



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Thomas Daly
Roger Edwards
Philip Horan
Greg Prough
Carl R. Webb, Jr., AICP, Secretary

Tuesday, September 1, 2015
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, September 1, 2015, 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: James Barnes, Chair
Sarah Chvilicek, Vice Chair
Larry Chesney
Roger Edwards
Philip Horan
Greg Prough

Commissioners absent: Thomas Daly

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development
William Whitney, Director, Planning and Development
Vahid Behmaram, Water Management Planner Coordinator,
Engineering and Capital Projects
Grace Sannazzaro, Planner, Planning and Development
Sarah Tone, Constituent Services, County Manager's Office
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Recording Secretary, Planning and Development
Katy Stark, Office Support Specialist, Planning and Development

2. *Pledge of Allegiance

Commissioner Edwards led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Webb recited the appeal procedure for items heard before the Planning Commission. Mr. Webb also informed the Commission that the two Development Code Amendments are recommendations for either approval or denial so these are not appealable. The Master Plan Amendment would only be appealable should the Commission decide to deny it; otherwise it would move forward, upon recommendation, to the Board of County Commissioners.

Mr. Webb introduced Katy Stark, who has been with department for a while and has recently joined the Planning and Development Division staff.

5. *Public Comment

Chair Barnes opened the Public Comment period.

Cathy Brandhorst spoke about residents at the Easy Inn and car license plates not being up to date.

There were no additional requests to speak, Chair Barnes closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Prough moved to approve the agenda for the September 1, 2015 meeting as written. Commissioner Chesney seconded the motion, which carried unanimously.

7. Approval of August 4, 2015 Draft Minutes

Commissioner Chvilicek moved to approve the minutes for the August 4, 2015, Planning Commission meeting as written. Commissioner Edwards seconded the motion which carried unanimously.

8. Public Hearings

A. Development Code Amendment Case Number DCA 14-012 – Hearing, discussion and possible action to amend Washoe County Code, Chapter 110, Development Code, at Article 422, *Water and Sewer Resource Requirements*, and at Article 706, as follows:

- to reflect the transfer of water utility functions from Washoe County to the Truckee Meadows Water Authority (TMWA), including dedication of fees, water rights, and facilities in connection with development projects in the affected areas;
- to delete Sections 110.422.30, *Contracts for Water Rights and Water Facilities*, and 110.706.10, *Southeast Truckee Meadows Specific Plan Impact Fee*, in their entirety;
- to add a new Section 110.422.02, *Definitions*;
- to amend Section 110.422.00, *Purpose*, for water and sanitary resource requirements for development;
- to clarify in Section 110.422.01, *Exceptions*, that the resource requirements do not apply to the Tahoe Planning Area and areas within the TMWA service area;
- to clarify in Section 110.422.05, *Applicability*, where within the County the resource requirements apply;
- to amend Sections 110.422.10, *Water Resources*, and 110.422.15, *Water Rights Satisfaction*, for resource requirements and water rights dedication or relinquishment requirements outside of TMWA's service area;
- to remove administrative and service fee requirements from Section 110.422.20, *Authority to Utilize Dedicated Water Rights and Collect Administrative Fees*;

- to clarify in Section 110.422.25, *Water Facilities*, the procedures to offer for dedication and to operate water delivery facilities; and
- to update Article 422 with the current Community Services Department organization terminology and remove references to the Department of Water Resources, Utility Services Division

Chair Barnes opened the public hearing. Chair Barnes asked if there were any ethics or ex parte communication disclosures. There were none.

Vahid Behmaram reviewed his staff report dated August 17, 2015. Mr. Behmaram said staff is recommending that the Planning Commission amend their motion to include an exemption for General Improvement Districts organized for the provision of water and sewer services (Section 110.422.01). On the draft ordinance under Section 110.422.01, staff will incorporate an Item C for exemption of GID's.

Commissioner Edwards stated that the water service in Golden Valley is being managed by the Community Services Department and asked for confirmation that this has not changed. Mr. Behmaram responded that these amendments do not make any changes to the water service in Golden Valley.

Commissioner Chesney asked for clarification; for example, the 40 acre parcels in Palomino Valley with personal wells will continue to get the 2-acre feet? Mr. Behrman said that in the previous code, Warm Springs Valley was not one of the basins that was exempt, so there will not be any change. This is about newly created parcels. Any existing parcel in the State of Nevada that cannot connect to a municipal water system, by law, is entitled to sink a domestic well. The proposed amendments are not changing that.

Commissioner Prough asked about Spanish Springs Valley Ranches, within SAD 32, where a number of parcels were split and new parcels created that were under the minimum for creating a well. Commissioner Prough asked for clarification that these smaller parcels can still sink a well, and still get 2-acre feet because TMWA has no availability there. Mr. Behmaram restated that under Nevada water law, any existing parcel of land, emphasis on "existing", that cannot connect to a municipal water system is entitled to sink a domestic well. The State Engineer makes the determination whether it is feasible and/or cost prohibitive to connect to a municipal water system. Commissioner Prough stated that TMWA has come up through Bridal Path and Autumn Trails and there is domestic water. There is a parcel 300 yards up a hill that cannot have access to the water. He asked what the determining factor will be for a "new" parcel created once the road is paved. Mr. Behmaram responded that if someone is on a property with a well and the water system goes to reach them, they still will remain on the well. They can't be forced off the well unless the well fails. The State Engineer might give them a waiver to deepen the well or they might be forced to connect to the water system. Mr. Behmaram said he could visit with Commissioner Prough and address the question about the parcel being split due to the paving of the road. This is a unique situation. Ordinarily if a property owner was to split a parcel, they would have to file an application, staff would review and they would be given conditions of approval. Generally speaking, if a property is adjacent to domestic water, the State will not allow a well on the property. In this case, it is possible that the parcel nearest to the water system will be required to connect to the system. It is also possible that they can connect to the water system and rather than paying a well driller, they can pay connection fees to TMWA. Mr. Behmaram is not one hundred percent sure, but he thinks that is how it will play out.

