar project in Sparks called The Preserve. He discussed things they had learned from the Sparks project. He spoke of providing a place for children to play. He showed several home photos. He discussed the smaller size of the homes to make them more affordable. He said The Preserve was very well received and most of the homes were sold by the time they were finished. Mr. Bluth met with the kennel owner and said that he would be careful to soundproof the homes adjacent to the kennel and heavily landscape. The homes will be built six to eight feet lower in conjunction with the soundproofing and the landscaping. Mr. Bluth and the kennel owner talked about working together in the future, because the kennel owner wanted to put some trees on his side also. The project will be fully fenced for security purposes for the people within the development.

Chair Chvilicek called for public comment.

Dan Harold, 2595 Knob Hill Drive, APN 552-181-15, showed photographs. He spoke of Wild Stallion Estates, a subdivision adjacent to Golden Valley properties on the south side. They are all one-acre lots that abut the Golden Valley property. He showed another phase of Wild Stallion abutting the properties. He requested consistency with all other subdivisions adjacent to Golden Valley properties by maintaining one-acre parcels. He showed his property and the abutting lots, which are not one acre. He had expressed his concerns to Dave Snelgrove. He was concerned about the children and the ravine running up to his property; children could access his property via the ravine, and he was worried about being held liable if those children got hurt. Mr. Harold discussed the undisturbed area and showed pictures of disturbances to the area. The creek had been crossed, and rocks had been mined from the rock pile. He was concerned because the area which was to be undisturbed had already been clearly disturbed.

Dani Cercek, APN 552-181-35, has adjacent property and expressed her concerns. She bought her property a year ago with the understanding and belief that it would be treated like any other property in Golden Valley having any subdivisions built next to it with one-acre lots. She showed pictures of the property that had already been disturbed. She said the pictures had been taken the previous week, and more property had been disturbed since that time.

Jean Harris, 9590 North Virginia Street, Reno, 89506, identified herself as a North Valleys resident and a member of the North Valleys Citizen Advisory Board. She said that she drives by the site regularly and has studied it since the project was mentioned. She said that she was confused in one item where the county Regulatory Zone mentions Medium Density Suburban, which is three dwellings per acre. The tentative map has homes at just a tad over seven homes per acre. She did not know how that occurs in a regulatory zone. She felt that the perimeter

lots should match the existing rural County lots: where they abut existing property should be one acre lots. She said there were already issues with the traffic on 395. They have an NDOT rating of F on Highway 395 during peak traffic hours. She felt this would add more fuel to that existing fire. She mentioned the Swan Lake flooding and said that all of the proposed engineering on all developments that she saw, city and county both, mention the 100-year flood plan. She said that in the last 70 years, there have been four 100-year floods. She referred to Swan Lake currently and said the flooding was nearly as bad as last year. She asked for the current conditions (traffic, sewer effluent, and runoff) to be handled before any more development is approved.

Joe Reinhardt, 600 Lemmon Drive, Reno, Nevada 89506, co-owner of Silver State Kennel, adjacent to the development on the south side, said they bought the kennel in 1989. It had already been a conforming use permitted occupancy since the 70s. They did an expansion in the early 2000s. They upgraded their special use permit, which includes some conditions about the hours of operation when they have to keep dogs quiet. They understand that dogs bark. They built two indoor-outdoor 30-kennel buildings; after 6:00 p.m. the dogs are locked inside. The peak barking times are first thing in the morning when they let the dogs out and at feeding time around 3:00 p.m. They want to be good neighbors. He did not want the project to go forth, but if it does, then he would like the conditions to be met as spelled out in the staff report. Mr. Reinhardt said that Mr. Bluth took the initiative to come meet with Mr. Reinhardt. They had a good meeting, toured Mr. Reinhardt's property, and talked about the conditions and how it would fit into their plan and continue to be good neighbors. Mr. Reinhardt said sound attenuation is vital. His concern is that if they get too many complaints from residents, then their special use permit could be revoked, which would mean the loss of their revenue and laying off employees. They made it through the recession without laying off a single person when dog boarding and training was at its all-time low. They want to keep their staff employed. If the conditions can be met as spelled out, then that is what they need to do. He was concerned about the traffic on Lemmon Drive. There are times when they cannot get out of their driveway for 15 minutes. Semi traffic goes out to the warehouses. The speed limit is way too high: it goes from 35 to 45 just past their place. He was concerned about the right in, right out and wondered if his driveway was going to be the U-turn spot, which would put his customers at risk every time they come and go from that driveway.

Tammy Holt-Still, Lemmon Valley Swan Lake Recovery Committee, referred to the packet on Page 45. She said it's kind of interesting after the Lemmon Valley Heights and NDEP stating that they request you deny this project the Lemmon Valley Heights, it's kind of interesting how all of the sudden staff decided that NDEP wasn't getting the tentative map so that they could do what they needed to do before approval or denial of the project. She said it went back to the NRS and following the regulations before approving a tentative map.

