WASHOE COUNTY PLANNING COMMISSION
Meeting Minutes

Planning Commission Members
Francine Donshick
R. Michael Flick
Daniel Lazzareschi, Vice Chair
Linda Kennedy
Kate S. Nelson
Rob Pierce, Chair
Patricia Phillips
Secretary
Trevor Lloyd

Tuesday, January 2, 2024
6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

and available via
Zoom Webinar

The Washoe County Planning Commission met in a scheduled session on Tuesday, November 7, 2023, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php also on YouTube at: https://www.youtube.com/user/WashoeCountyTV

1. *Determination of Quorum

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

Commissioners present: Francine Donshick
R. Michael Flick
Daniel Lazzareschi, Vice Chair
Linda Kennedy (via Zoom)
Kate S. Nelson
Rob Pierce, Chair
Pat Phillips

Commissioners absent: none

Staff present: Trevor Lloyd, Secretary, Planning and Building
Julee Olander, Planner, Planning and Building
Kat Oakley, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Office Support Specialist, Planning and Building
Brandon Roman, Recording Secretary, Planning and Building

2. Pledge of Allegiance

Vice Chair Lazzareschi led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Jennifer Gustafson provided the ethics procedure for disclosures.

4. Appeal Procedure

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

5. General Public Comment and Discussion Thereof

Chair Pierce opened the Public Comment period.

Public Comment:

There was no response to the call for public comment.

6. Approval of January 2, 2024, Agenda

Commissioner Donshick moved to approve the agenda for the January 2, 2024, meeting as written. Vice Chair Lazzareschi seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of November 7, 2023, Draft Minutes

Commissioner Donshick moved to approve the minutes for the November 7, 2023, Planning Commission meeting as written. Chair Pierce seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

A. Development Code Amendment Case Number WDCA23-0005 (Village Green Community Area Modifier) [For possible action] – For hearing, discussion and possible action to:

(1) Approve a resolution to initiate and adopt an amendment to the Truckee Canyon Area Plan, a component of the Washoe County Master Plan, to change the master plan land use designation for five parcels (APNs: 079-230-01, 03, 04, 07 & 11) from Rural (R) to Commercial (C) and to assign a master plan land use designation of Commercial (C) to two parcels without a current master plan land use designation (APNs: 079-230-02 & 06);

(2) Subject to final approval of the associated master plan amendment by the Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, approve a resolution to initiate and recommend adoption of an amendment to the Truckee Canyon Regulatory Zone Map, to change the regulatory zone for two parcels (APNs: 079-230-01 & 03) from General Rural (GR) to Neighborhood Commercial (NC); three parcels (APNs: 079-230-04, 07 & 11) from Specific Plan (SP) to Neighborhood Commercial (NC); and to assign a regulatory zone of Neighborhood Commercial (NC) to two parcels without any regulatory zone designation (APNs: 079-230-02 & 06);

(3) To approve a resolution to initiate and recommend approval of an amendment to Washoe County Code Chapter 110 (Development Code), Article 222 Truckee Canyon Area, to add a new section for the Sutcliffe Community Area Modifiers which: designates parcels subject to the modifiers, specifies exceptions to the development standards for the neighborhood commercial regulatory zone for the Sutcliffe community area, provides for additional residential uses which shall be allowed by

right in the Sutcliffe Community area, and provides for additional commercial uses which shall be allowed with a special use permit in the Sutcliffe Community area; and

(4) Sunset the Crosby Lodge Specific Plan that includes three parcels (APNs: 079-230-04, 07 & 11).

- Location: Spanish Springs
- Development Code: Authorized in Article 818, Amendment of Development Code
- Commission District: 4 – Commissioner Andriola
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; map; Analysis (3 slides); Analysis Cont.; Community Meeting; Findings; and Possible Motion. She indicated the setback modifier was a key part of the plan to address industrial uses adjacent to residential uses. Additionally, transportation improvements were key because Calle de la Plata was not developed to be an industrial arterial. She noted the County itself was the applicant.