Chair Barnes opened the public comment period. Commissioner Prough asked if the public comment had to pertain to the current item. Chair Barnes responded yes and informed Miss Brandhorst.

Cathy Brandhorst spoke about experiences she has seen with water rights.

With no more requests to speak, Chair Barnes closed the public comment period.

Commissioner Chvilicek asked since the GID language is not in motion in the packet, how should they include the additional language. Mr. Webb suggested that when reading the motion, just before the portion to authorize the Chair to sign the resolution, he recommended adding a portion that says to include the addition of subsection C to Section 110.422.01, Section C of the Ordinance as presented by staff.

Chair Barnes asked the Commission if anyone had anything additional to discuss. Commissioner Prough said being new, it seemed like they are throwing a lot of merit and trust to TMWA and asked if this was good? Mr. Webb added that this is reflective of a decision by the County Commission to transfer the water utility functions of the County to TMWA. This is a requirement that we need to do to follow the County Commissioner's policy. We need to trust TMWA. Also, they are a government agency and are responsible for municipal water in this area. We are also getting Washoe County out of the water business, which is another County Commission direction.

Commissioner Edwards 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 recommend approval of DCA 14-012 to amend Washoe County Chapter 110 (Development Code) at Article 422, *Water and Sewer Resource Requirements*, for changes required from the transfer of the water utility functions of the Washoe County Community Services Department to the Truckee Meadows Water Authority including dedication of fees, water rights, and facilities in connection with development projects in the affected areas and to delete Sections 110.422.30, *Contracts for Water Rights and Water Facilities*, and 110.706.10, *Southeast Truckee Meadows Specific Plan Impact Fee*, in their entirety; to add a new Section 110.422.02, *Definitions*; to amend Section 110.422.00, *Purpose*, for water and sanitary resource requirements for development; to clarify in Section 110.422.01, *Exceptions*, that the resource requirements do not apply to the Tahoe Planning Area and areas within the TMWA service area; to clarify in Section 110.422.05, *Applicability*, where within the County the resource requirements apply; to amend Sections 110.422.10, *Water Resources*, and 110.422.15, *Water Rights Satisfaction*, for resource requirements and water rights dedication or relinquishment requirements outside of TMWA's service area; to remove administrative and service fee requirements from Section 110.422.20, *Authority to Utilize Dedicated Water Rights and Collect Administrative Fees*; to clarify in Section 110.422.25, *Water Facilities*, the procedures to offer for dedication and to operate water delivery facilities; and, to update the Article with the current Community Services Department organization and remove references to the Department of Water Resources, Utility Services Division. Recommendations include other matters properly relating thereto, and add the language of a new item C in Section 110.422.01 as outlined by staff. He further move to authorize the Chair to sign the resolution contained in Attachment A 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 Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is or will be 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 as expected to be amended.

Commissioner Chesney seconded the motion which carried unanimously.

B. Master Plan Amendment Case Number MPA15-001 and Regulatory Zone Amendment Case Number RZA 15-001 – Hearing, discussion, and possible action:

- (1) To adopt by resolution an amendment to Sun Valley Area Plan Policy SUN.1.3 to allow the Medium Density Urban (MDU) Regulatory Zone (up to 21 dwelling units per acre) in the Sun Valley Suburban Character Management Area;
- (2) To adopt by resolution an amendment to the Sun Valley Master Plan Map, changing the Master Plan Category from Suburban Residential (SR) to Urban Residential (UR) on the subject parcel addressed as 5100 W. First Avenue, Sun Valley (APN: 085-820-31); and
- (3) Subject to final approval of the associated master plan changes, to approve a resolution recommending an amendment to the Sun Valley Regulatory Zone Map, changing the regulatory zone designation from Public/Semi-Public Facilities (PSP) to Medium Density Urban (MDU) on the subject parcel addressed as 5100 W. First Avenue, Sun Valley (APN: 085-820-31).

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the Sun Valley Area Plan are proposed. These administrative changes include a revised map series with updated parcel base and updated applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments.

Chair Barnes opened the public hearing. Chair Barnes asked for ethics or ex parte disclosures. There were none. Grace Sannazzaro reviewed her staff report.

Commissioner Horan asked for clarification of how many units are proposed on an acre site. Ms. Sannazzaro replied that they can have a maximum of 21 units per acre, there are 9.9 acres so that would be 207 units.

Commissioner Chvilicek asked how you put 21 units on an acre? Ms. Sannazzaro replied it was up to the applicant. Commissioner Chvilicek asked how you get to that level of density when

you are prohibited as to how many stories you can build. Ms. Sannazzaro said she does not know, we will have to see what the applicant comes up with. Commissioner Chvilicek asked if the developer has a development plan for the housing they want to build? Ms. Sannazzaro said they have not submitted anything to Planning and Development.