Danny Cleous, 11630 Tupelo Street, Reno, Nevada 89506, affirmed what Jean said. He said he lives in the back of the valley, and anything that happens at the front of the valley affects him. He said that RTC is cutting their bus service in the North Valleys. He said that RTC has no plans to do anything with Lemmon Valley Drive until 2030. He asked if these people are going to wait until 2030 to build their homes. He said the project should be denied and that retention/detention ponds do not work. He referred to the current mess. He said the problem with them is that there is no code enforcement on them. Once they are built, no one looks at them until someone has a problem. He mentioned Amazon and said that their retention ponds overflow and flood the parking lot, which comes down to the residents. Mr. Cleous said that the 2 to 1 does not work, because there is no one to enforce it. He asked about their schools and said that nobody wants to build a school out there. He asked where the kids are going to go and said that schools are already full.

Chair Chvilicek closed public comment.

Commissioner Lawson asked Mr. Pelham to respond to the general comments regarding compliance with NRS. Mr. Pelham said this was a tentative approval. The final engineering and compliance with all of the codes will be insured prior to the recordation of a final map. If they get a tentative approval, then that gives them the entitlement to go forward, do all of the final engineering, final studies, and final reports, and get approval from all of the required agencies. Each of those agencies would be required to sign a jurat on the final map before the lots could be recorded. Commissioner Lawson asked if Mr. Pelham's response meant that it is not necessary to comply with NRS in the tentative map phase. Mr. Snelgrove said that one of the first projects he had before the Planning Commission several months previously was the Valle Vista project in Sun Valley. NDEP sent them a letter recommending denial of the project. Mr. Snelgrove said there is something new in NRS, which applies to counties between 100,000 and 700,000, which only fits Washoe County. They are looking for an intent-to-serve from the utility district. Having learned his lesson on Valle Vista, which he rectified and then had a recommendation of approval because of the intent-to-serve letter, he got an intent-to-serve letter ahead of time. The county looked at it and said they could serve that and understood this was a tentative phase. That was how they got the recommendation of approval. It is a new State requirement that came out in conversation with NDEP, and they are looking for an earlier check and balance relative to sewer and water service.

Commissioner Lawson asked why the undisturbed property was disturbed. Mr. Bluth said they were in process of removing some of the lower rocks. When the project starts, they want to have the drainage closer to the bottom of the hill so it is more controllable. Now it is all over that whole area. They want to be able to direct and control the water better. Commissioner Lawson asked if they were not going to disturb the property unless they need to disturb the property. Mr. Bluth said the aim was always to improve the flow of the water coming through the project by moving it over to the toe of the slope more. The rocks that were taken were rocks that had tumbled down and were loose rocks lying at the bottom of the outcropping.

Chair Chvilicek asked staff to address this in terms of it being a constrained slope area so there should not be anything happening. She asked if that was correct. Mr. Pelham said that she was correct. He said there was no disturbance when he went out there several weeks previously. Prior to removal of those rocks, a grading permit should have been applied for and issued. He said that he was not aware of one being applied for or issued.

Commissioner Chesney addressed the sound wall and the kennel. He lives in a place with several kennels within a mile or mile and a half, and he can hear the dogs barking in the morning and at night. He said that a six-foot sound wall will not attenuate the sounds. He was concerned for the existing business. He said that before he could support the project, he wanted guarantees from the developer that the kennel will be held harmless. Mr. Bluth said he was aware that the kennel has been there for over 40 years, and it will be his responsibility. Anyone buying in there will be notified of it, which the kennel owner wanted as part of the requirements. Mr. Bluth said they would do whatever is necessary to insure that the abutting homeowners are not bothered.

Commissioner Chesney asked if one part of the property is currently in a flood plain. He wanted clarification regarding it being elevated a minimum of one foot. Mr. Snelgrove answered a minimum one foot above base flood elevation. He showed a map from the master hydrology study. He said that base flood elevations were taken all the way down and off property. He said a LOMR had been submitted up around Lemmon Drive. He showed the portion of property where they would be elevating. He said it had been identified by FEMA and studied by their hydrologist.

Commissioner Chesney asked about the traffic study, the U-turns, and the right in, right out. Mr. Snelgrove said that RTC will not allow left turn movements out. It is a Moderate Access Control Arterial as identified by RTC. Due to the distance between the two intersections with signals (Buck Drive and Military Road), they cannot meet what is necessary to have another signal to exit out. Mr. Snelgrove said that probably sooner rather than later the road will go from four to six lanes, and movement across six lanes without some kind of control is a challenging situation. RTC is not allowing a left-turn movement out. Therefore they have to go up to Military Road and make the U-turn. The geometrics of the intersection need to be widened, and it will be the responsibility of this project to do that. It will benefit this project and anyone else who needs to make a U-turn there.

Commissioner Barnes asked Mr. Pelham to address some of the testimony regarding flooding and drainage. Mr. Pelham said that experts had reviewed the hydrology and tentative map application materials, and they recommended approval subject to a stringent set of conditions. One of the basic requirements is that runoff not be increased. They are putting a little more than twice as much detention than is actually required to meet the minimum code. Development of the project will not exacerbate the flooding in the lake.