Public Comment:

Mr. Marc Siegel, owner of the 39-acre parcel at the east end of the Village Green project area, expressed his appreciation for staff correcting the Development Code as it applied to the Village Green modifier. He stated he had worked with staff a few years prior on his parcel and tried to get adjacent property owners to join with him; however, they were not willing to do so until now. He expressed support for the project, though he had not been aware that the coverage requirement would be reinstated. He added that his portion of Calle de la Plata was now in compliance with truck traffic requirements.

Discussion by Commission:

Commissioner Flick asked for clarification about the placement of utilities.

Ms. Olander stated the applicant would need to place all utilities underground.

Vice Chair Lazzareschi voiced his pleasure at the process of moving things out of special plans and into the proper County Code.

MOTION: Commissioner Donshick moved that WDCA23-0005, to amend Washoe County Chapter 110 (Development Code) in Article 216 Spanish Springs Area, be approved to add the Village Green Community Area Modifiers as reflected in the proposed ordinance contained in Exhibit A-1. She further moved that the Chair be authorized to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission, and staff be directed 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 the ability to make all of the four findings set forth in Washoe County Code Section 110.818.15(e). Commissioner Pierce seconded the motion, which passed unanimously with a vote of seven for, none against.

B. Master Plan Amendment Case Number WMPA23-0003, Regulatory Zone Amendment Case Number WRZA23-0003 and Development Code Amendment Case Number WDCA23-0003 (Sutcliffe Community Area Modifiers) [For possible Action] - For hearing, discussion, and possible action to:

(1) Approve a resolution to initiate and adopt an amendment to the Truckee Canyon Area Plan, a component of the Washoe County Master Plan, to change the master plan land use designation for five parcels (APNs: 079-230-01, 03, 04, 07 & 11) from Rural (R) to Commercial (C) and to assign a master plan land use designation of Commercial (C) to two parcels without a current master plan land use designation (APNs: 079-230-02 & 06);

(2) Subject to final approval of the associated master plan amendment by the Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, approve a resolution to initiate and recommend adoption of an amendment to the Truckee Canyon Regulatory Zone Map, to change the regulatory zone for two parcels (APNs: 079-230-01 & 03) from General Rural (GR) to Neighborhood Commercial (NC); three parcels (APNs: 079-230-04, 07 & 11) from Specific Plan (SP) to Neighborhood Commercial (NC); and to assign a regulatory zone of Neighborhood Commercial (NC) to two parcels without any regulatory zone designation (APNs: 079-230-02 & 06);

(3) To approve a resolution to initiate and recommend approval of an amendment to Washoe County Code Chapter 110 (Development Code), Article 222 Truckee Canyon Area, to add a new section for the Sutcliffe Community Area Modifiers which: designates parcels subject to the modifiers, specifies exceptions to the development standards for the neighborhood commercial regulatory zone for the Sutcliffe community area, provides for additional residential uses which shall be allowed by right in the Sutcliffe Community area, and provides for additional commercial uses which shall be allowed with a special use permit in the Sutcliffe Community area; and

(4) Sunset the Crosby Lodge Specific Plan that includes three parcels (APNs: 079-230-04, 07 & 11).

• Applicant:	Washoe County
• Property Owner:	Shawn Murphy, Pyramid Arrowhead RV LLC, Pyramid Lake Paiute Tribe, Dillon Brown, & JGFP Group LLC
• Location:	Off Sutcliffe Drive & SR 445
• APN:	079-230-01, 02, 03 & 04, 06, 07 &11
• Parcel Size:	0.277, 2.23, 0.0079, 9.05, 0.606, 9.7 & 1.46 acres
• Existing Master Plan:	Rural (R)
• Proposed Master Plan:	Commercial (C)
• Existing Regulatory Zone:	General Rural (GR) & Specific Plan (SP)
• Proposed Regulatory Zone:	Neighborhood Commercial (NC)
• Area Plan:	Truckee Canyon
• Development Code:	Authorized in Article 820, Amendment of Master Plan; Article 821, Amendment of Regulatory Zone; & Article 818, Amendment of Development Code

- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
  Washoe County Community Services Department
  Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Area Map; Background; MPA Request; RZA Request; DCA Request; Analysis (2 slides); Change of Conditions; Compatible Land Uses; Availability of Facilities; Community Meeting; Reviewing Agencies & Findings; and Possible Motion.