Chair Barnes opened public comment.

Derek Wilson of Rubicon Design Group, the applicant's representative stated that this project is the result of high projected housing demand in this area. He said we are all familiar with what EDAWN has been publishing as well as company relocations to the area and industrial development. As an urban planner, Mr. Wilson is excited to live in an area where there are 10 acres to use to meet future housing needs. He stated there is a lot of interest by developers of apartment complexes. They are going up all over the area. To him, that is a good trend – it keeps water use down, it keeps residences near where jobs, schools and services are. Mr. Wilson showed a map of the site location and stated that there is quite a mix of master plan categories in the area, including the MDU that they are asking for. It is not a homogeneous area, it is a mix of uses which he feels is good. His office received a call from a nearby property owner who was excited to see this project and some potential investment in the area. Mr. Wilson addressed the school capacity issue. At this stage there is no mechanism to deal with school capacity. His personal feeling is that we need to have impact fees and address this directly. Mr. Wilson stated that using the school zone student generation figures, impacts from multi-family tends to be low – in the single digits for each elementary, middle and high school for a project of this size. He does not feel that this project by itself can tip a school to its breaking point. They met with Sun Valley GID. They currently did not have any service delivery issues, they will review a final project when it comes through. They met with the neighbors, whose biggest issues were traffic on First Avenue. They felt there is speeding and reckless driving on the street. Mr. Wilson feels that is probably true and would be happy to see something done about it. It would not be difficult to include traffic calming at the entrance to the project site. As to the final design, Mr. Wilson agrees that 21 units per acre with a 2-story limit is ambitious. Theoretically, anything is possible, you could dig down and make a parking garage and make very small units, which may not be very marketable. There are design options – one solution that has been used is to put parking central to the site and ring it with the dense cluster of apartments, which can look nice. If there is no up-zoning in the Sun Valley area, the options will remain limited. He thinks it's time for the area to have some additional housing options.

Cathy Brandhorst spoke about water tanks for delivery of water to Sun Valley houses. She spoke about 21 units per acre and 207 total units for the project.

Mary Hall, as a property owner in Sun Valley, asked if children will have to be bused to different schools, and if we are overloading the already overloaded fire department, will this cause an increase in their property taxes?

Mr. Webb commented that in the public comment process, asking the question and leaving it on the table is appropriate as one of the Commissioners may ask staff to respond to the question.

With no additional requests to speak, Chair Barnes closed the public comment period.

Commissioner Horan asked if Mr. Wilson could expand on his comments about the schools and what he meant by the single digits. Mr. Wilson stated that Mike Boster, the Washoe County School's planner, gave them student generation rates for housing types. The rates were multiplied by the potential maximum number of units, in this case 207. Mr. Wilson showed a table on the overhead. The table showed elementary school at 6.6 students, middle school at 1.2 students, and high school at 6 students. That would be the impact for each school that this

site is zoned for. Commissioner Horan asked confirmation that there would be 6 elementary students out of these 200 units. Mr. Wilson confirmed and stressed that the generation rates came from the school district.

Commissioner Prough voiced concern about the schools and asked if the applicant had a grasp of the demographic we are looking at; age, income level. A total of 35 students out of 207 units is hard to grasp. Commissioner Prough would think it would be more like 100 students, 50 percent. Mr. Wilson replied that he can't claim to know more about the student generation rates than the school district. The trend in multi-family housing is that young people and young families are not able to qualify for home loans and are looking to this type of "gap housing". The families probably have kids that are not in school yet, which would account for the low student generation rates.

Commissioner Chvilicek said the numbers in Mike Boster's report, included in the staff report, were different than the numbers on Mr. Wilson's table. The table in the staff report says the impact to Lois Allen would be 17 students, impact to Trainer would be 8 students and the impact to Hug High School would be 10 students. Lois Allen has exceeded capacity and is using portable units, as is Trainer Middle School. Commissioner Chvilicek stated she does not have any other major issues with this; she would like to know how you put 21 units on one acre. She does have concern for fire service, because response time is an issue. If fire service levels drop, insurance rates go up. How will that be addressed? When schools are at capacity and from what Mr. Boster says, students will be bused to the nearest available schools and we are a service level C on roads, so we are just adding to the problem. How does this get mediated? Mr. Wilson responded that if he got the wrong numbers from Mr. Boster, he is happy to use the higher ones. To him, the numbers still seem manageable. He stated there are benefits to service delivery when you cluster developments rather than spreading out into new areas, including lower water usage, less driving, and he thinks it's easier to plan for schools. He feels students at this site have a better chance of actually going to Lois Allen while students farther out will be shifted around. The more we can do to contain service delivery areas, the better we will be in the long run. Mr. Wilson feels the fire department will be the biggest beneficiary. Potentially 200 units on these 10 acres are easier to serve than 200 houses on ½ acre lots, which causes service delivery issues and additional costs.

Commissioner Chvilicek stated that this did not fully address her question in terms of fire service levels dropping below a certain level causing insurance rate increases because of response time. The units, while contained, are 207 units and have a ripple effect on all property owners in Sun Valley because their service level will drop as well. Mr. Wilson responded that services are based on existing development and population. As long as new acquisition of services matches the new population and development then everything is fine. An infill set like this helps make service delivery more efficient. In his opinion, new construction will help pay for new services.