Commissioner Bruce asked if the property was in some way affected by Reno or if it was a Reno property or if it was part of the Reno-Stead Corridor consideration. Mr. Pelham said that it is with the Reno-Stead Corridor Joint Plan. He explained that the Reno-Stead Corridor Joint Plan, which is a joint plan between Washoe County and the City of Reno, primarily deals with the Master Planning of that area. It did not directly affect the development proposal before the Planning Commission that day. But the project is within the joint plan area. If they were asking for a change to the Master Plan, then they would be sitting in joint session with the Reno Planning Commission as well. Mr. Lloyd said that the application was submitted to the City of Reno for their comment, and they did not receive anything from the city staff.

Commissioner Donshick addressed Master Planning zoning conformance. She said the property is Medium Density Suburban in the Reno-Stead Corridor Joint Plan, which allows for one to three dwelling units per acre. They are only going to 2.8, so that is not seven or eight as was questioned before. She asked for clarification. Mr. Pelham said it is a common open space subdivision, so the entire acreage is multiplied by three, and that is the number of dwelling units allowed. In this case, because they are leaving the drainage way and paths and things of that nature, each of the individual parcels are much smaller. The development takes place on a smaller area, but the density is calculated on the entire parcel of land. The number of dwelling units is consistent with the Medium Density Suburban zoning.

Commissioner Donshick was concerned about the right in, right out only. Mr. Snelgrove showed an image with the two points of access, one at the southern end of the subdivision and one at the northern end, each allowing only right in and right out traffic movements, per discussion with the county traffic engineer, RTC, and Traffic Works. He showed the pattern that traffic would take out of the subdivision. Commissioner Donshick asked what the impact would be to the traffic that is trying to get out of the valley now. She asked what part of the traffic study monitored what was already in the Lemmon Valley trying to get into town. Mr. Snelgrove said that he did not have that information with him. It was part of the package. Commissioner Donshick said that she was not a traffic engineer and could not quite read it. Mr. Bluth said that it would flow with the traffic light and would not interfere. Commissioner Donshick asked if RTC had any plans to adjust the timing on those traffic lights for flows. Mr. Bluth said that had not been discussed.

Commissioner Donshick mentioned the flood plain and the plan to elevate it about a foot. For clarification she said that they have to go to FEMA for a CLOMR, which means they cannot do

any work in that area at all until FEMA approves it; she asked if that was correct. Mr. Snelgrove said that for a LOMR you have to do the fill and then they come out to certify it. He said that a CLOMR-F is the fill. He checked the hydrology report, and the actual fill has to occur first. They would go out and do the work, and then it would be certified, and then FEMA would give the final determination of whether they will make the map revision. But they do have base flood elevations, and the rural requirement is a minimum of one foot over base flood elevation. Mr. Lloyd read from Page 12 of 18, Condition 2.v., which came from Engineering: "Prior to placement of any fill material within a FEMA Special Flood Hazard Area, and approved Conditional Letter of Map Revision (CLOMR) shall be obtained from FEMA."

Chair Chvilicek addressed Mr. Pelham regarding the North Valleys Area Plan. She spoke of the overall character statement and vision to respect the scenic and rural heritage, respect private property, provide a range of housing opportunities, provide ample open space and recreational opportunities, address the conservation of natural, scenic and cultural resources, insure that infrastructure is consistent with development and appropriate in scale and character of the community character and coordinate resources available with the construction of infrastructure throughout the implementation. She was a part of the plan and its development when she was sitting on the CAB. In terms of the feathering of properties, she asked how it was addressed when this project abuts one-acre parcels. Mr. Pelham said this could be done by parcel matching or by open space. He said the configuration of the lots in that corner would have to be adjusted after the tentative map before the final drawings came in. They would have to provide that open space buffer. Chair Chvilicek asked open space or a full-acre parcel? Mr. Pelham thought it was unlikely that they would make those one-acre parcels; he believed it was more feasible that they would put in an open space. But they do have both options.

Chair Chvilicek said the last revision of the plan was in 2010, and at that point it made note of limited water resources for that valley. She asked how that was being mitigated to continue approving additional developments in that area. Mr. Pelham said it is within the Truckee Meadows Water Authority and will have to be annexed into their area. The applicant will have to provide the necessary water rights from the appropriate hydrographic basins to serve the new units.

Chair Chvilicek was very concerned about the grading that was taking place in a slope-constrained area.

Chair Chvilicek expressed concern for public safety and access in and out of the property. She said there is an issue with doing a U-Turn at Military with basically an easement road to get onto Military Road in order to avoid the stoplight. Farther up Buck Drive, that U-Turn is already regulated during peak hours. A huge bottleneck could be created with traffic flow. As it is, a new traffic light modification has been done at the off-ramps traveling north and now a traffic light for the on-ramps traveling south and they have yet to put in the metering, which they will be doing onto the access. So there are lots of cars, lights, and people trying to turn U-turns all over the place. At present, she was unable to support an access finding with the development.

Chair Chvilicek called for Commission comments.

Commissioner Donshick said that she was not familiar with the other development in Sparks. She did not understand the widths and was concerned with access for safety vehicles. She said they always talk about emergency response. She felt that if the only way out was right outs, then it would hamper an emergency response or access or somebody getting to a hospital because they had to go the wrong direction.