Ms. Olander explained the seven parcels that would be affected by this were surrounded by the Pyramid Lake Paiute Tribe. She mentioned the modifiers were a useful way to address unique, rural locations and other areas in the county. She noted some of the attendees at the meetings that were held were unfamiliar with the Crosby Lodge Specific Plan. While all parcel owners supported the proposal, one was particularly thrilled because his application for a business license could not move forward as it did not have master plan or zoning designations on the property. Like the previous item, the County was the applicant.

Public Comment:

Via Zoom, Mr. Dan Rey-Bear, an attorney for a federally chartered corporation owned by the Paiute Tribe, sought confirmation that the three parcels in question would be able to continue with their existing uses without a special use permit. Additionally, he wondered whether the non-conforming uses brought up in the staff report were only applicable to the parcels ending in -01 and -03, or whether these also related to the subject parcels. Lastly, he wished for clarification about which activities were not reflected in the acceptable uses for the assigned Master Plan regulatory zoning.

Discussion by Commission:

In response to the Chair's request to address Mr. Rey-Bear's questions, Ms. Olander responded that some of the parcels were very small and did not meet the size requirements to be designated neighborhood commercial (NC). Some parcels had buildings constructed on the property lines, which made them non-conforming. She noted she spoke to those property owners, who were understanding of those challenges. She specified the Crosby Lodge parcel did not have buildings on property lines. She acknowledged the commenter's assertion that anything allowed under the Crosby Lodge would still be allowed. However, most people were not looking to expand, only add new uses, which could be accomplished with the NC designation.

Commissioner Flick asked whether non-conforming uses would transfer if the property was sold.

Ms. Olander replied nothing would change unless the new owner wished to expand. One challenge was that many of the buildings were in bad shape, and removing any of them would then require conformance. She provided an example of one such building. She reiterated the new owner would only need to bring a non-conforming use into conformance if they sought to add or improve upon the existing structures; the uses themselves all met the Sutcliffe modifiers. One plan brought to her attention by the owners – merging three of the parcels into one – would rectify some of those issues.

Vice Chair Lazzareschi noted the Paiute Tribe provided no comments on the proposal. Ms. Olander confirmed that was the case, adding responses were not always received from the notified agencies. This proposal would not impact them directly, though the Tribe was in communication with the new property owners about possibly obtaining one of the parcels that was part of the Crosby Lodge.

Vice Chair Lazzareschi asked whether the Code proposal would clean up any future transfers of privately-owned County land to the Tribe.

Ms. Olander said the proposal would not preclude a transfer of property to the Tribe.

MOTION: Commissioner Phillips moved that the resolution contained as Exhibit A to the staff report be adopted and the Master Plan be amended as set forth in Master Plan Amendment Case Number WMPA23-0003, having made at least three of the five findings in accordance with Washoe County Code Section 110.820.15(d). She further moved that the resolution and the proposed Master Plan Amendments in WMPA23-0003 be certified as set forth in the staff report for submission to the Washoe County Board of County Commissioners, and the Chair be authorized to sign the resolution on behalf of the Planning Commission.

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

MOTION: Commissioner Donshick moved that the resolution included as Exhibit B be adopted recommending adoption of Regulatory Zone Amendment Case Number WRZA23-0003, having made all of the findings set forth in Washoe County Code Section 110.821.15(d). She further moved that the resolution and the proposed Regulatory Zone Amendment in WRZA23-0003 be certified as set forth in this staff report for submission to the Washoe County Board of County Commissioners, and the Chair be authorized to sign the resolution on behalf of the Washoe County Planning Commission.

