



WASHOE COUNTY PLANNING COMMISSION DRAFT Meeting Minutes

Planning Commission Members

Roger Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Phil Horan
Jonathan C. Reynolds
Carl R. Webb, Jr., AICP, Secretary

Tuesday, July 1, 2014
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in regular session on Tuesday, July 1, 2014, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: Roger M. Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Larry Chesney
Sarah Chvilicek
Phil Horan
Jonathan C. Reynolds

Staff present: Carl R. Webb, Jr., AICP, Planning Manager, Planning and Development
Chad Giesinger, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Roger Pelham, Senior Planner, Planning and Development
Greg Salter, Esq., Deputy District Attorney
Sara DeLozier, Recording Secretary

Chair Edwards welcome the two new Commission Members; Larry Chesney and Phil Horan.

2. *Pledge of Allegiance

Commissioner Reynolds led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Salter provided the ethics procedure for disclosures.

4. *Appeal Procedure

Mr. Webb recited the appeal procedure for items heard before the Planning Commission.

5. Public Comment

Chair Edwards opened the public comment period.

John Gavin is running for County Commissioner in District 5. He wanted to introduce himself and see the faces of the Planning Commissioners who he hopes to be working with in the future.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the July 1, 2014 meeting with item 10C being moved to the first item under 10, Planning Items and Public Hearings. Commissioner Reynolds seconded the motion, which carried unanimously.

7. Consider and adopt a Resolution commending Jonathan Reynolds for his service to Washoe County.

Commissioner Whittemore moved to adopt the resolution. Commissioner Chvilicek seconded the motion which carried unanimously.

Mr. Webb read and presented Commissioner Reynolds with a Certificate of Appreciation.

8. Consent Items

A. Initiation of a Regulatory Zone Amendment (North Valleys) – Initiating an amendment to the North Valleys Regulatory Zone map in order to assign Washoe County Regulatory Zone Designations to multiple properties resulting from the City of Reno's action to rollback these properties from the City of Reno's Sphere of Influence back to Washoe County's jurisdiction.

Staff Representative: Trevor Lloyd, Senior Planner, 775.328.3620, tlloyd@washoecounty.us

Commissioner Chvilicek moved to approve the consent item. Commissioner Barnes seconded the motion which carried unanimously.

9. Election of Officers, Chair and Vice Chair

Commissioner Barnes nominated D.J. Whittemore for a second term as Vice Chair of the Planning Commission. Commissioner Chvilicek seconded the motion which carried unanimously.

Commissioner Barnes nominated Roger Edwards for a second term as Chairman of the Planning Commission. Commissioner Reynolds seconded the motion which carried unanimously.

10. Planning Items and Public Hearings

C. Regulatory Zone Amendment Case Number RZA14-004 (Autumn Trail) – To consider an amendment to the Spanish Springs Regulatory Zone map and the associated regulatory zoning designation within the Spanish Springs planning area; and, if approved, forward to the Washoe County Board of County Commissioners for approval. The amendment request will re-designate the regulatory zone designation for ±23.61 acres of a ±47.6 acre parcel from Low Density Suburban (LDS) to Low Density Suburban 2 (LDS2). The proposed Regulatory Zone amendment would increase the total density of the subject ±47.6 acre parcel by 16 residential dwelling units. To reflect requested changes and to maintain currency of general planning area data, administrative changes are proposed and include a revised map with updated parcel base, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments.

- Applicant/Owner: Pinnacle Land Holdings, LLC
- Location: 0 Hayfield Drive
- Assessor's Parcel Number: 534-420-08
- Parcel Size: ±47.608 Acres
- Master Plan Category: Suburban Residential (SR)
- Existing Regulatory Zone: Low Density Suburban (LDS)
- Proposed Regulatory Zone: Low Density Suburban 2 (LDS2)
- Area Plan: Spanish Springs Area Plan
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 821, Amendment of Regulatory Zone
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Within Section 25, T21N, R20E, MDM Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775-328-3620
- E-mail: tlloyd@washoecounty.us

Chair Edwards opened the public hearing; no disclosures were made. Mr. Lloyd reviewed his staff report dated June 13, 2014. Mr. Lloyd noted that he, staff and the applicant had met and they mutually agreed to continue this item to consider possible amendments. The item will be returning at a future date when the amendments have been made to the application.

Chair Edwards opened public comment.

Michael Vicks, the applicant's representative, thanked the Commission for hearing the request for a continuation of the item.

Chair Edwards closed public comment.

Commissioner Whittemore motioned to continue item 10C to a later date. Commissioner Chvilicek seconded the motion which carried unanimously.