Commissioner Bruce did not find the plan consistent with the Master Plan or the design or improvements of the property or subdivision consistent with the Master Plan, in large measure because there were so many changes to the zoning in the first place – changing it from the front yard setback, etc. He agreed with Commissioner Donshick regarding the availability of services with it being a right turn in and out; he felt it would potentially complicate a response significantly. He thought the design could cause public health problems both in terms of water, additional water or changes to water flow, etc., and the related problems with additional water in terms of mosquitoes and disease. He referred back to access with the traffic in terms of the problems with public health. He thought that even with a major round-a-bout at Military, it was going to be a problem. He said he had a lot of trouble supporting the project at all.

Commissioner Barnes said he pretty much agreed with Commissioner Bruce's comments.

Commissioner Chesney agreed with Commissioner Bruce. He saw problems with those findings.

Commissioner Horan said his fellow Commissioners had raised some very valid points. One of his issues was the neighbor to the south with the dog kennel. He supported that Mr. Bluth was an honorable man and would do anything he could to mitigate that, but Mr. Bluth will not be there forever. Commissioner Horan was not saying anything negative about Mr. Bluth. But he thought that it put the kennel owner in a very difficult situation. He also agreed with many of the other comments from the Commissioners.

Commissioner Lawson said he had heard, "We'll fix it later," too many times to demonstrate that any of the findings were met. He agreed completely with Chair Chvilicek on access. He agreed with Commissioner Bruce on the traffic congestion. He did think that round-a-bouts can be constructed effectively and efficiently, but they take a lot of right-of-way, which is problematic. He was curious that this was not investigated as a solution. Left turns and U-turns exacerbate potential for rear-end collisions and side-angle collisions. He said there was no way he could find and support this.

Chair Chvilicek called for a motion.

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 approve Tentative Subdivision Map Case Number WTM18-004 for Lakes at Lemmon Valley, LLC, having failed to make all ten findings in accordance with Washoe County Code Section 110.608.25. Specifically, they failed to meet the access requirements. Commissioner Chesney seconded the motion, which carried unanimously with a vote of seven in favor, none opposed.

- 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.

A. Abandonment Case Number WAB18-0002 (Pauly) – For possible action, hearing, and discussion to approve the abandonment of the 33 foot wide government patent easements that are located along all four sides of the subject property. Any approval only applies to whatever interest Washoe County owns in the easement.

- Applicant: Quinn Pauly
- Property Owner: Quinn and Anne Pauly
- Location: 1540 Taos Lane
- Assessor's Parcel Number: 142-242-180
- Parcel Size: 2.5 acres
- Master Plan Category: Suburban Residential/Rural
- Regulatory Zones: Low Density Suburban/General Rural
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets or Easements
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 30, T18N, R20E, MDM, Washoe County, Nevada
- Prepared by: Eva M. Krause, AICP, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Secretary Lloyd read the item.

Chair Chvilicek called for ethics and ex-parte disclosures by Commissioners. There were none.

Planner Eva Krause presented the staff report dated April 9, 2018.

Commissioner Chesney said that his document showed an easement to be retained, and Ms. Krause's drawing showed an "x" through it. He asked if they were abandoning all four sides and

adding the new easement for the trail. Ms. Krause confirmed that they were abandoning all four sides and confirmed the easement for the trail.

Chair Chvilicek called for public comment. There was no public comment.

Chair Chvilicek closed the public hearing and brought it back to the Commission.

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, the abandonment of the 33-foot wide easements abutting all four property lines for Abandonment Case Number WAB18-0002 for Quinn Pauly, having made all three findings in accordance with Washoe County Code Section 110.806.20, and a fourth finding in accordance with Nevada Revised Statutes 278.480(3). Commissioner Chesney seconded the motion, which carried with a vote of six in favor (Commissioners Barnes, Chvilicek, Chesney, Donshick, Horan, and Lawson) and one opposed (Commissioner Bruce).

- 1) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the South Truckee Meadows; and
- 2) No Detriment. The abandonment of the patent easements along south, west and east property lines 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.
- 4) No longer required for a public purpose (NRS 278.480(3)). The government patent easement is no longer required for a public purpose.

B. Master Plan Amendment Case Number WMPA18-0002 (Black Rock Storage) – For possible action, hearing, and discussion to approve a Master Plan Amendment to the Truckee Canyon Area Plan:

- 1) To allow commercial master plan categories and commercial regulatory zones for use types that do not require new municipal services;
- 2) To add a statement restricting the commercial use types allowed to those use types that do not require new municipal services; and
- 3) To amend the existing Suburban Residential master plan category of the subject site to Commercial Master Plan category.

This master plan amendment requires a 2/3 majority of the total membership of the Planning commission for approval. Further, any approval will also require subsequent approval by the Board of County Commissioners and the regional planning authorities under a review for conformance with the Truckee Meadows Regional Plan. If approved, authorize the Chair to sign a resolution to this effect.

Regulatory Zone Amendment Case Number WRZA18-0001 (Black Rock Storage) – For possible action, hearing, and discussion to approve a Regulatory Zone Amendment on the subject site to change the Medium Density Suburban (MDS) regulatory zone to the Neighborhood Commercial/Office (NC) regulatory zone. Approval of this item is subject to final approval of the associated master plan amendment being proposed and is also subject to final approval by the Board of County Commissioners. If approved, authorize the Chair to sign a resolution to this effect.