Commissioner Chvilicek restated her question of when response times get longer, insurance rates go up. How do you mediate that with the greater Sun Valley Community, who will be impacted because fire service will take longer to get to their emergency? Mr. Wilson said they are close to an existing fire department. Commissioner Chvilicek stated that fire has said that they are almost at capacity. Any new addition or development will impact response times. Insurance companies all over the country use these response times to define their rates. Homeowner's are very concerned about this. Mr. Wilson responded that new construction in Washoe County and in Nevada pays the highest rates of property taxes, which goes to fund local services. Older properties depreciate and their taxes go down annually. New construction pays the highest rate and the tax money will be available to fund new services including new personnel or fire equipment. Commissioner Chvilicek stated she was not satisfied with the answer but will move on.

Commissioner Edwards asked if CSD Planning and Development crafts the impact fees when they get the application. Ms. Sannazzaro replied that the only impact fees they have are the Regional Road Impact Fees that are collected for RTC. These are collected at building permit time. There is a Parks tax collected, also. Commissioner Edwards asked if there was anything collected for schools or fire. Ms. Sannazzaro answered no, not that she was aware of. She said there is a disconnect between development and funding for fire and schools. It is a policy that is beyond her level. Commissioner Edwards said he intends to bring this up.

Chair Barnes asked if Ms. Hall's question got answered and asked Ms. Sannazzaro to address it a bit more. Mr. Webb stated that the Planning Commission does not establish those policies. That will be the Washoe County Board of County Commissioners acting as the Truckee Meadows Fire Protection District or the School Board acting on behalf of the School District. If there comes a time and there is a need to ask the public for additional taxes to support additional fire service or schools, which has happened in the past, then the answer could be yes (taxes may increase). The answer could also be yes through voter initiatives, which has also happened in this region. The answer to the question is "could be" and depends on how those two governing bodies address the issues of population growth in this specific area and population growth throughout the region for their service needs.

Chair Barnes closed the public hearing and asked if there was any discussion from the Commission. Commissioner Horan said the need for housing is self-evident throughout the County. This location is up on a hill and if there are 200 homes, this is a significant impact on First Street. There's another access further around on Second, but 200 units is overwhelming for that location. He goes up to the school sometimes and egress out of there at school times is "awful". He is concerned about that aspect of the development.

Commissioner Prough stated he liked the idea of a project like this in the area. He thinks it will improve Sun Valley all around. A modern residential structure can only benefit Sun Valley. He has concerns about the schools, first and the fire department, second. As he understands the motion, it is saying they are going to let it go to the urban zoning designation but there will be other things down the road to look at; impact fees, fire; schools, etc..., while protecting the taxpayer in regards to an overburdening tax. Commissioner Prough thinks there is merit to this and can support it.

Commissioner Chvilicek stated she sees the merit in the project, also. She has some grave concerns as it moves forward and looks forward to the project developing to see what it will look like and that the issues brought forth tonight get addressed.

Deputy DA Edwards informed the Commission that for purposes of keeping the meeting efficient, if they would like to refer to a summary of what the motion entails such as moving to adopt the Master Plan changes and Regulatory Zone changes contemplated in the agenda item and then state the findings, this would save some time.

Commissioner Edwards moved that, after giving reasoned consideration to the information in the staff report, and written testimony and verbal testimony received during the public hearing, and evidence produced at the public hearing, that the required findings can be made and the Washoe County Planning Commission and the five items below with the findings 1-5 as stipulated in the staff report. Commissioner Edwards asked confirmation from DDA Edwards as to the correctness of the motion. DDA Edwards said as long as Commissioner Edwards references that he is moving to approve all the amendments stated in the agenda item. Commissioner Edwards continued, and the amendment will further implement, preserve the vision and character statement. The amendment conforms to all applicable policies. The

amendment will not conflict with public health, safety, or welfare. Commissioner Prough seconded the motion.

DDA Edwards asked Commissioner Edwards whether he was moving that the amendments in the agenda be approved. Commissioner Edwards responded he is moving that in MPA15-001, Items 1-5 be approved. Commissioner Prough seconded the motion again which carried unanimously.

Chair Barnes called for a motion on RZA15-001. Mr. Webb clarified that on page 29 is the Regulatory Zone Amendment. Findings 1-6 are on page 30. Commissioner Chvilicek moved to approve Regulatory Zone Amendment RZA15-001 as presented in the staff report and all Regulatory Zone Amendment findings 1-6. Commissioner Prough seconded the motion which carried unanimously.

- (1) Adopt an amendment to Sun Valley Area Plan Policy SUN.1.3 to allow the Medium Density Urban (MDU) Regulatory Zone (up to 21 dwelling units per acre) in the Sun Valley Suburban Character Management Area. Possible action to approve a resolution adopting an amendment to Sun Valley Area Plan Policy SUN.1.3;
- (2) Adopt an amendment to the Sun Valley Master Plan Map, changing the Master Plan Category from Suburban Residential (SR) to Urban Residential (UR) on the subject parcel addressed as 5100 W. First Avenue, Sun Valley (APN: 085-820-31). Possible action to approve a resolution adopting an amendment to the Sun Valley Master Plan Map; and
- (3) Subject to final approval of the associated master plan changes, approve an amendment to the Sun Valley Regulatory Zone Map, changing the regulatory zone designation from Public/Semi-Public Facilities (PSP) to Medium Density Urban (MDU) on the subject parcel addressed as 5100 W. First Avenue, Sun Valley (APN: 085-820-31). Possible action to approve a resolution adopting an amendment to the Sun Valley Regulatory Zone Map.
- (4) If the resolutions adopting the Master Plan amendments and the resolution recommending adoption of the Regulatory Zone Amendment are approved, direct staff to forward these amendments to the Board of County Commissioners. These approvals include administrative changes with a revised map series including an updated parcel base and updated applicable text.
- (5) It is further recommended that the Chair be authorized to sign Resolution Number 15-13 and Resolution Number 15-14 on behalf of the Planning Commission.

