



# 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, November 3, 2015  
6:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, NV

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The Washoe County Planning Commission met in a scheduled session on Tuesday, November 3, 2015, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Barnes 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  
Thomas Daly  
Roger Edwards  
Philip Horan  
Greg Prough

Staff present: Carl R. Webb, Jr., AICP, Secretary, Planning and Development  
Grace Sannazzaro, Planner, Planning and Development  
Kimble O. Corbridge, P.E., CFM, Engineering and Capital Projects  
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

Vice Chair Chvilicek 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 explained that Item 8A, the Master Plan Amendment and Regulatory Zone Amendment, would be appealable only if the Planning Commission denied the Master Plan

Amendment. The Development Code Amendment is not appealable, as it is a recommendation and will proceed to the Board of County Commissioners.

## **5. \*Public Comment**

Chair Barnes opened the Public Comment period. He disclosed that Jim Galloway met with him regarding the sign code amendment. Vice Chair Chvilicek disclosed that she and Jim Galloway are also scheduling a meeting to discuss the sign code. Commissioner Chesney disclosed that he met with Jim Galloway, as well.

Jim Galloway spoke to the Commission as an individual private citizen. He addressed a possible miscommunication and stated that he was not speaking as a spokesman for Scenic Nevada. He expressed some experience with planning policy, due to his participation with the Board of County Commissioners (BCC). He requested that each Planning Commissioner also meet with him in person or by phone, concerning the upcoming remand of the draft sign code ordinance, which was sent back to the Planning Commission on September 22 by the Board of County Commissioners. He would like to discuss a number of changes and concerns. According to Mr. Galloway, the sign code was remanded because some BCC members had their own disagreements with the staff proposal; other BCC members saw merit in the concerns from Jim Galloway, other individuals, and Scenic Nevada. Jim Galloway is concerned because the September sign code draft allows every sign in the unincorporated County to display paid advertising for products and services that have nothing to do with the products and services provided on the property on which the sign is located; this is not the case under the current ordinance. Jim Galloway provided a memo to the Board of County Commissioners explaining why he believes this is a negative change in policy. Mr. Galloway also mentioned a memo by Mike Harper, former Director and Planning Manager with Washoe County, in which Mr. Harper explained why he believes the allowed sizes for signage should be regulated according to property zoning, not property use. Mr. Harper also explained why he believes that no variances should be allowed. Mr. Harper was also present at the meeting on September 22 and is not a spokesman for Scenic Nevada. Jim Galloway stated the existence of additional problems and concerns, which he believes cannot be worked out by speaking only with County staff. He believes the opposition to the drafted ordinance should also be consulted in a serious back-and-forth conversation between Planning Commission members and one or more of these opponents to the ordinance as drafted. Mr. Galloway asked the Planning Commission members to accept his invitation to discuss the ordinance in a less formal setting. He provided his cards, with his phone number, to the Planning Commission's Recording Secretary.

Cathy Brandhorst spoke about the homeless and thefts.

There were no additional requests to speak.

## **6. Approval of Agenda**

In accordance with the Open Meeting Law, Vice Chair Chvilicek moved to approve the agenda for the November 3, 2015 meeting as written. Commissioner Edwards seconded the motion, which passed unanimously with a vote of seven for, none against.

## **7. Approval of October 6, 2015 Draft Minutes**

Commissioner Prough moved to approve the minutes for the October 6, 2015, Planning Commission meeting as written. Commissioner Daly seconded the motion, which passed with a vote of six for, one abstention.

## 8. Public Hearings

### A. Master Plan Amendment Case Number MPA15-006 and Regulatory Zone Amendment Case Number RZA15-007 – Hearing, discussion, and possible action:

- 1) To adopt by resolution an amendment to the Spanish Springs Master Plan Map, changing the Master Plan Category from Suburban Residential (SR) to Industrial (I) on one ±60.15 acre parcel; and
- 2) Subject to final approval of the associated Master Plan Amendment, to approve a resolution recommending adoption of an amendment to the Spanish Springs Regulatory Zone Map, changing the Regulatory Zone from Low Density Suburban (LDS) to Industrial (I) on one ±60.15 acre parcel.

To reflect changes requested within this application and to maintain currency of general area plan data, administrative changes to the Spanish Springs 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.