Development Code Amendment Case Number WDCA17-0008 (Black Rock Storage – Truckee Canyon Area Modifier) – For possible action, hearing, and discussion to initiate a Development Code Amendment to WCC Chapter 110, Development Code, Article 222, *Truckee Canyon Area*, by adding a new section WCC 110.222.20 and associated map WCC 110.222.20 to allow commercial use types on the subject property in the Truckee Canyon Area with Neighborhood Commercial/Office (NC) regulatory zone subject to a Special Use Permit and, only if the proposed use does not require new municipal services. If the amendment is initiated, further possible action to deny or recommend approval of the amendment to the Board of County Commissioners. If approval is recommended, possible action to authorize the Chair to sign a resolution to that effect.

- Applicant: Black Rock Storage, LLC
- Property Owner: Vector Account, LLC
- Location: Interstate 80 at Exit 43 (Wadsworth); North of I-80, South of Stampmill Dr., East of existing TMFPD Station
- Assessor's Parcel Number: 084-291-04
- Parcel Size: ±5.4 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 820, 818, and 821
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 8, T20N, R24E, MDM, Washoe County, NV
- Prepared by: Chris Bronczyk, Planner, and Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612 (Chris) and 775.328.3622 (Roger)
- E-Mail: cbronczyk@washoecounty.us and rpelham@washoecounty.us

Secretary Lloyd read the item.

Chair Chvilicek called for ethics or ex-parte disclosures. There were none.

Chair Chvilicek opened the public hearing.

Planner Chris Bronczyk presented the staff report dated April 6, 2018. Senior Planner Roger Pelham presented the portion of the staff report concerning spot zoning.

Michele Rambo, Rubicon Design Group, presented the applicant presentation. She described the project location. She said that with the growth of the Tahoe Reno Industrial Center and the housing issues in Reno/Sparks, people are starting to look to the east. She showed general areas of interest for developers in that area. According to Ms. Rambo, one of the reasons that people are looking out that direction is because of the commute. The traffic from Reno is becoming an issue with multiple accidents. This would be a reverse commute, which is one of the attractions of the area. There are multiple pieces, but ultimately it would come down to changing the master plan and zoning designations to commercial. She said that amending the Truckee Canyon Area plan to allow commercial uses that do not require municipal services would significantly reduce the amount of commercial uses that could be put on the property, because you cannot have a large commercial use on well and septic tanks. You are looking at

much smaller scale than you could, perhaps across the freeway in the tourist commercial. In addition they were looking to add a policy to the area plan to further restrict commercial uses down to one, and that would be mini-storage. They would very highly restrict what could be built on the property. They would amend the existing Suburban Residential/Commercial designation to Commercial. They were also asking to create Article 222 into the Development Code, and that would be a Truckee Canyon Area Plan modifier. There are currently several other modifiers within the Development Code that either restrict a use or create some different standards. As part of the language of their area plan modifier, the mini-storage use would be subject to a future special use permit approved by the Board of County Commissioners. That would add another level of discretionary review on top of the normal special use permits.

Ms. Rambo addressed the regulatory zone amendment to amend the zoning from Medium Density Suburban to Neighborhood Commercial. They would match the Commercial Master Plan designation across the highway. There is Tourist Commercial across the freeway. Instead of Tourist Commercial, which is a very intensive commercial designation and which allows for hotel casinos, they are looking for Neighborhood Commercial, which is a very low intense use. It does not allow a lot of bigger type commercial developments. Ms. Rambo referred to spot zoning and Page 12 of the staff report. She said that spot zoning is very subjective with no right or wrong answer. She said that staff's argument was that its location on the other side of the highway meant that they were not adjacent to commercial designations. However, City of Las Vegas vs. Bustos in 2003 had a very similar case. There was residential property that they wanted to change to office zoning. There was no office zoning surrounding the property on that side of the street, but there was a large office park on the other side of the street. It was a wide street. The court ruled that the zone change was reasonably possible even though it was not technically adjacent to the actual property line. The idea of being on the other side of the right-of-way was considered in that case as being adjacent. When the applicant first talked to staff and asked what type of zoning they should request, staff suggested Neighborhood Commercial. The staff report indicates that this is not encouraged. Ms. Rambo said there was an issue of semantics: the Truckee Canyon Area Plan being used to argue against Neighborhood Commercial in the downtown core of Wadsworth has Neighborhood/Commercial Office, but they read that as Neighborhood or Commercial Office. She said it depends on interpretation. The next paragraph recognizes a need for future General Commercial zoning in the area and calls out five acres. If the Planning Commission felt that Neighborhood Commercial was not appropriate, then they would accept the possibility of changing it to a General Commercial designation.