Washoe County Development Code Section 110.820.15 (d) Master Plan Amendment Findings

1. Consistency with Master Plan. *The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.*
2. Compatible Land Uses. *The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.*
3. Response to 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.*

Sun Valley Area Plan Policy SUN.13.1 Findings

6. *The amendment will further implement and preserve the Vision and Character Statement*
7. *The amendment conforms to all applicable policies of the Sun Valley Area Plan and the Washoe County Master Plan.*
8. *The amendment will not conflict with the public's health, safety or welfare.*

Washoe County Development Code Section 110.821.15 (d) Regulatory Zone Amendment Findings

1. Consistency with Master Plan. *The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.*
2. Compatible Land Uses. *The proposed amendment will not result in land uses which are incompatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.*
3. Response to Change Conditions; more desirable use. *The proposed amendment identifies and responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.*
4. Availability of Facilities. *There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed amendment.*
5. No Adverse Effects. *The proposed amendment will not adversely effect the implementation of the policies and action programs of the Washoe County Master Plan.*
6. Desired Pattern of Growth. *The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.*

Director Whitney asked if the Commission could take Item 9B out of order. A staff member has to leave for family obligations. DDA Edwards addressed the chair stating that it is legal and is listed on the agenda that items may be taken out of order at the Chair's discretion. Chair Barnes stated he did not see any problem with hearing item 9B.

Chair Barnes introduced Item 9B.

- 9.*B. Oral Report on how the Planning and Development Division gathers public input, to include Citizen Advisory Boards, on the development application process including Master Plan and Regulatory Zone Amendments.

Director Whitney introduced Sarah Tone with Constituent Services, Office of the County Manager. Constituent Services manages the CABs. Sarah Tone thanked the Commission for their generosity in giving her the time to go meet her family obligations. Ms. Tone stated that Constituent Services has managed the CABs for a couple of years. Their predecessor in CSD and Bob Webb had the CABs for multiple years. She still considers them the authority and goes

to them often for information. Ms. Tone stated that one thing that has occurred this year, through Commissioner direction, is that they have refocused the CABs primarily on planning issues. This allows them to create a professional business environment to hear those issues while expecting there will be more in upcoming years with the economic development that we are leaning towards, with the new TESLA effect and everything associated with that. This approach has had initial success. One concern from the community is that with multiple items on the agenda, it makes for a late night. Now, the meetings are about two hours. When the meeting needs to go longer, it does. They are getting more positive feedback and increased participation. This was started in the Spring and next year it can be revisited if things are not going well. They are also doing more CAB training on meeting efficiency so they can have more staff participation. The end result is higher level communication to the Planning Commission with information the Commission needs to make their decisions. Ms. Tone said she looks forward to comments from the Commission now or at a later time for areas of improvement. There is a loss at the CABs of intimate discussions about broader issues that constituents like to address. Those items are being moved to District Forums. The Planning Commission does not typically see the results of those meetings but they can if they would like to. The forums provide the intimate, informal opportunity to talk about broad issues without having to compete with the planning items. Ms. Tone corrected a comment from earlier in the meeting, there are now eight CABs, the Sun Valley CAB is active. Ms. Tone said she would be happy to take any questions now or at a later date.

Commissioner Chvilicek asked about refocusing the CABs primarily on planning issues and wanted to make sure that citizen input and public comment on issues and developments coming to their area was not going to be quashed. She said she was a little bit alarmed when she saw the item go before the BCC. Commissioner Chvilicek said she served on the North Valleys CAB for a number of years as did Commissioner Edwards. Speaking for the Planning Commission, they count on and expect to hear CAB responses as this is intricately important in how they make decisions and recommendations. Anything that would quell that input or make it less welcoming concerns her. Ms. Tone replied that the end effect is to give the Commission more feedback of a higher quality. The mechanism they are doing this with are providing an area where people can have the opportunity to speak their concerns and visions in a timely manner, provide them alternate opportunities to have more of the discussion/workshop avenue. Ms. Tone said they can send the Commission information from the District Forums anytime. They can also call a CAB special meeting if there is something they need to hear that didn't make it to a regular meeting. The goal is to strengthen community participation. Ms. Tone thanked Commissioner Chvilicek for the question.

Commissioner Edwards thanked Ms. Tone for showing up and getting back in the program. Being on the CAB for many years, they really do rely on CAB input. In his opinion if the CABs only hear planning items, the citizens won't show up. They go to CABs to hear from the firemen, to hear from the airport authority, and RTC. They go to CAB meetings for everything, not just planning items. Now, the planner and the developer will show up and a couple of Planning Commissioners might come. At the North Valley CAB, planning items were important but that is not only what the CABs are about. Commissioner Edwards said he is distressed to hear that this is the way they are trying to go. Now there are the District Forums where people will have to split their time in two meetings. He thinks it is a bad direction.

