



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Roger Edwards, Chair
D.J. Whittemore, Vice Chair
James Barnes
Sarah Chvilicek
Neal Cobb
Roy H. Hibdon
Jonathan C. Reynolds
Carl R. Webb, Jr., AICP, Secretary

Tuesday, March 4, 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, March 4, 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
Sarah Chvilicek
Neal Cobb
Roy H. Hibdon
Jonathan C. Reynolds

Commissioners absent: None

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

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

As there was no one wishing to speak, Chair Edwards closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Hibdon moved to approve the agenda for the March 4, 2014 meeting as written. Commissioner Cobb seconded the motion, which carried unanimously.

7. Approval of Minutes of the December 18, 2013 Meeting and the January 7, 2014 Meeting

Commissioner Whittemore moved to approve the minutes for the December 18, 2013 Planning Commission meeting as written. Commissioner Reynolds seconded the motion which carried unanimously.

8. Consent Items

A. Resolution Initiating a Development Code Amendment Relating to Cargo Container Placement (Article 306, Accessory Uses and Structures). Consider and adopt a resolution to initiate an amendment to Washoe County Code, Chapter 110, Development Code, Article 306 (Accessory Uses and Structures), Section 110.306.10(g), to modify certain standards for placement and mitigation of visual impact of cargo containers as permanent detached accessory structures on residential properties.

Commissioner Hibdon moved to approve Consent Item 8A; Commissioner Cobb seconded the motion which carried unanimously with no discussion.

B. Resolution Initiating a Development Code Amendment Relating to Liquor Manufacturing (Article 302, Allowed Uses; and, Article 304, Use Classification System). Consider and adopt a resolution to initiate an amendment to Washoe County Code, Chapter 110, Development Code, Article 302 (Allowed Uses) and Article 304 (Use Classification System) to regulate liquor manufacturing as a commercial use type.

Commissioner Whittemore moved to approve Consent Item 8B; Commissioner Chvilicek seconded the motion which carried with six in favor, one opposed (Commissioner Hibdon) and no discussion.

9. Planning Items and Public Hearings

A. PUBLIC HEARING: Regulatory Zone Amendment Case Number RZA13-005 (Cold Springs) (continued from the January 7, 2014 agenda) – To consider and possibly amend the Regulatory Zone map and zoning designation within the Cold Springs planning area; and, if approved, forward to the Board of County Commissioners for approval. The amendment request will re-designate one parcel of ±5.00 acres from Public and Semi-Public Facilities (PSP) to Low Density Suburban (LDS) zoning. 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: Washoe County
- Property Owner: Gustavo & Patricia Garcia
- Location: Southern terminus of Sierra View Road in Cold Springs

- Assessor's Parcel Number: 081-131-31
- Parcel Size: 5.0 acres
- Current Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Proposed Regulatory Zone: Low Density Suburban (LDS)
- Master Plan Designation: Suburban Residential (SR)
- Area Plan: Cold Springs
- TMSA: Unincorporated portion of the Truckee Meadows Service Area
- Citizen Advisory Board: North Valleys
- Development Code: Article 821, Amendment of Regulatory Zone
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 30, T21N, R18E, MDM, Washoe County, NV

Chair Edwards opened the public hearing; no disclosures were made by members of the Commission. Sandra Monsalve reviewed her staff report dated February 19, 2014.

Chair Edwards and Commissioner Chvilicek inquired as to the questions/comments received from the community. Ms. Monsalve indicated she had attended the Citizen Advisory Board (CAB) meeting and addressed the questions received there but had not received any further correspondence. Commissioner Chvilicek clarified that according to correspondence she'd received from the Citizen Advisory Board Chair, the CAB had chosen not to take any action on the item. Mr. Webb referenced the CAB meeting summary memorandum which supported that. The CAB had indicated it did not have enough information to make a recommendation.

Commissioner Hibdon voiced concern with the lack of specificity of the concerns. Commissioner Whittemore inquired as to the history of the parcel and why the County would sell land zoned for a public use. Ms. Monsalve clarified that while under County ownership, the designation had been changed from Low Density Suburban to Public and Semi-Public Facilities, as would be appropriate for a County-owned parcel. The sale to the current property owner was done without recognition that this change had occurred; it was sold as Low Density Suburban.