A. PUBLIC HEARING: Development Code Amendment Case Number DCA14-004 (Food Production/Agricultural Uses) – Discussion and possible recommendation to amend Washoe County Code, Chapter 110, Development Code, Article 302 (Allowed Uses) and Article 304 (Use Classification System) to reduce regulatory barriers to the production and sale of food in certain regulatory zones, and to amend use definitions to authorize community gardens and increase opportunities for local, small scale food production; and to provide for other matters properly related thereto.

Staff Representative: Chad Giesinger, Senior Planner, 775-328-3626, cgiesinger@washoecounty.us

Chair Edwards opened the public hearing; no disclosures were made. Mr. Giesinger reviewed his staff report dated June 11, 2014.

Mr. Webb advised the Commission that in Mr. Giesinger's presentation, he's asking the Commission to consider modifying the draft amendments attached to the staff report to add crop production as an allowed use in the General Commercial (GC) regulatory zone. He encouraged the Commission to consider whether it's a valid addition to be made to the recommended amendments.

Chair Edwards opened public comment.

Janna Vandahar, representing the Washoe County Food Policy Council, spoke in support of the DCA and read a letter that they submitted at the meeting. Ms. Vandahar said the Council

has members that are food producers. She said she herself designs edible landscapes and she's also involved in Urban Roots which does gardening with kids. Community gardens are a big part of that activity and help promote health in our community.

Janine Harder, Executive Director of Sustainable Nevada, she said she echoed the comments made by Ms. Vandahar, applauds staff for their work on this subject and she encourages the Commission to adopt the Code amendments.

Rick Johnson spoke in support of the DCA as he attended a conference in Las Vegas and was exposed to a plethora of ways in which to grow produce. One of the statistics that stayed in his mind was that Nevada provides less than five percent of the food we consume. Everything else comes from somewhere else. Because of the trip he became excited about growing, himself, but then became frustrated that the simple process of raising simple lettuce and basil wasn't allowed. He had to go through hoops and circles. Mr. Johnson said "locally grown" has become a huge issue for consumers as they are more confident in what they're consuming. He also believes that small business has a large impact on economic development and economic development creates tax revenue.

Jessica Brown wanted to echo what everyone else had said so far and is in support of the DCA. She has been inspired to increase their home production beyond what they could use for family and friend, to share with the community. She never thought when she went to get a business license, having an acre and a third of land and water rights, they'd run into problems having crop production on their land.

Chair Edwards closed public comment.

Commissioner Chvilicek stated that, any time you can do community gardens and get children involved with food production they're more likely to increase their consumption of fruits and vegetables and it reduces childhood obesity. She fully supports the DCA.

Commissioner Reynolds asked staff about the limitations on what can be grown. Mr. Giesinger said there really is not limit on what you can grow, just what the climate allows you to grow. He fashioned the definition to include flowers and native plants. Commissioner Reynolds asked if there were any restrictions on invasive or noxious plants. Mr. Giesinger said there is nothing in this Code that would address that.

Commissioner Whittemore wanted to clarify that the products could not be sold on the property but you could sell what you grow. Mr. Giesinger said, no, the amendments are making a distinction. This is not a commercial endeavor it's a community/neighborhood type use for the benefit of the residence. Items grown in this type of use would not be for commercial purposes. Mr. Whittemore asked why a community/neighborhood garden couldn't sell to a commercial establishment. Commissioner Chvilicek responded she wouldn't be opposed to community gardens selling to commercial establishment but she wouldn't want a commercial entity to push out a community garden because a community garden is a grass roots effort to create produce for that community as it's a shared responsibility in growing.

Commissioner Chvilicek asked if a "community garden" could be on a vacant concrete lot or pad and be a container type garden. Mr. Giesinger said the way the Code is written, it is silent on that. If you could get permission from the property owner and have a place to store the tools, etc., he couldn't see why not.

Commissioner Barnes 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 make the following findings and recommend approval of the proposed amendments to Article 302, Allowed Uses, and Article 304, Use Classification System, and as contained in Exhibit B. I further move to authorize the Chair to sign the resolution contained at Exhibit A on behalf of the Washoe County Planning Commission and direct staff to present a report of this Commission's recommendation together with a draft ordinance to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the following four findings in accordance

with WCC Section 110.818.15(e). Along with, adding “crop production as an allowed use in the General Commercial (GC) regulatory zone”. Commissioner Chvilicek seconded the motion which carried unanimously.

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. 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. The proposed Development Code amendments respond 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.
4. 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.