Ms. Rambo said there were three basic goals and policies that staff was using for their recommendation of denial. She lumped Goal 2 and Policy 2.1 together and said they state that standards insure that land use patterns are compatible with suburban development and incorporated mixed use and insure that existing and proposed land uses are compatible. The land use compatibility graph they were shown earlier does not prohibit low compatibility uses from going next to each other. It states that they need substantial screening and buffering. She had pictures of a concept idea of what they were looking at in terms of screening. The site would be heavily screened as required in the area plan, the Development Code, and the Master Plan. There are some other policies that can be found throughout the Master Plan that talk about incorporating different uses and providing for a variable land use mix in areas. She read several policies and said that all of them bring together the idea of a mix of uses going together. She said a mini storage or other commercial would fulfill the idea of mixing uses together, especially providing services to future population, providing services to the residents of the area, and there would be some employment opportunity as well. Master Plan Goal 15 talks about rural communities and outlying areas. She thought it was a little misleading. She said current Master Plan and zoning designations are suburban, not rural, so it may not be totally appropriate to hold them to rural standards. The intent of the Suburban Residential category is

to provide for predominantly residential lifestyle with supporting mixed use non-residential and residential uses, including commercial, public, and semi-public facilities and parks and open space. They are complying with the definition of Suburban Residential Master Plan by incorporating different uses, along with the residential.

Ms. Rambo said that Neighborhood or General Commercial is less intense than the existing Tourist Commercial across the highway. She ran some traffic numbers. Typical uses that would be allowed in commercial zones would be hotels, restaurants, and fast-food restaurants. A 50-room hotel is 435 trips per day. A 50-seat restaurant is 329 trips per day. A 50-seat fast-food with a drive through is 1100 trips per day. A 50-unit mini-storage use is 14 trips per day. She said the intensity of the uses is much less for what they were proposing than what could be put on a normal commercial property.

Ms. Rambo brought up Truckee Canyon Area Plan Goal TC.3.4: "Prevent future residential subdivisions from locating residences next to either Interstate 80 or the Southern Pacific Railroad. Effective shielding and buffering will be planned to provide noise abatement." She said with the current designations of the site with the current restrictions on not being able to build small lot subdivisions without water and sewer, there could be an argument for a taking of the property without the requested amendments, because you cannot build houses next to the freeway. This development is directly adjacent to the freeway. All buffering and screening requirements would be met during the development review process, which would be done during the future special use permit application. Based on the policies and the goals in the Master Plan and Truckee Canyon Area Plan that she had discussed, she felt this was a logical expansion of existing commercial designations in the area. It is a three-way exit. It is very common to find commercial uses at freeway exits. It does provide a service to the local residents. It is consistent with anticipated growth patterns for the future. She said it was supported by Master Plan and Truckee Canyon Area Plan policies. One of the concerns that came up at the CAB meeting was the look of the building and how it would be screened. She showed a photo of a building which the applicant was using as a model for his building. She pointed out the landscaping and the screen wall.

Chair Chvilicek called for public comment.

Robert Coupe, Stampmill Estates, 435 Stampmill Drive, Wadsworth, Nevada, said it was voted unanimously by the CAB that they did not want this project in Stampmill Estates. He said that Stampmill Estates has 43 housing units, one-third acre, mostly retired people. He showed the location and the entryway into Stampmill Estates. He said it is the only entry and exit for the subdivision. They have to cross a causeway to get into their property, so they are going on Indian reservation land. He believed the entry to Black Rock Storage would be around the S curve. They cannot put the access on the highway, because it is the onramp. They do not butt up against Interstate 80; they butt up against State Route 427. The smoke shop across the street is the only commercial property there. Going out of their area, the first sign you see is, "Congested area". The second sign you see is "No outlet". So a storage unit is being put in this place which in September, late August, has Burning Man coming through it. For three weeks, thousands of people come in and out. He said they are 70 miles from Black Rock. He asked why it was not being called Stampmill Storage. He believed they were calling it Black Rock Storage to cater to the Burners. He showed storage units he has seen, with one good side and three sides of chain link. He indicated fire hazards, tumbleweed and wind damage. He said most of these people are not going to be around and in town; they are going to be from California.

Jose Browning, Stampmill Estates, 630 Slip Mine Street, Wadsworth, Nevada 89442, said their housing development only has one entrance, in or out. He had multiple concerns about the

project being developed, mainly fire hazard and congestion. He said this last year they had a fire that completely encircled their neighborhood. Only because the Reno Tahoe Fire District was so good at their job, they did not lose their homes. If a fire were to break out in the area where they propose to build their storage units, they would have no way out. Also there is the congestion that it would bring in. With Burning Man, there were times in past years when they had to wait 15 or 30 minutes to get out on the road to get on the freeway or head into Fernley. You're talking now about bringing all the Burners into the storage area. Another aspect of this is crime. Mr. Browning was worried because it is Burning Man, and there is a significant amount of drug use. He said as the Burners access the storage facility at all hours of the day, they might bring in certain elements and start camping out in their front yards. He was worried about a possible bait and switch. Once the area is zoned Commercial, if Black Rock Storage facility does not go through, then anything could be put there. He showed the proposed property to the right of the fire house, and he showed his home. He was worried, because there was talk a few years back about putting a sewage treatment plant right next to his neighborhood. He asked if the Commissioners would want something like that next to their house.