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

MOTION: Vice Chair Lazzareschi moved that the resolution be approved to initiate and recommend adoption of Development Code Amendment WDCA23-0003, to amend Washoe County Code Chapter 110 in Article 222 Truckee Canyon Area, to add the Sutcliffe Community Area Modifiers as reflected in the proposed ordinance contained in Exhibit C-1, and the Chair be authorized to sign the resolution on behalf of the Planning Commission. This recommendation for approval is based on the ability to make all of the four findings set forth in Washoe County Code Section 110.818.15(e).

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

MOTION: Vice Chair Lazzareschi moved that the Crosby Lodge Specific Plan that includes three parcels (APNs: 079-230-04, 07, & 11) and which was approved under Regulatory Zone Amendment Case Number RZA10-002 be sun-setted, to be effective upon final approval of Regulatory Zone Amendment Case Number WRZA23-0003.

Commissioner Donshick seconded the Sunset Specific Plan motion, which passed unanimously with a vote of seven for, none against.

Secretary Trevor Lloyd commended Ms. Olander for taking the initiative to incorporate all of the Crosby Lodge specific plan into this item, resulting in a better product.

C. Development Code Amendment Case Number WDCA23-0004 (Accessory dwelling unit, detached accessory structures, manufactured housing, and battery-charged fences) [For possible action] - For hearing, discussion and possible action to initiate an amendment and approve a resolution to recommend amending Washoe County Code Chapter 110 (Development Code) by modifying various sections in Division Three- Regulation of Uses and Division Four- Development Standards, in order to update regulations related to accessory dwelling units, detached accessory structures, manufactured housing, and battery-charged fences. These updates include deleting a section specifying the procedure and findings for placing a manufactured home that is less than 1,200 square feet in size; and modifying various sections to: allow detached accessory dwelling units as an allowed use by right in certain residential regulatory zones; require detached accessory dwelling units on parcels ½ acre in size or smaller to be subject to the administrative review permit process in Article 809; update the maximum square footage for both attached and detached accessory dwelling units; define "minor accessory dwelling unit"; modify permitting requirements for detached accessory structures; update the minimum square footage for manufactured homes; and add provisions related to battery-charged fences as required by NV SB 208 (2023); and all matters necessarily connected therewith and pertaining thereto.

If the proposed amendments are initiated, the Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

- Development Code: Authorized in Article 818, Amendment of Development Code
- Commission District: All Districts
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Kat Oakley conducted a PowerPoint presentation and reviewed slides with the following titles: Overview; ADU's – Background (2 slides); ADU's – Proposed Amendments; ADU's – Permitting requirements; ADU's – Maximum size matching; ADU's – Minor ADU (2 slides); ADU's – Minor ADU Incentives; Detached Accessory Structures (2 slides); Manufactured Housing (2 slides); Battery-charged fencing (2 slides); Neighborhood Meetings; Findings; and Recommended Motion.

Ms. Oakley indicated staff was trying to address housing affordability on as many fronts as it could because it expected Washoe County to continue growing; this was why the Board of County Commissioners (BCC) initiated these amendments at their November 2023 meeting. After a review of the past four years of discretionary applications for attached dwelling units (ADUs), she continued, none were denied and little public comment was received on any of them. This led to the conclusion that the process was inefficient, so staff could lower the barrier to ADU development without negative impacts. She acknowledged the potential for impacts to neighboring property owners of smaller parcels, which was why administrative reviews would be required on parcels one half-acre or smaller.

Ms. Oakley noted there was currently a different maximum size allowed for ADUs than for detached units, and staff felt they should be consistent in the Code by changing them to match

the detached maximums. Additionally, staff was proposing the minor ADU because smaller housing units tended to be more affordable, thus incentivizing their development. She remarked there were notably fewer requests for ADUs on parcels one acre or smaller.