B. PUBLIC HEARING: Development Code Amendment Case Number DCA14-006 (Amendment of Master Plan) – Discussion and possible recommendation to amend Washoe County Development Code Article 820 (Amendment of Master Plan) to clarify Planning Commission procedures for adopting or denying proposed master plan amendments; to change findings of fact required when Planning Commission denies a master plan amendment; to establish the procedures, change voting requirements, and clarify possible actions when a decision of the Planning Commission is appealed to the Board of County Commissioners; to clarify procedures and standards for the Board of County Commissioners when adopting, modifying, or denying Master Plan amendments; to provide for conditional resolutions approving Master Plan Amendments pending conformance review by regional planning commission; to change names and titles to reflect the reorganization of the Community Development Department; and to provide for other matters properly related thereto.

Staff Representative: Greg Salter, Deputy District Attorney, 775-337-5726, gsalter@da.washoecounty.us

Deputy District Attorney Greg Salter reviewed Mr. Whitney's staff report dated June 19, 2014 as Mr. Whitney was unavailable.

Commissioner Horan asked about the definition of “aggrieved”. Mr. Salter said that it's set by the Courts. There is no definition of aggrieved in the NRS. The definitions used in the amendments were pulled out of Supreme Courts cases. “Substantial injury to a property right” or “the inequitable, unjust burden being place on a person” are the two definitions adopted by the Nevada Supreme Court as what an aggrieved person is.

Commissioner Whittemore wanted to verify, if the Planning Commission accepts and the applicant accepts it's final. If the Planning Commission denies and the applicant accepts the denial, it's final. But if the applicant denies the Planning Commissions denial, then the application comes back to the Planning Commission. Mr. Salter said, yes, unless the applicant wants to modify their application. He added, if the Planning Commission denies a Master Plan Amendment (MPA) and it's appealed to the Board of County Commissioners and the BCC says it's going to reverses the PCs denial, the BCC can't take direct action on the MPA because it hasn't been referred to them. It was denied. So, in order for the BCC to say we're not only going to reverse your denial, we're going to adopt it, they've got to send it back to the PC for a report.

Chair Edwards asked what is contained in the “report”. Mr. Salter said each one of the Commissioners could give their view on the item giving the BCC some insight on their thoughts.

Commissioner Whittemore asked to clarify; if you can make three of the six findings you can adopt. Mr. Salter said yes. And if you can’t make three positive findings out of the six, you must deny. Commissioner Whittemore asked if three findings out of the six is little short. He thinks four out of six is appropriate and would be in favor of a motion to include that language. Mr. Webb reviewed the language in the Code changes on page 6, it says “at a minimum make at least three of the six findings”. Finding number six is usually always made as it pertains to military installations. Commissioner Whittemore expressed his concern as finding six being a freebee would leave the Commission to only have to find two of the findings along with the sixth. He feels that if the Commission is not voting on the Code, to accept four findings, they shouldn’t be voting on the Code amendment. Mr. Salter said maybe they would need to go back and rewrite the Code to read “make three out of the five findings and if there is a military installation, they must make number six”. Mr. Whittemore said he’d be in favor of that language.

Chair Edwards opened public comment.

Michael J. Salsbury said he agreed with most of the Code amendment but there were a couple of things he was wondering about. Page seven of 19, item g, “Effect of Planning Commission Denial. In the event the Planning Commission denies a Master Plan amendment application, that action is final unless appealed to the Board of County Commissioners.”, it doesn’t say anything is going to happen besides that. Mr. Salsbury asked, does this mean the Commission’s decision has no meaning? His second item is; in Section 7, item a, Noticing Requirements, where in prior days a notice was to be mailed to surrounding properties of the applicant’s intention, instead it’s going to be newspaper notice? Not everyone reads the paper. His next question was on Page 10, item a, the time period for public hearing is being removed? It just says the County Clerk will set the agenda but it doesn’t say when. Mr. Salsbury said these may be small items but they are important to him. Also he’d like to know, “as the code is written, changes can be made as we go along; if the BCC makes the changes it has to come back to the Commission and if the Commission makes the changes it just goes to the BCC as is”?

Mr. Salter addressed the questions. Staff took out the provision on page 7 about the Planning Commission denial being a final action because we picked it up in other places as the procedure was laid out. The bottom line still is; if the Planning Commission denies a Master Plan Amendment and the denial is not appealed, that’s it. With respect to the notice, we didn’t specify, in the Code, the notice requirement because it’s laid out in statute anyway so our notice provision says, “you’ll comply with the Nevada Statute”. The requirement about when a Master Plan Amendment is certified and referred to the BCC, there is no time limit, there’s no requirement in state law that says the BCC has to take it up. There is if there is an appeal. If an appeal has been decided then the BCC has to act on that appeal within 60 days. But if we have an adoption and it’s going up for consideration, state law doesn’t require us to act within that time. There needs to be flexibility to allow the BCC to decide when an item is heard. That’s why there is no limitation on when they are supposed to act on it.