Shirley Gutierrez, 460 Barrel Street, Wadsworth, Nevada 89442, said she had been there 15 years. It is a neighborhood of retired people and families in some of the rentals with children. They have a school bus stop at the volunteer fire station. She said it was a neighborhood for families, and they do not need commercialism in their neighborhood. They like their walks in the evening. In the summertime, the kids can play in the street. They can walk to the little Indian store and get a cold drink or a candy bar. They can walk their dogs. She asked if they knew what it was like when Burning Man was going on out there. She said there are thousands of cars. She asked if they could imagine the ones with storage units coming in and out. They have one way in and one way out. It is a volunteer fire station. Their EMT services are furnished by the colony. If they had an emergency, God forbid if those cars were lined up to get into those storage units. She asked the Commission to keep them a community, not a commercial zone. She is 78 years old and wants to live her last years being able to walk around her neighborhood in the summertime, take her dog out, and go up and down the street to say hello to her neighbors. She does not want to go around different cars or the garbage that will be in the street.

Ann Owen, 465 Dispensia Street, Wadsworth, said they are a very small little area out there with 43 homes, families, young children to seniors. She said she was still not sure where they were getting downtown Wadsworth. She does not think there is a downtown. They have a post office where they have to get their mail. It is getting out on this highway and going past alfalfa fields and going to the post office. There is not even a restaurant, so she did not think you could consider they were downtown anything. They are rural. If they want shopping, then they go into Fernley. She drove into Reno/Sparks for a doctor. They love their little community and do not need commercial businesses there.

Chair Chvilicek closed the public hearing and brought it back to the Commission.

Commissioner Chesney said he had a disclosure. He was contacted by the developer, the applicant's representative, and he did not have any discussion.

Commissioner Chesney said he did not see a report from the Truckee Canyon CAB. He asked if they reviewed it. Mr. Pelham said they did and they recommended denial.

Commissioner Horan said he learned a new term: spot zoning. He believed it was the same thing he meant when he said partial specific. That is what he thought this was.

Chair Chvilicek mentioned spot zoning. She asked if this was so constricted to only allow Neighborhood Commercial and that is not referenced anywhere else in the area plan, then is that not spot zoning?

DDA Edwards wrote the portion of the staff report that lays out the framework for spot zoning and how to spot a spot zoning issue and deal with it as best you can. He felt it was more appropriate for the Planning Commission to make that determination based on those standards, rather than him telling them what he thinks it is or what he thinks it might be. His goal in writing it that way was to explain as best he could the legal framework of spot zoning so that the Planning Commission would be empowered to make a decision within that framework. Much in the same way when staff presents a project to the Planning Commission and then they analyze it under the findings. He thought that was more appropriate. He did think the point Chair Chvilicek was raising was valid and was part of the analysis of spot zoning. How narrowly does it apply, and what are the surrounding uses and all those types of things are germane to a spot zoning analysis. In this particular situation, the area plan modifier would be even further constricted to allow only a single type of Neighborhood Commercial use on this particular parcel, which would be mini storage. All of that was relevant to the Planning Commission's analysis.

Chair Chvilicek asked about the applicant's representative who said this amounted to a taking.

DDA Edwards said the comment was in response to other provisions in the area plan regarding not putting residential next to the freeway. However, the property is already zoned for residential. He said that generally when a zoning is already in place, it is treated as though you are allowed to utilize it in a manner consistent with the zoning. It is like a grandfathering scenario. He said the issue was a bit far afield from the actual decision that night, because there was no decision about whether or not the owner was going to be able to build it out in a residential way. That was not what they were applying for. It was relevant indirectly. Mr. Pelham agreed with counsel. He said because it was already designated Medium Density Suburban, the property owner has all of the rights and privileges that are associated with that zoning. If there were certain types of development, for example a subdivision, then a restriction might come into place. However, that would not necessarily apply to a parcel map, which could allow perhaps four parcels. Or there could be a dwelling constructed on the parcel as it exists today. There may be other limited uses that would be allowed under the current zoning. Mr. Pelham said it was his understanding that a taking is when all economic use has been removed from the land. A dwelling unit could be put there now. A parcel map could allow that to be divided into four, assuming all of the other generally applicable standards would be met, and certainly that was another economically viable use. And there may be other uses that may be allowed in that zone that are not necessarily Neighborhood Commercial uses, like a mini storage.

DDA Edwards provided a point of clarification on his earlier remarks about spot zoning. He said that by giving the Planning Commission the legal framework and letting them use their discretion, it puts him in a position if there is some kind of challenge down the road to be able to mount a defense for the decision that was made. It would be harder to do that if he jumped on the microphone and said, "This is invalid spot zoning," and then the Planning Commission said, "No, it isn't," and approved it. If there was a challenge and he went to the court and said it was not invalid spot zoning, then the judge would know that he had said it was on the record. He used that specific example to make his point. He does that frequently with the advice he gives the Planning Commission, because he thinks in the run of the mill, it is more important for them to make the final decisions within the legal framework, and that is what he tries to give them. Only in extreme circumstances would he jump in and say it was a flat out a violation. He was not prepared to say that in this situation, and he did think there was enough latitude within the

legal framework he had given the Planning Commission for them to make an informed decision and exercise of their judgment based on that framework.