Commissioner Chesney said he would like to support everything that was just said. Warm Springs Rural CAB has been a controversial issue. Whoever is steering the ship is steering in the wrong direction. Commissioner Chesney said that Mr. Edwards is exactly right, you will not get anyone to show up. There has not been a meeting of the Warm Springs Rural CAB in a year, year and a half, maybe two years. Tonight is the first Community Forum and the residents are not happy with it. Commissioner Chesney said that what they (Washoe County) are doing may satisfy a need here at their level but it truly does not satisfy the people at their level and

their ability to transmit their issues and concerns to the different agencies in the County. This was the original purpose of the CABS and this stymies individual participation in the governmental process.

Commissioner Chvilicek said it is unfortunate that Commissioner Chesney could not attend his District Forum. Maybe staff could look at calendars and Commissioners will be able to attend their District Forums.

Ms. Tone said she has definitely heard from the Commission and will take it back to the team. She stated that this is a pilot program with the Board's focus for the year. Next year they can revisit this. Ms. Tone said she is seeing the opposite. She is seeing increase in participation, an increase of people attending meetings and increase in staff availability to be at the meeting. Next year they will look at it again and make sure they are meeting their goals. Ms. Tone said she will bring this back to staff and also look at scheduling of the meetings.

Commissioner Edwards asked for clarification that the "Board" Ms. Tone referenced is the Board of County Commissioners. Ms. Tone confirmed that the direction comes from the Board of County Commissioners for the direction and role of the Citizen Advisory Boards. Commissioner Edwards asked Mr. Webb if that is correct. Mr. Webb replied that the direction did come from the Board of County Commissioners.

Director Whitney stated that he was invited to the Southwest Washoe Valley CAB meeting and they had this same question as to which discretionary permits they get to see and which ones they don't. The ones they don't get to typically see are Parcel Maps, Abandonments, and Administrative Permits. The ones they do get to see are Special Use Permits, Variances, Master Plan Amendments, and Regulatory Zone Amendments. NRS dictates that some of the Parcel Maps, Abandonments, and Administrative Permits have a very short timeline. Parcel Maps are simple, they usually don't have many impacts, they are handled at staff level and per NRS there is a short turn around on those cases. Timewise this does not work with CABs. These three types of cases that the CABs won't see still have noticing requirements so the neighbors will be noticed. An example would be Administrative Permits which are noticed out 500 feet from the structure that is the subject of the permit. Another option for Administrative Permits is that the applicant can talk with the neighbors and if they all sign a form provided by Planning and Development saying that they are fine with the Administrative Permit, then the permit can be signed off by Mr. Whitney and does not need to go to the Board of Adjustment. The cases that the CABs do hear are much more involved. Special Use Permits and Variances go to the Board of Adjustment. They have noticing and are public hearings. Master Plan Amendments, for example Grace's case tonight – the Sun Valley CAB was not up and running so the applicant was asked to hold a neighborhood meeting which is one of the requirements of a Master Plan Amendment. If the CAB was up and running and the timing worked, they could have done that at a CAB meeting. staff strives to get the discretionary cases to the CABs as best as possible. Some of the CAB's do not meet every month and the cases can miss the CAB meeting. staff are not going to hold up a development application because the CAB is not having a meeting. Sarah's team will send a C-mail notice which is an email list that people can sign up to be on and they will get electronic notices. These are some different ways they get the word out to the neighborhoods.

Commissioner Edwards asked how will this be handled with the District Forum meetings? If there is no CAB, do they have a list in those areas? Director Whitney answered yes and Sarah's team keeps those lists. They will send the C-mail notice and get the word out about the forums every way they can. Commissioner Edwards sees the system falling apart.

Commissioner Chesney said that the system has fallen apart and that it is not Director Whitney's fault and it is not Sarah's fault and none of the teams' fault. It is the County Commission's fault. They did not like the feedback they were getting from the CABs so they thought they would monitor it the way they so choose. Commissioner Chesney wanted this on

for the record. DDA Edwards reminded the Chair that the agenda item was styled as a report. There have been questions to the director about the report. In terms of each person announcing a position, DDA Edwards advised that the discussion stick to questions to the director about the way that public input is gathered, including from Citizen Advisory Boards.

Director Whitney thanked the Commission for listening and for their input.

C. Development Code Amendment Case Number DCA 15-001 – Hearing, discussion, and possible action to amend Washoe County Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to clarify when a building permit is required for a cargo container; at Section 110.306.35, *Outdoor Storage/Outdoor Display*, for the definition of a commercial vehicle and for exceptions to commercial vehicle storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*, to change the name of storage containers to cargo containers to match regulations within Article 306 and to refine regulations concerning temporary contractor or owner-builder portable containers; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District's name; and, providing for matters properly related thereto.

Chair Barnes asked for ethics or ex parte disclosures. Commissioner Chesney said he had been contacted by several residents about the content of this change. There were no other disclosures.

Chair Barnes opened the public hearing. Bob Webb reviewed his staff report dated August 17, 2015.