Ms. Oakley stated staff felt it was more logical to base the requirement for a detached accessory structure administrative permit on lot size, not the size of the main home. She said the administrative review process did not require approval by a board or commission, making it a quicker process that still allowed staff to place conditions to mitigate impacts. The proposed change to manufactured homes, while initiated to conform with State law, would also help affordable housing. She explained battery-charge fencing was fencing that would trigger an alarm if touched, not an electric fence, and most of the proposed language was taken directly from the State law.

Chair Pierce indicated the County was the applicant in this matter.

Public Comment:

Ms. Pat Davison expressed support for staff's changes to the Development Code. In a letter she had previously provided, she cited the Eddy House as an example of the critical need for long-term, stable housing. She expressed concern about a shortage of affordable housing, which would continue as the population grew. She recommended monitoring these changes in the future and adjusting them if there was no measurable increase in ADUs. She suggested notifying several agencies whose members would be in touch with homeowners who might be thinking of building an ADU. She praised Ms. Oakley for answering her questions.

Discussion by Commission:

Commissioner Phillips asked whether the proposal included references to rentals.

Ms. Oakley responded short-term rentals (STRs) were regulated by Article 319, which was not part of this proposal, though the BCC had directed staff to reconsider STRs.

Vice Chair Lazzareschi inquired about a definition of the term reflective.

Ms. Oakley said she was not aware of one.

The Vice Chair suggested defining the term to eliminate the possibility of interpretation.

Secretary Trevor Lloyd explained that language was taken from Code Article 324, though he acknowledged there might not be a formal definition in the Code.

Chair Pierce asked how many accessory dwellings would be allowed per lot.

Ms. Oakley said one would be allowed. An owner could not have both an ADU and a detached one, nor could they have a minor ADU and an attached dwelling. That would be the case regardless of lot size.

MOTION: Vice Chair Lazzareschi moved that WDCA23-0004 be approved, amending Washoe County Chapter 110 (Development Code) within Articles 302, 304, 306, 312, and 406 as reflected within the proposed ordinance contained in Exhibit A-1. He further move that the Chair be authorized to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission, and staff be directed 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 the ability to make all four findings set forth in Washoe County Code Section

110.818.15(e).

Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.
7:10 p.m. The Commission recessed.

7:20 p.m. The Commission reconvened with all Commissioners present.

D. Master Plan Amendment Case Number WMPA23-0008 and Regulatory Zone Amendment Case Number WRZA23-0009 (Thompson Family Trust) [For possible action] - For hearing, discussion, and possible action to:

(1) Approve an amendment to the Southwest Truckee Meadows Area Plan, a component of the Washoe County Master Plan, to redesignate 8.36 acres of two parcels totaling 81.83 acres from Rural (R) to Suburban Residential (SR); and

(2) Subject to final approval of the associated master plan amendment by the Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, recommend adoption of an amendment to the Southwest Truckee Meadows Regulatory Zone Map, to redesignate 8.36 acres of the same parcels from General Rural (GR) (1 dwelling unit/40 acres) to Low Density Suburban (LDS) (1 du/acre); and

(3) If approved, authorize the chair to sign resolutions to this effect.

- Applicant: David Thompson
- Property Owner: Thompson Family Trust
- Location: Southeast of intersection of Hunters Peak Rd and Hunter Falls Cir
- APN: 041-650-04 & 041-650-05
- Parcel Size: 41.56 & 40.27 acres
- Existing Master Plan: Rural (R)
- Proposed Master Plan: Rural (R) and Suburban Residential (SR)
- Existing Regulatory Zone: General Rural (GR)
- Proposed Regulatory Zone: General Rural (GR) and Low-Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 820, Amendment of Master Plan & Article 821, Amendment of Regulatory Zone
- Commission District: 1 – Commissioner Hill
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Kat Oakley conducted a PowerPoint presentation and reviewed slides with the following titles: Request; map (2 slides); Background; MPA Request; RZA Request; Development Constraints (3 slides); Availability of Facilities; Neighborhood Meeting; Noticing; Reviewing Agencies & Findings; MPA Findings; and Possible Motion – MPA.