Commissioner Reynolds expressed appreciation to staff for allowing the item to be continued in order to address the questions and concerns of the community members.

Connie Timmer indicated she still had many questions about the property's use referencing the many years it has been vacant, limited road access, and concerns with the potential hazardous contamination from the prior barrel recycling use. Anna Williams concurred with Ms. Timmer's concerns and added her concerns that the wind carried the contaminated dust and was unsafe to the health of existing residents. Duane Stoltz echoed concerns with road access, pollution and dust; he also voiced concern with potential utility lines impacting his view.

Commissioner Cobb asked staff to address the hazardous waste concerns. Ms. Monsalve indicated her research indicated the referenced prior use had been a "clean barrel site" with no contamination wells found on the property by Health; but no records had been located to confirm this. In response to Commissioner Reynolds, Ms. Monsalve affirmed Mr. and Mrs. Garcia were the current and legal owners and had been pursuing development for about five years. Commissioner Whittemore asked staff to address concerns with road and utility access. Staff indicated utility easements are often co-located with road easements and the legal road access on the recorded map was on the southeast corner of the property. It would be

incumbent upon the owners to pursue well, septic and utility service through the building permit process.

Chair Edwards closed the public hearing. Commissioner Whittemore moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission recommends adoption of Regulatory Zone Amendment Case Number RZA13-005 having made all of the following findings in accordance with Washoe County Development Code Section 110.821.15 and having made the findings in accordance with the Cold Springs Area Plan, Policy CS.14.1 for Plan Maintenance. Commissioner Chvilicek seconded the motion which carried unanimously.

The motion was based on the following findings:

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
7. The proposed amendment will not affect the location, purpose and mission of the military installation.

Cold Springs Area Plan Finding

- CS.14.1
- a. The amendment will further implement and preserve the Vision and Character Statement.
 - b. The amendment conforms to all applicable policies of the Cold Springs Area Plan, the Washoe County Master Plan, and the Regional Water Management Plan.
 - c. The amendment will not conflict with the public's health, safety or welfare.

B. PUBLIC HEARING: Master Plan Amendment Case Number MPA14-001 (City of Reno SOI Rollback) – To amend the Master Plan maps within the North Valleys, Southwest Truckee Meadows and Verdi Area Plans being a part of the Washoe County Master Plan by changing the master plan designations of numerous properties from Special Planning Area (City of Reno Master Plan Designation) to a mix of Rural (R), Suburban Residential (SR) and Commercial (C) in order to accommodate the recent action by the City of Reno to rollback these properties from the City of Reno’s Sphere of Influence (SOI) into Washoe County’s planning jurisdiction. To reflect requested changes and to maintain currency of general area plan data, administrative changes to the North Valleys, Southwest Truckee Meadows and Verdi Area Plans are proposed. These administrative changes include a revised map series with updated parcel base, an updated parcel base, an updated Planned Land Use Table and applicable text, and other matters properly relating thereto without prejudice to the final dispensation of the proposed amendments. And if adopted, forward to the Board of County Commission for their adoption.

- Applicant: Washoe County
- Locations: West Verdi, Sunrise at Whites Creek and Grand View Terrace
- Parcel Size: ±330 acres
- Previous Master Plan: Special Planning Area (City of Reno Master Plan Designation)
- Proposed Master Plan: Rural (R), Suburban Residential (SR) and Commercial (C)
- Area Plans: North Valleys, Southwest Truckee Meadows and Verdi
- Citizen Advisory Boards: North Valleys, South Truckee Meadows/Washoe Valley, and Verdi Township (inactive)
- Development Code: Article 820, Amendment of Master Plan
- Commission Districts: 2 – Commissioner Humke
5 – Commissioner Weber
- Section/Township/Range: Sec 9 & 16, T20N, R19E; Sec 17, 19, 20 & 30, T19N, R18E and Sec 29, T18N, R20E, MDM, Washoe County, NV
- Staff Representative: Trevor Lloyd, Senior Planner
775.328.3620, tlloyd@washoecounty.us

Assessor’s Parcel Numbers Subject to the Master Plan Amendment Request:

82-650-01, 02, 03, 04, 05, 06, 12, 14, 15, 16, 17, 18, 19, 20, 22, 23
 82-660-01, 02, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 19, 23, 26
 82-262-01, 02, 08, 09, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24
 82-263-02, 08, 09, 10, 15, 17, 22, 26, 39, 42, 43, 45, 46, 50, 51, 52, 54, 55, 56
 82-270- 26, 36, 37, 38
 570-241-01, 02, 03, 04, 05, 06
 570-242-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14
 570-243-01, 02, 03, 04, 05, 06, 07
 570-251-01, 02, 03, 04
 570-252-01, 02, 03, 04, 05, 06, 07, 08, 09
 570-253-01, 02, 03, 04
 570-261-01, 02, 03, 04, 05
 570-262-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
 570-263-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17
 570-281-01

49-772-13, 14, 15, 16
142-031-05
142-272-01
142-271-01, 02, 03, 04, 07, 08
142-273-02, 03, 04, 05, 06, 07, 10, 11
142-281-04, 05, 08, 11, 12, 13, 14
142-291-01, 02, 03, 04, 07, 08, 09, 10, 11, 12
38-242-03, 13, 25, 26, 27, 29, 31, 33, 34, 35
38-250-02, 03, 04, 07, 08, 09, 10
38-260-20, 23, 25, 26
38-810-02, 03, 04, 06, 08

Chair Edwards opened the public hearing; no Commissioner disclosures were made. Trevor Lloyd reviewed his staff report dated February 20, 2014; he added that he would like the Commissioners to also consider and include the Area Plan findings.

Commissioner Barnes inquired about the transportation facilities currently existing or planned; Mr. Lloyd indicated none existed or were anticipated due to the rural and suburban character of the communities. Commissioner Whittemore asked why this action was in the best interest of Washoe County, especially with consideration of the County's limited Truckee Meadows Service Area (TMSA) acreage allotment. Staff indicated it was within the City of Reno's purview to take this action and Washoe County, per Nevada Revised Statutes (NRS) must accommodate the action and enable the property-owners the ability to continue to use their land as they had in the past. It was suggested the TMSA "bucket" concerns would be more appropriately addressed by the Regional Planning Commission members to the Truckee Meadows Regional Planning Agency.

In response to Commissioner concerns about compatibility of densities, staff clarified the County had previously assigned Regulatory Zone designations to the properties and this action would only add the appropriate Master Plan designation. Mr. Webb provided additional explanation of the annexation and roll-back processes, and the use of translation tables.

Commissioner Chvilicek asked if the Grandview Terrace parcels had previously been a part of the proposed transit-oriented development (TOD) corridor; Mr. Lloyd provided that the Verdi area had been part of a proposed corridor but he believed the North Valleys parcels were adjacent to the corridor proposed for that area.

Chair Edwards voiced concern with the impact to the TMSA "bucket" allocations and the impact to expected service delivery. Mr. Lloyd clarified that the County has continued to provide services to these areas with the exception of building permits and planning actions.

With no response to the call for public comment, Chair Edwards closed the public hearing.

Commissioner Chvilicek moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission adopt the proposed Master Plan Amendment and recommend its adoption to the Washoe County Board of County Commissioners having made all six of the following findings in accordance with Washoe County Development Code Section 110.820.15. She further moved to authorize the Chair to sign the Resolution, Exhibit A, on behalf of the Commission. Commissioner Cobb seconded the motion which carried unanimously.

The motion was based on the following findings:

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan category.
5. The proposed amendment promotes the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment will not affect the location, purpose and mission of the military installation.

North Valleys, Southwest Truckee Meadows and Verdi Area Plan Findings:

- a. The amendment will further implement and preserve the Vision and Character Statements.
- b. The amendment conforms to all applicable policies of the North Valleys, Southwest Truckee Meadows and Verdi Area Plans and the Washoe County Master Plan.
- c. The amendment will not conflict with the public's health, safety and welfare.

[Deputy District Attorney Salter left the dais at 7:28]

C. PUBLIC HEARING: Development Code Amendment Case Number DCA14-001 (Medical Marijuana Establishment Use Types) – To recommend approval to the Washoe County Board of County Commissioners to amend Washoe County Code Chapter 110, Development Code, at Article 302 (Allowed Uses), Article 304 (Use Classification System), and Article 410 (Parking and Loading) to provide for the creation of medical marijuana establishment use types in response to Senate Bill 374 as enacted by the 2013 Nevada Legislature and codified in NRS 453A (Medical Use of Marijuana). Amendments to Article 302 add four new medical marijuana establishment use types to the Commercial Use Type Table and establish the Regulatory Zones within which each use type is allowed. Amendments to Article 304 define each of the four new medical marijuana establishment use types. Amendments to Article 410 establish the off-street parking requirements for each of the four new medical marijuana establishment use types; and providing for other matters properly relating thereto.