Commissioner Chesney asked for confirmation that a 10 foot by 20 foot or 200 square foot container does not need a permit. Mr. Webb replied that a 200 square feet or more container does need a permit. 199 square feet or less does not need a permit. Commissioner Chesney asked about page 3, #6 of the amendment where parcels 40 acres in size and larger, zoned as general rural and general agricultural, are exempt from the coverage limitations. He asked if we are exempting them from the coverage limitations, why aren't we exempting them from the permitting process? Mr. Webb responded that the only thing that is being changed is taking out the word "forty" and keeping the number "40" there. Mr. Webb said that lot coverage is not connected to the permit process. Lot coverage talks about the amount of area you can cover with a detached accessory structure. Commissioner Chesney asked what is the purpose of the permit? Mr. Web replied that a permit would still be required for a detached accessory structure over 200 square feet in size whether it's a cargo container or a stick built structure. What they are talking about is when you get a permit for a container, you have an exemption for lot coverage. There is no limitation on the number of cargo containers that you can put on a parcel 5 acres or larger as long as you maintain minimum separation between containers as defined by the fire code and in the Building Division. You can cover your lot with cargo containers.

Commissioner Chesney said the original ordinance was signed off on January 24, 2012. He asked if anything installed before then is exempt from these rules and regulations? Mr. Webb answered no. Commissioner Chesney asked for confirmation that the hundreds of people in Palomino Valley who have had cargo containers on their property for 20 years now have to come in and get a permit and follow these rules and guidelines? Mr. Webb responded that these code revisions came back in 2009. If staff gets a complaint about a cargo container and staff validates the complaint, if they do not meet these requirements,

then they will have to meet the requirements. There is no “grandfathering” built into this provision of code.

Commissioner Chvilicek asked if this would be complaint driven? Mr. Webb answered yes. He said this code, and what it did in 2009, is treating this cargo container the same as a stick built detached accessory structure. They want to make sure that if requirements exist from the building code, that they have the ability to apply those for public health and safety.

Commissioner Edwards asked confirmation whether if the permanently attached container is on a foundation, it does need the permit; if it is not on a foundation, it does not need a permit? Mr. Webb replied that cargo containers exceeding 200 square feet need a permit. Mr. Webb is not aware of the Building Division requiring permanent foundations or tie downs for any cargo container; however that doesn’t preclude someone from placing a cargo container on a foundation on their own.

There was no public comment on this item. Chair Barnes closed the public comment period.

Chair Barnes asked if any Commissioner had questions for staff, the applicant or members of the public. Commissioner Chvilicek asked staff how this is different from the last cargo container regulations regarding paint color and screening? Mr. Webb responded that the proposed amendments are “tweaking” the code. The amendment Commissioner Chvilicek is referring to was requested by the Planning Commission. This amendment is different as it is coming from constituents, through County Commissioners, requesting that they tweak the code in these specific areas to address these specific concerns. The previous amendment focused on aesthetic measures of cargo containers. This amendment is equally focused on specific aspects of the use of a cargo containers and the storage of commercial vehicles. Commissioner Chvilicek asked for clarification that they are talking about temporary use of cargo containers, as a building permit is in place and a project is being developed or built, and then permanent cargo containers? Mr. Webb clarified that permanent use only requires the building permit for 200 square feet. Temporary use under the current code required a permit. That is being removed as long as there is a connection between the building permit and the use of the cargo container under the building permit. You do not need to also obtain a site plan which in essence is a building permit.

With no further discussion, Chair Barnes closed the public hearing.

Commissioner Edwards 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 recommend approval of DCA 15-001, to amend Washoe County Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*; at Section 110.306.35, *Outdoor Storage/Outdoor Display*; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District’s name. I further move to authorize the Chair to sign the resolution contained in Attachment A 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 Board of County Commissioners within 60 days of today’s date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

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.

Commissioner Horan seconded the motion. The item passed with a vote of 5 for and 1 opposed – Commissioner Chesney voting against the item.

9. Planning Items

- *A Oral report on activities and studies presently underway such as “Evaluating Regional Form and Pattern” a study being conducted by Reno, Sparks, Regional Planning and the County in conjunction with Portland State University on regional growth patterns and planning trends that will help inform decisions of the Planning Commission and County Commission during the next update to the Truckee Meadows Regional Plan.

Director Whitney distributed a two sheet handout – Urban Sustainability Accelerator Draft Work Plan, 2015-16 USA Cohort. Director Whitney stated that at the August Planning Commission meeting, there was a question on the status of the funding for Truckee Meadows Regional Planning. That question will be addressed under item 11.B. Legal Updates. Mr. Whitney thought the Commission might be interested in what is going on with the run-up to the 2017 Truckee Meadows Regional Plan Update. At staff level, they are putting together a one year project as a way to lead up to the actual start of the Regional Plan Update, which will go through a lengthy process. The handout is the first page of their draft work plan for the project. Staff from Reno, Sparks, Washoe County and Regional Planning is working on this together. They are working with a group from Portland State, which includes some professors and planning professionals in Portland. They have something called the Urban Sustainability Accelerator (USA). They help other communities with implementing and updating their regional plans. It is through the College of and Urban Public Affairs. Staff will be working with the group throughout the year, maybe bringing some of them down to meet with elected or appointed officials. Director Whitney referenced Number 3 on the handout, a short description which says that Truckee Meadows Regional Planning Agency will evaluate the key policies of the Regional Plan to understand how the Regional Plan can best support economic vitality and long term economic competitiveness in the Truckee Meadows Region. The evaluation will include two main tasks, an outreach process and a technical assessment of the Truckee Meadows Service Area (TMSA) and policies around the TMSA, and Transit Oriented Development policies (TODS). TODS have been in the Regional Plan since 2002 and are about the cities – Reno and Sparks.