- Applicant/Property Owner: Mystic Mountain LLC
- Location: Adjacent to the west of the Pyramid Highway (SR445); approximately one-third mile north of Ingenuity Avenue and approximately one-third mile south of Pebble Creek Drive.
- Assessor's Parcel No: 538-171-09
- Parcel Size: ± 60.151 acres
- Existing Master Plan Category: Suburban Residential (SR)
- Proposed Master Plan: Industrial (I)
- Existing Regulatory Zone: Low Density Suburban (LDS)
- Proposed Regulatory Zone: Industrial (I)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 820, *Amendment of Master Plan*  
Article 821, *Amendment of Regulatory Zone*
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 14, T21N, R20E, MDM,  
Washoe County, NV

Chair Barnes requested that Mr. Webb give a description of the item.

Chair Barnes asked for ethics or ex parte disclosures. There were no disclosures.

Chair Barnes opened the public hearing. Grace Sannazzaro reviewed her staff report.

Chair Barnes invited questions from the Commissioners. Commissioner Horan asked if the Planning Division received any feedback as a result of the public meetings.

Ms. Sannazzaro received two phone calls. One caller inquired about the location of the property. The other caller asked about the traffic, and Ms. Sannazzaro sent this caller a copy of the traffic report.

Vice Chair Chvilicek referenced a document called, "Comments and Questions from Neighborhood Meeting on October 5, 2015," which was included in the staff report. The document outlines a series of questions, but does not include responses to the questions. Vice Chair Chvilicek asked if there were responses, regarding how the applicant addressed those questions with the citizens who were at the meeting.

Ms. Sannazzaro deferred to the applicant for the answer to Ms. Chvilicek's question.

Commissioner Edwards referred to percentages of industrial, commercial, and residential in Spanish Springs and a balance among these three which was established several years ago. At that time, many residential limits and commercial limits were suspended. Commissioner Edwards asked if we remain within the changes that were made for the industrial being added there. Commissioner Edwards believes the location is perfect and fulfills a need that has been discussed. He believes this change makes a lot of sense, but he wanted to know if the percentage needs to be changed again or if it was suspended enough that it's no longer an issue.

Ms. Sannazzaro replied that the 9.86 percent cap in the Spanish Springs Area Plan was for commercial industrial, and that is being removed from the Area Plan. This is one of the policies and one of the findings. It has been approved by the Board of County Commissioners and is pending going to Regional to be found in conformance. The Regional Plan (Policy 1.3.3) also allows up to 150 additional acres of contiguous industrial zone in the unincorporated area of Spanish Springs (Washoe County) for the next ten years.

Commissioner Edwards said that the Planning Commission has wrestled with the issue of where the industrial is going to expand during the past couple of meetings. Mr. Edwards asked about Regional's request to expand the industrial in the unincorporated County; he wanted to know if this was the change.

Ms. Sannazzaro replied, "Yes."

Commissioner Edwards mentioned not seeing anything happening in the neighborhood, other than the expansion of residential.

Chair Barnes asked if the applicant would like to make a presentation.

Robert Sader is a partner in Hawco Properties. The applicant, Mystic Mountain, LLC, is an affiliate of Hawco Properties. Mr. Sader stated that the company has owned the land since the early 1900's, about 1910, and their partners, who are all local in this area, have continued to develop the property slowly and incrementally over the years. One principal, Jesse Haw, the president of Hawco Properties, and the traffic engineer, Paul Solaegui, are in the audience. Mr. Sader stated that he, Mr. Haw, and Mr. Solaegui had nothing to add to the staff report, which they support. They were present in order to help with any questions or comments from the Planning Commission. Mr. Sader addressed Vice Chair Chvilicek's question about the "Comments and Questions..." document. He explained that the questions-and-answers document was created by Hawco Properties and sent to the residents with the notice of the meeting. They anticipated the questions that residents might ask. They answered most of the questions that residents have in writing in the packet. Mr. Sader offered to answer questions about any specific comments. The company's desire is to get the word out to the neighborhood as much as possible. They've tried to be good neighbors for many years. Most of the subdivisions were on their land originally and were originally developed by Hawco Properties in the northern part of Spanish Springs. They're invested in the area.

Commissioner Prough disclosed that he lives in District 4. He expressed appreciation for the product that Hawco builds; he appreciates the positive impact of their development on the community. Commissioner Prough had some traffic questions for Paul Solaegui. Commissioner Prough has lived twelve years on the east side of Calle de La Plata in the Spanish Springs Valley Ranches. He has seen a continued increase in traffic, heard the traffic reports, seen more crosses on the side of the road from people who have been killed, and experienced increased difficulty in getting out on the road. Although a traffic light is not warranted in the area, Commissioner Prough thinks it would be a good community service to at least make some slow-down lanes to turn into Calle de La Plata from north bound Pyramid. It goes from 55 mph to 65 mph at that point. He sees trucks going up that road without slowing down, and additional industrial building can promote more trucks. He asked Mr. Solaegui what he would think of something that could help the community.