Ms. Oakley mentioned staff's recommendation to deny the request because of the development restraints in the proposed low-density suburban (LDS) area. Even the flatter areas of the proposal still contained slopes, which would need to be addressed during development. Staff's main concern, however, was the proposal not being in conformance with the Master Plan for both requests. She noted staff only reviewed Master Plan and zoning designations, not any potential lot layouts or deed restrictions. She summarized staff could not make four of the five findings required to approve the proposal.

Courtney Sweet, attorney at the Gunderson Law Firm on behalf of the applicant, conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Thompson Family Trust; map (2 slides); list of noticed property owners; Zoning (E); Zoning (P); Master Plan (E); Master Plan (P); map; slope map (2 slides); No-Disturbance Zone; 30% slope overlay…; TMRPA – Development Constraints Area…; and Contacts.

Ms. Sweet noted Ms. Oakley's presentation accurately described the contents of the neighborhood meeting, adding there were no objections to the proposed amendments. She noted the proposed area of LDS would be adjacent to an LDS area which had been approved several years ago. Similarly, the proposed suburban residential (SR) designation would be adjacent to an existing SR area. She stated the applicant's proposal would be an extension of something already approved by the Planning Commission and the County.

Ms. Sweet pointed out the County's presentation mistakenly used an old application seeking eight lots when they were now only seeking seven. She contested the portion of each lot with a slope greater than 30 percent was no greater than the portion of lots approved in the Ridges of Hunter Creek development. To attempt to address staff's concerns, a no-disturbance zone would be utilized on a majority of the areas with 30 percent slopes. Regarding the Engineering department's concerns about safety and street slopes, she said those issues should not be addressed during the zoning process but rather during the next phase of development. The proposal would help address the growing housing needs of the community.

Public Comment:

There was no response to the call for public comment.

Discussion by Commission:

Commissioner Phillips noted eleven of the agencies who were contacted did not respond in any way, and she wondered whether it was too early to decide on this matter.

Ms. Oakley remarked agencies often did not respond, so staff usually inferred that those agencies had no concerns. She pointed out a number of relevant agencies provided comments, and she believed there was sufficient information to deny the request.

Vice Chair Lazzareschi questioned why the applicant did not redraw the proposal to include only the lower-sloped areas.

John Krmpotic with KLS Planning & Design Group responded that their topographic analysis determined only 1 percent of the site would be disturbed by the grading for houses and roads, and driveways would be designed during the tentative map stage. Not disturbing the areas with slopes greater than 30 percent, he said, would come down to lots in a zoning context. The economics of the land was important, which was one reason why they modified the proposal from eight lots to seven, and it explained some of the steps they were taking to minimize environmental impacts.

In response to the Chair's request for clarification about whether the proposal sought to change the entire property, Ms. Oakley stated the applicant only sought to change 8.36 acres of the property.
Commissioner Flick asked about the balance of the prospective zoning change.

Ms. Oakley explained the overall zoning would change; 8.36 out of the existing 82 acres would be replaced with LDS zoning, increasing the number of units from two to nine in the process. The majority of the property, though, would remain the same.

Chair Pierce asserted that the County felt the property could not be safely built on.

Ms. Oakley confirmed the Chair's assertion, citing parts of the Development Code which said slopes over 30 percent were not suitable for residential development at the applicant's desired density. The slope would not be a concern if the applicant did not want to expand beyond one unit per 40 acres, though there would still be concerns about facilities. She then reviewed the facility concerns that were discussed during the presentation.

Commissioner Phillips wondered whether it would help if the applicant changed the areas for which they requested new zoning.