There are no TODS in the County. The cities have struggled with some of the policies, rules and regulations in the Regional Plan around TODS. They would like to look at having them being fixed and being more flexible. For example, developers come to City Council meetings wanting to do a project on the South Virginia Street Corridor, which is a TOD, but the rules are too structured and inflexible. Director Whitney continued, this program will evaluate TMSA boundaries and the policies around it. The County is very restricted as to what they can and can't do within the TMSA. He is not saying this is a bad thing but they need to look at the policies and the boundary of the TMSA itself. The 2017 update is a major update to the Regional Plan. They should step back and ask if things are working – is the boundary working, too big, too small, just right? Are the policies around the TMSA working or do they need to be fixed? Planning and Development has been working on fixing some of those policies. The one on Industrial Land Use which went before the Planning Commission and the County Commission is an example. Ultimately, the project will provide both qualitative and quantitative information to assist with their upcoming update and to support the goal of the plan's effectiveness in promoting an efficient growth pattern that maximizes existing infrastructure investment, provides for consistent policy implementation and considers the cost in service provisions and promotes economic resiliency.

Director Whitney said they will also be doing public outreach to find out how the public feels about how the Regional Plan is working. With the help of the people from the Urban Sustainability Accelerator, they will be putting together a survey to get public feedback and input before the plan update starts. Director Whitney wanted to make it clear that Portland has been on the cutting edge of planning for many years but it is not the only area they are going to look at. They are going to get ideas from and look at different areas around the west. Director Whitney also made clear that this is a project to kick off the 2017 plan update, it is not the plan update itself.

Director Whitney referenced the map of the Portland Metro area. There are three different Counties and 25 different municipalities. Portland Metro oversees land use planning, a transportation system – with buses and a light rail system. They also oversee Parks and Open Space, garbage and recycling, and certain regional venues such as the zoo, convention center and the Center for Arts. The urban growth boundary on the map was adopted in 1979 and has been worked on for 35 years. Director Whitney said it was still a work in progress, there is no magic formula for regional planning. They still have contentious issues but it is functioning and is working. Some interesting facts about the urban growth boundary are that it has only expanded by 31,400 acres in 35 years. During that same time, the population within the boundary has increased by half a million people. There are many seemingly vibrant towns around Portland. They had a large failure on the right hand corner of the map– called Damascus. They tried to incorporate a new city within the urban growth boundary and for many different reasons, it did not work. They were going to have look at this again.

Director Whitney asked if there were any questions.

Commissioner Edwards asked if Director Whitney was working with Sparks and Reno on this. Director Whitney answered absolutely yes. Chair Barnes thanked Mr. Whitney for the presentation.

10. Chair and Commission Items

*A. Future agenda items

Commissioner Chvilicek asked that the Commissioners be given a shorter version of the motions. Mr. Webb answered they can do that, in coordination with legal counsel. Commissioner Chvilicek said that would be very helpful.

Commissioner Edwards requested a future agenda item to discuss impact fees in new construction for schools and fire; along with a discussion about services which can be funded through impact fees and those services which are not funded through new construction.

*B. Requests for information from staff

Commissioner Chesney requested information as to under what statutes and what legal authority can an ordinance be passed that does not exclude issues that were created previously; such as the building code changes, everyone is now automatically out of compliance and the same thing with the cargo containers. People need a definitive explanation of why things that they did 20 years ago are now, all of a sudden, illegal. Mr. Webb responded that he would give the Commission this information in a memo.

11. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items

Mr. Webb reported that 2 Development Code initiations heard at the August meeting were heard tonight. The third DCA initiation heard in August concerning stormwater will be heard at the October Planning Commission meeting. The initiation for a Master Plan Amendment for the Forest Area Plan heard in August will be heard at the October meeting.

*B Legal information and updates

Deputy District Attorney Edwards updated the Commission on the funding of the Truckee Meadows Regional Planning Agency (TMRPA). On June 23, 2015, the County Commission voted not to fund the payment of the County's portion of the funding for the TMRPA. That funding is based on an interlocal agreement that was passed pursuant to statute that requires each of the participating entities to fund the necessary expenses of the TMRPA. The Regional Planning Governing Board held a meeting on July 30, 2015. Their counsel presented them with a potential petition to challenge the County and to potentially sue the County for that money. They held off on filing the petition to give the County another opportunity to consider the matter. At the August 11, 2015 meeting, the County Commission voted 5-0 to fund the payment to TMRPA. The legal action that was threatened against the County appears to be moot. On September 10, 2015, the Regional Governing Board will have an agenda item specifically for County Commissioners to discuss their issues with regional planning.

Chair Barnes thanked Mr. Edwards for the update.

12. *General Public Comment

Cathy Brandhorst spoke about leaving the Easy Inn.

Ray Lake, a member of the North Valleys CAB said he took exception to Ms. Tone's report on the CABs. The last meeting of the North Valleys CAB was cancelled because they had no zoning changes or special use permits. The previous meeting, he overheard two ladies say that they attended these meetings so they could find out what was going on. The meeting before that, they had probably the largest meeting they had ever had. They had a presentation by the Stead Airport and Dermody properties regarding development in Stead, which is in the City of Reno. This probably would not come under their prevue with the way the CABs are now structured. Mr. Lake felt he had to take exception to the report as it was presented and will also talk with the County Commission later on.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:17 p.m.

Respectfully submitted,

Kathy Emerson, Recording Secretary

Approved by Commission in session on October 6, 2015.

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