Chair Edwards closed public comment.

Commissioner Whittemore moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, I move to recommend approval of DCA14-006, to amend the Washoe County Code at Chapter 110, Development Code, Article 820 (Amendment of Master Plan) to clarify Planning Commission procedures concerning master plan amendments. I further move to authorize the Chair to sign the resolution contained in Exhibit B on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission’s recommendation to the Washoe County Commission within 60 days of today’s date. This recommendation for approval is based on all of the following findings in accordance with Washoe County Code Section 110.818.15(e): Commissioner Whittemore added that Section 110.820.15 (3d) include the

language, “three of five and/or three plus one if no effect on a military installation can be found”. Commissioner Chvilicek seconded the motion which carried unanimously.

The motion and recommendation for approval was based on the following findings:

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. 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. 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.
4. 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.

D. PUBLIC HEARING: Tentative Subdivision Map Case Number TM14-001 (Pebble Creek Estates) – To develop an 83-lot, single-family residential subdivision. Lots range in size from 35,025 to 53,072 square feet

- Applicant: Mystic Mountain, LLC
550 W. Plumb Lane, Suite B-505, Reno, NV 89509
- Property Owner: Mystic Mountain, LLC
550 W. Plumb Lane, Suite B-505, Reno, NV 89509
- Location: At the western terminus of Pebble Creek Drive,
approximately ¼ mile west of its intersection with
Pyramid Highway
- Assessor’s Parcel Number: 538-171-08
- Parcel Size: 83.27 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
(1 dwelling unit per acre)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 608,
Tentative Subdivision Maps
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Sections 11 and 14, Township 21 North,
Range 20 East, MDM, Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775-328-3622
- E-mail: rpelham@washoecounty.us

Mr. Pelham reviewed his staff report dated June 20, 2014.

Commissioner Chvilicek stated that Mr. Pelham made reference to the character map and the area plan, when this went before the CAB was the CAB reminded of the character map and area plan since there may be new members? Mr. Pelham said no the character map and area plan were not reviewed at the CAB meeting. The staff generally sits back at the CAB meeting

and seeks their input and attempts to not get too involved in their discussion. Staff mostly answer policy and code questions.

Chair Edwards opened public comment. Being none, Chair Edwards closed public comment.

Commissioner Whittemore 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 Tentative Subdivision Map Case No. TM14-001 for Mystic Mountain, LLC, with the conditions of approval as contained within Exhibit A of the staff report, having made all ten findings in accordance with Washoe County Development Code Section 110.608.25. Commissioner Horan seconded the motion which carried unanimously.

The motion and recommendation for approval was based on the following findings:

- 1) Plan Consistency. That the proposed map is consistent with the Master Plan;
- 2) Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master 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.

10. Chair and Commission Items

A. Report on previous Planning Commission items

Mr. Webb gave an update on two Development Code Amendments that were recommended for approval by the Commission; DCA14-003, Liquor Manufacturing, and DCA14-002, Cargo Containers, were adopted by the BCC and went into effect at the end of June.

B. Future agenda items and staff reports

Mr. Webb acknowledged that Commissioner Barnes was appointed to the Regional Planning Commission (RPC) replacing Commissioner Hibdon. Commissioner Whittemore was reappointed to the RPC for a second term. Chair Edwards is currently a member of the RPC. Mr. Webb recommended scheduling an item on the August agenda to discuss and rank the RPC alternates in the event one of the original members is unable to attend a meeting. Also in

the event of a vacancy on the RPC, an alternate can be considered by the Board of County Commissioners to fill the vacancy.

11. *Director's Items

None

A. *Legal information and updates

None

12. *Public Comment

Commissioner Chvilicek requested that staff be proactive in reminding the CAB members of the character plan and area plan when attending CAB meetings, particularly with members.

Commissioner Whittemore commented to Mr. Webb, Mr. Whitney and Mr. Salter regarding Item 10C, that he is really impressed in them being able to see the flaw in the process and fixing it as quickly as they did. That's great public policy. Thank you.

Chair Edwards opened public comment. As there was none, Chair Edwards closed public comment.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Sara DeLozier, Recording Secretary

Approved by Commission in session on _____, 2015.

Carl R. Webb, Jr., AICP
Secretary to the Planning Commission