Ms. Oakley replied changing the request to reduce the steeply sloped areas would help with one aspect of the proposal.

Chair Pierce stated the Commission needed to make a decision based on the current request, adding he was inclined to side with staff's recommendation to deny the request.

Vice Chair Lazzareschi moved to deny the Master Plan Amendment Case Number WMPA23-0006 and Regulatory Zone Amendment Case Number WRZA23-0006, being unable to make the Consistency with Master Plan and Availability of Facilities findings.

Chair Pierce seconded the motion and a unanimous vote was taken.

Deputy District Attorney Jennifer Gustafson clarified that any Commissioner voting for the motion also agreed that the findings listed in the motion could not be made. She read the Development Code regarding how to address when Commissioners disagreed with which findings could not be made.

Commissioner Nelson stated that she could not make the following findings with regard to either motion: Consistency with Master Plan, Response to Change Conditions, Availability of Facilities, and Desired Pattern of Growth.

Chair Pierce concurred with Commissioner Nelson's statement regarding the findings, adding he could not make the No Adverse Effect finding for the regulatory zone amendment either.

Commissioner Donshick agreed with Chair Pierce's statement regarding the findings, as did Commissioner Phillips.

Commissioner Flick stated that, regarding the Master Plan amendment, he could not make the following findings: Consistency with Master Plan, Response to Change Conditions, and Availability of Facilities. Regarding the Regulatory Zone amendment, he could not make the following findings: Consistency with Master Plan, Response to Change Conditions, and Desired Pattern of Growth.

7:56 p.m. It was noted that Commissioner Kennedy had dropped off the Zoom call at some time between the taking of the vote and now.

Ms. Gustafson indicated it would be assumed that Commissioner Kennedy agreed with the inability to make the same findings as the Vice Chair did in his motion. Further, she advised Vice Chair Lazzareschi to indicate that the motion was based on the individual comments presented on the findings.

MOTION: Vice Chair Lazzareschi moved that Master Plan Amendment Case Number WMPA23-0006 be denied, being unable to make the required findings in accordance with Washoe County Code Section 110.820.15(d), specifically Consistency with Master Plan and Availability of Facilities, and with policies SW.20.1 and SW.20.3 of the Southwest Truckee Meadows Area Plan. He further moved that Regulatory Zone Amendment Case Number WRZA23-0006 be denied, being unable to make the required findings in accordance with Washoe County Code Section 110.821.15, specifically Consistency with Master Plan and Availability of Facilities. These denials were based on the individual comments presented on the findings.

Chair Pierce seconded this motion, which passed unanimously with a vote of six for, none against, with Commissioner Kennedy absent.

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

9. Chair and Commission Items

A. Future agenda items

There were no agenda items.

B. Requests for information from staff

There were no requests for information.

10. Director's and Legal Counsel's Items

A. Report on previous Planning Commission items

Secretary Trevor Lloyd informed the Commissioners that the Washoe County Board of County Commissioners (BCC) adopted the Envision Washoe 2040 Master Plan on December 12, 2023. That would go to the Truckee Meadows Planning at the end of January for a final conformance review and, assuming there were no issues, it would then be adopted.

Mr. Lloyd said the Woodcreek Development Code amendment heard by the Planning Commission (PC) in November would be heard at the January 23, 2024 BCC meeting.

Additionally, Mr. Lloyd advised the Commissioners that the BCC gave direction to staff at their December 19, 2023 meeting to bring forward amendments to the short-term rental Development Code, which would come before the PC soon.

B. Legal information and updates

Deputy District Attorney Jennifer Gustafson announced that the Paiute Road abandonment litigation had concluded. The Nevada Supreme Court denied the request, so that issue should officially be over.

11. *General Public Comment and Discussion Thereof

There was no response to the request for public comment.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor.

Approved by Commission in session on February 6, 2024

Trevor Lloyd

Trevor Lloyd
Secretary to the Planning Commission