Chair Chvilicek called for any additional questions or comments. There were none. She 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 Washoe County Planning Commission deny Master Plan Amendment Case Number WMPA18-0002 being unable to make the five findings in accordance with Washoe County Code Section 110.820.15(d). Commissioner Lawson seconded the motion.

Commissioner Horan commented that he would support Commissioner Chesney's motion. He said he has a hard time with parcel specific changes to the Master Plan and other plans, because a lot of work has gone into those plans. For the most part, he does not think it is something they should be doing.

The motion for denial passed unanimously with a vote of seven for, none against.

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

Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Regulatory Zone Amendment Case Number WRZA18-0001 being unable to make the required findings in accordance with Washoe County Code Section 110.821.15 including the seven findings.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. 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. 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. 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. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. 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.
7. The proposed amendment will not affect the location, purpose and mission of the military installation.

In addition, Commissioner Chesney moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Development Code Amendment Case Number WDCA17-0008. This recommendation for denial is based on the inability to make all of the required findings in accordance with Washoe County Code Section 110.818.15(e) including the four findings. The motions to deny the regulatory zone amendment and the development code amendment were seconded by Commission Horan and carried unanimously with a vote of seven in favor, 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.

9. Chair and Commission Items

***A. Future agenda items**

None

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

Commissioner Donshick requested information on approved but not yet built projects for Reno and Sparks. Mr. Lloyd and Vice Chair Chesney referred Commissioner Donshick to maps provided by Regional Planning on their website. Mr. Lloyd stated that he would ask staff to provide the maps from Regional for Reno and Sparks in the Planning Commissioner's packets, in addition to the tentative maps from Washoe County.

10. Director's and Legal Counsel's Items

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

Mr. Lloyd said the Lemmon Valley Heights subdivision which the Planning Commission (PC) approved was appealed to the Board of County Commissioners (BCC), and the BCC affirmed the PC's decision, as well as two Development Code Amendments (DCA). One of the amendments was access easements, and the other was clarification for accessory building heights. There was an additional DCA for clarification with public and private schools, which the PC approved at their last meeting; the DCA will be returning to the PC due to a noticing error. Mr. Lloyd said there had been an information request for Director of Engineering, Dwayne Smith, to come discuss, but legal counsel had advised that the discussion be tabled for the time being.

***B Legal information and updates**

None

11. *General Public Comment

Tom Courson, 150 Timberline View Court, Reno, Nevada 89511, said he was at the April third meeting, and after hearing the request for an amended Master Plan and Development Code to allow single-family residential uses, including mobile homes, within the Sun Valley Downtown Character Management Area, he looked into the issue a bit further. During the testimony it was said that the current code prevented people that lived there from improving their homes and that because of the larger minimum size of currently available mobile and manufactured homes, it was a hardship on the property owners. He said they were also told that due to the small size of the lots, one third of an acre in most cases in the area, that the intended commercial development has not appeared. He did some research on the property owners in the area and found that the majority of the properties are rentals and owned by real estate investment groups and not actual home owners. He said the properties were bought up cheap and have large cash flows due to the current shortage of housing in the Reno-Sparks area. Due to this fact, there is little incentive for these investment groups to move to a more commercial environment in this area of Sun Valley Boulevard. Mr. Courson stated that Ron Bell, who testified at the last meeting, is a real estate agent looking to make a fast buck off the property he has at 109 Grumpy Lane. There is another company, Bridge Carson LLC, with a mailing address out of Los Angeles, which owns over 50 properties in the area. He said he was not sure how giving these entities a cheap route to go and taking advantage of lower income people who make their living in this area. These companies are part of the reason for the lack of available housing in the Reno-Sparks area, because they have bought it all up and control it with rental units. Allowing companies to replace older, smaller trailers and homes with new larger trailers and manufactured homes will only continue the rental culture in the area that tends to be less cared for. Studies have shown that people who actually own their properties take better care of them and are more concerned about the appearance versus a rental that may be there only a short time. He was glad the board turned down the Planning and Building Division request for these code changes that would be in conflict with the direction of the DCMA of Sun Valley. He thought a good solution for the area might be for the county to relax and make it simpler for property owners to combine their smaller lots in this area. Many of the investment groups own continuous properties along Sun Valley Boulevard. Increasing the size of the lots in this area would lend itself to more commercial development, as these small one-third acre lots realistically cannot be developed for commercial uses. Tax breaks or incentives could also be offered to these investment groups. They actually pay very little taxes on these properties – generally less than \$300 per year. Combining several lots into single parcels would be more desirable for commercial development. Allowing larger units to replace current ones means more bedrooms and bigger families,

along with more children to further crowd local schools. He said you have the potential to burden the local schools with a \$20,000 to \$30,000 a year in costs per property for a property that may pay as little as \$600 in total property taxes.

Chair Chvilicek said all of the Commissioners were present at the joint planning meeting with the Reno Planning Commission. She applauded her fellow Commissioners and the City of Reno Planning Commissioners for demonstrating to the public that two bodies can have collegial and respectful debate and support the efforts of the community of the greater Truckee Meadows. She thanked the Commissioners.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Katy Stark, Recording Secretary

Approved by Commission in session on July 3, 2018.

Trevor Lloyd
Secretary to the Planning Commission