Mr. Webb asked the Commission to keep in mind that Master Plan Amendments and Regulatory Zone Amendments cannot be conditioned. Approval is granted without conditions. If specific development proposals come up in the future, then based on the context of those proposals, those specific development proposals can be conditioned.

Commissioner Prough expressed that he is new to the Commission and still learning. He does know his concerns and the concerns of the citizens his area.

Paul Solaegui stated that when these traffic studies are begun, they contact agency traffic engineering staff to seek input. Their primary access is on Ingenuity there. At Calle de La Plata, the vast majority of the trips that they assign are through trips. They have a very small percent from the east and a few from the west. The agencies did request that the Calle de La Plata intersection be included in the analysis. Mr. Solaegui's belief is that the agencies want to continue to monitor the intersection. They'd look at a traffic signal warrant in future years. On the most lenient of warrants, it was starting to be in the ballpark where a traffic signal might be needed. Federally established guidelines tell you when you can put in a traffic signal. When you put in a traffic signal, you change the type of accidents that occur at an intersection. So there is a caution not to put in traffic signals at an inappropriate time. In Mr. Solaegui's mind, the traffic engineering agencies are continuing to monitor that intersection, as they are Ingenuity Avenue. They are evaluating left-turn storage and the timing of when a signal might be appropriate. The monitoring continues. It hasn't hit the trigger to be required. The turn lanes that exist at Ingenuity are sufficient for their access based on the criteria. They are attempting to address the points of Commissioner Prough's concern. A signal can only be installed on Pyramid Highway if NDOT concurs that a signal needs to be installed. They could not install the signal based on their own desire.

Commissioner Prough mentioned that a traffic light was installed at Golden View Drive and Pyramid Way when Summit Christian Church built their church. At most they have a lot of traffic on Sunday. He referenced daily traffic out there, which is far more. He understands the warrants and the federal guidelines, but he has some grave concerns, because he has seen people hit there.

Vice Chair Chvilicek addressed Robert Sader and referred to the question-and-answer document. Many of the questions that were asked at the community meeting are not addressed in the Q and A in the Commissioners' packets. Vice Chair Chvilicek expressed awareness that no actual plan has been submitted for what the industrial zone will look like or what will be added, but she believes they must have an idea of what sort of industrial product buildings will be placed there. She believes the residents need to know, as the product moves closer to their homes, what will be the buffering and the effects on their property and the impact fees and such. She stated that most of the questions were not directly answered.

Robert Sader responded that the questions were directly answered at the meeting.

Vice Chair Chvilicek asked for a summary of the responses and answers, other than the Q and A in the packets.

Robert Sader stated that nothing additional was submitted to the Commission, but that he would be happy to answer any of the questions for Vice Chair Chvilicek. He and Mr. Haw were the ones who answered questions at the meeting.

Chair Barnes opened public comment.

Don Christensen is a resident of the Horizon Ridge subdivision, which is immediately proximate to the Ingenuity Avenue intersection – east of the intersection and southeast of the proposed project. Mr. Christensen stated that he did not receive notice of the October meeting, probably because he is located just beyond the 750-foot requirement. He pointed out Page 16 of the traffic study, which refers to reverse commute benefits, and a table on Page 17, which discusses directional distribution of the traffic. Mr. Christensen believes this traffic study was designed to show impact on the Pebble Creek group. Pebble Creek is on the west side of the highway, while Mr. Christensen's subdivision is on the east side. The only egress and ingress to the Horizon Ridge subdivision is one street, Horizon View Drive, which is opposite, to the east, of Ingenuity. Mr. Christensen has seen an exponential increase in traffic in the four years he has lived there. Horizon Ridge was purchased after a default in which construction was stopped, and now there will ultimately be 300 homes in the subdivision, with one access. For Mr. Christensen's and his neighbors' purposes, the directional distribution provided in the report is upside down. It is very difficult to make left-hand turns at commute time, and he is concerned about the increased traffic. He believes another access, other than Ingenuity, is needed. He believes the proposition is wonderful at face value, but for his growing subdivision, it is very difficult. He does not believe that the traffic study addressed his subdivision properly.

Cathy Brandhorst spoke about landscaping, houses, traffic concerns, and Pyramid Highway.

Chair Barnes invited any Commission questions.

Commissioner Edwards mentioned that his maps, such as the Vicinity Map on Page 7, do not show the access roads being discussed, and the other maps are too faded for him to see what is happening. He mentioned that traffic concerns are always an issue in Spanish Springs, and he'd like to see clearer maps in the future.