Chair Edwards opened the public hearing; no Commissioner disclosures were made. Mr. Webb reviewed his staff report dated January 28, 2014.

With no response to the call for public comment, Chair Edwards closed the public hearing.

Commissioner Hibdon moved to not recommend approval of Development Code Amendment Case Number DCA14-001 as contained in Exhibit B to the staff report, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing. Commissioner Reynolds seconded the motion. The motion was based on an inability to make any of the four findings. Commissioner Hibdon voiced concern with the conflict with federal law and getting deeper and deeper into the drug world. Commissioner Reynolds indicated the proposition of any legalization of marijuana would have a negative impact to public health, safety and welfare, noting it's a sticky situation when legal counsel has to leave and not participate in the discussion; he expressed appreciation for being able to be involved in the conversation and state his objections. Commissioner Chvilicek reminded the Commission that the provisions being considered were for medical, not recreational, use. Commissioner Whittemore spoke to the responsibility of the Planning Commission to promote the best and safest way to implement the laws the state legislature has put forward and provide good recommendations to the elected officials. Commissioner Cobb spoke in favor of state's rights. Commissioner Barnes indicated he could make the findings in support of recommending approval of the proposed amendments.

The motion failed by a vote of two in favor (Hibdon and Reynolds); five opposed.

Commissioner Whittemore moved to recommend approval of Development Code Amendment Case Number DCA14-001 as contained in Exhibit B to the staff report, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing. He further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation, together with the draft ordinance contained in Exhibit B, to the Washoe County Board of County Commissioners within 60 days of today's date. Commissioner Cobb seconded the motion which carried by a vote of five in favor, two opposed (Hibdon and Reynolds).

The motion and recommendation for approval was based on the following findings in accordance with Washoe County Code Section 110.818.15(e):

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; and,
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.

[Deputy District Attorney Salter returned to the dais at 7:51]

10. Chair and Commission Items

- A. Discussion and possible adoption of amendments to the Rules, Policies and Procedures of the Commission.** Discussion and possible adoption of amendments to the Planning Commission's Rules, Policies and Procedures as proposed at the November 5, 2013 meeting, including possible changes to rules regarding: (i) disclosure and abstention on matters involving conflicts of interest; (ii) voting requirements to act on certain matters; (iii) motions to reconsider actions taken at a meeting; (iv) notices for meetings; (v) the meaning of denials with prejudice; (vi) terms of members of the commission; (vii) status of the secretary of the commission; and (viii) various clarifications and corrections of typographical errors throughout the rules. Other changes may be proposed and adopted at the meeting.

Mr. Webb reviewed his staff report dated January 28, 2014. Commissioner Reynolds moved to adopt the Washoe County Planning Commission Rules, Policies and Procedures as contained in Exhibit A and as modified by the Planning Commission during this item. The Board Secretary is authorized to make numbering and non-substantive editorial corrections to these rules as they are compiled and restated. Commissioner Cobb seconded the motion which carried unanimously.

B. *Report on previous Planning Commission items

In reference to the Master Plan Amendment request concerning Village at the Peak, Mr. Webb indicated the County Commission had unanimously decided not to request reconsideration of the finding of non-conformance. This will allow the developers to initiate a new application that would be in conformance with the Regional Plan to be brought forward for community and staff review and input, and it will then be scheduled to be heard by the Planning Commission again. Chair Edwards questioned the perceived value of the Planning Commission's actions and recommendations to the elected officials.

C. Future agenda items and staff reports

None

11. *Director's Items

A. *Legal information and updates

Mr. Webb indicated tentative items for the April agenda included an Abandonment Case and a Regulatory Zone request.

11A. *Legal Information and Updates

None

12. *Public Comment

With no response to the call for public comment, Chair Edwards closed the public comment period.

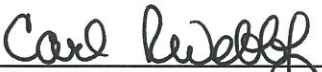
13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:58 p.m.

Respectfully submitted,


for Sara DeLozier, Recording Secretary

Approved by Commission in session on April 1, 2014.


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