Chair Barnes closed the public hearing and called for any discussion among the Commissioners.

Deputy District Attorney Edwards requested time to address one issue with Commissioner Prough. DA Edwards addressed Commissioner Prough's statement that he owns a house in the vicinity. He asked if the house is on the other side of Pyramid Highway from where the proposed property is located. DA Edwards asked Commissioner Prough to estimate how much distance is between his own property and the property being discussed.

Commissioner Prough stated about three miles.

DA Edwards stated that the law deems homeowners qualified to give opinions about the value of their homes. He asked Commissioner Prough if approval or denial, one way or another, on this request tonight would significantly affect the value of his property.



Commissioner Prough does not believe the value of his property would be affected, and he is a realtor.

DA Edwards stated that the ethics law requires abstention only where independence of judgement of a reasonable person would be materially affected. He asked Commissioner Prough if his independence of judgement would be affected by the fact that he owns a house in the area.

Commissioner Prough does not believe his judgement will be affected.

DA Edwards wanted to add this into the record. He thanked Commissioner Prough for making the disclosure about the location of his home earlier in the discussion.

Chair Barnes asked the Commissioners if they would like any further discussion – no discussion. Chair Barnes called for a motion.

Commissioner Edwards, after giving reasoned consideration to the record in this case, including but not limited to the information contained in the staff report and the information presented during the hearing on these items, moved to approve Master Plan Amendment Case Number MPA15-006 and Regulatory Zone Amendment Case Number RZA15-007, based on all of the findings as outlined in the staff report. He further moved to certify the resolutions and the proposed Amendments in MPA15-006 and RZA15-007 as set forth in the staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolutions 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.

#### **Spanish Springs Area Plan Findings - Policies SS.17.1 and SS.17.2 (a part of the Master Plan)**

6. The amendment will further implement and preserve the Vision and Character Statement.

7. The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.
8. The amendment will not conflict with the public's health, safety or welfare.
9. A feasibility study has been conducted, commissioned and paid for by the applicant, relative to municipal water, sewer and storm water that clearly identifies the improvements likely to be required to support the intensification, and those improvements have been determined to be in substantial compliance with all applicable existing facilities and resource plans for Spanish Springs by the Department of Water Resources. The Department of Water Resources will establish and maintain the standards and methodologies for these feasibility studies.
10. A traffic analysis has been conducted that clearly identifies the impact to the adopted level of service within the [unincorporated] Spanish Springs Hydrographic Basin and the improvements likely to be required to maintain/achieve the adopted level of service. This finding may be waived by the Department of Public Works for projects that are determined to have minimal impacts. The Department of Public Works may request any information it deems necessary to make this determination.
11. For commercial and industrial land use intensifications, the overall percentage of commercial and industrial regulatory zone acreage will not exceed 9.86 percent of the Suburban Character Management Area. [Removal of this commercial/industrial cap is pending conformance review by the Truckee Meadows Regional Planning Commission. The Regional Plan has recently been amended to allow an increase in the size of the existing contiguous industrial land use in the Spanish Springs Area Plan by no more than 150 acres over the next 10 years.]
12. If the proposed intensification will result in a drop below the established policy level of service for transportation (as established by the Regional Transportation Commission and Washoe County) within the Spanish Springs Hydrographic Basin, the necessary improvements required to maintain the established level of service are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification. For impacts to regional roads, this finding may be waived by the Washoe County Planning Commission upon written request from the Regional Transportation Commission.
13. If roadways impacted by the proposed intensification are currently operating below adopted levels of service, the intensification will not require infrastructure improvements beyond those articulated in Washoe County and Regional transportation plans AND the necessary improvements are scheduled in either the Washoe County Capital Improvements Program or Regional Transportation Improvement Program within three years of approval of the intensification.

#### **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 affect 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.
7. Effect on a Military Installation When a Military Installation is Required to be Noticed. The proposed amendment will not affect the location, purpose and mission of a military installation.

Commissioner Chesney seconded the motion. Chair Barnes called for any discussion on the motion.

Vice Chair Chvilicek summarized that this Master Plan Amendment will move from residential to industrial and asked if industrial plans will be brought before the Planning Commission as they are developed.

District Attorney Edwards responded that all of the general rules regarding property use will remain applicable to the property. If the applicant comes back with a project that requires a special use permit, an administrative permit, subdivision, etc., then the project will go through the normal permitting processes. Any applicable discretionary permits and any applicable building permits will be necessary as well. DA Edwards responded, "Yes," as the general answer to Vice Chair Chvilicek's question.

Mr. Webb clarified that the project would go before the appropriate appointed body, which might be the Board of Adjustment, rather than the Planning Commission. In many cases, certain uses would be allowed. Allowed uses must still meet the standards in the Development Code. There are also standards that are outlined specifically for the business park. If approved, this property would become an adjunct to the business park and would have to meet those standards, as well, even if it is an allowed use.

Chair Barnes invited any further discussion on the motion.

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

**B. Development Code Amendment Case Number DCA14-014** – Hearing, discussion, and possible action to amend Washoe County Code, Chapter 110, Development Code, by repealing the existing storm water discharge Ordinance 1223 (2003) and replacing it by amending the Washoe County Code at Chapter 110 (Development Code) to create Article 421, *Storm Water Discharge Program*, in order to update, codify and provide best management practices relating to the storm water discharge program and the National Pollutant Discharge Elimination System (NPDES) permit issued to Washoe County, and other matters necessarily connected therewith and pertaining thereto.

Mr. Webb provided a brief description of the item, at the request of Chair Barnes.

Chair Barnes asked for ethics or ex parte disclosures. There were none. Chair Barnes opened the public hearing. Kimble Corbridge reviewed his staff report dated August 28, 2015.

Chair Barnes invited questions from the Commission. There were no questions.

Chair Barnes opened public comment.

Commissioner Edwards requested confirmation that public comment must be contained to the item at hand and that the Commission can interrupt public comment if it gets off track.

Chair Barnes confirmed that public comment for these items must be specific to the item and gave the Commission permission to interrupt if public comment gets off track.

Cathy Brandhorst spoke about the storm water discharge program and uses of water in the river.

Commissioner Edwards interrupted Ms. Brandhorst's comment with the belief that she was speaking off the topic of the storm water ordinance.

District Attorney Edwards stated that the agenda limits this public comment to focus on the item, but he believed some leeway should be granted. Ms. Brandhorst did begin her comment by referencing the storm water discharge program. DA Edwards believes that as long as a reasonable relationship exists between the comments and the item, then the Chair should allow the comment to continue. He advised the Chair to remind the speaker that comments must be about Item 8B and allow the speaker to proceed. Comment can be limited to being related to the item.

Chair Barnes reminded Ms. Brandhorst to make comments specific to Item 8B.

Ms. Brandhorst completed her comments about storm water discharge, the reservoir, and water usage from the river.

Chair Barnes asked for any additional Commission questions for staff or members of the public.

Vice Chair Chvilicek offered a comment of commendation and appreciation to the staff for putting together the development code amendment and acknowledging best management practices.

Chair Barnes closed the public hearing and asked for any discussion among the Commission. There was no discussion, and Chair Barnes called for a motion.

Commissioner Prough, after giving reasoned consideration to the record in the case, including but not limited to the information contained in the staff report and the information presented during the hearing on the item, moved to approve Development Code Amendment Case Number DCA14-014, based on all of the findings as outlined in the staff report. He further

moved to certify the resolution and recommended approval of the amendment as set forth in the staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

#### **Findings for DCA14-014:**

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 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 the land within the Regulatory Zones.
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, which passed unanimously with a vote of seven for, none against.

District Attorney Edwards requested to note something for the record. He asked the clerks to confirm that during the discussion regarding the scope of public comment, the speaker's time for public comment was paused and the speaker was allowed to use the full amount of time.

Recording Clerk Emerson confirmed that the timer was paused.

## **9. Planning Items**

**\*A. Appointment of members to the Design Review Committee by the Chair** – Report from staff on Chair appointment of new alternate members to the Design Review Committee.

Mr. Webb provided an explanation of the item in Trevor Lloyd's absence. The Development Code creates the Design Review Committee as a subcommittee of the Planning Commission. The Design Review Committee provides design review conditions on projects that are selected by the Planning Commission and by the Board of Adjustment. As the Code is written, the Planning Commission Chair appoints all of the Design Review Committee members, with the exception of the Board of Adjustment members to the Design Review Committee. The Planning Commission itself doesn't take action to appoint members to the Design Review Committee; it's the Chair. The Design Review Committee has been sitting on the sidelines for several years, but Planning is finally receiving more development applications that the Design Review Committee is beginning to meet again. New members are now needed. Planning will be going to the Chair and seeking his approval of appointments. Chair Barnes currently has one appointment that he will be considering, after Mr. Webb's report, for the planning representative on the Design Review Committee. Planning will go directly to the Planning Commission Chair, ask the Chair to

make the appointments, which he will sign and date, and that member's appointment will start on the date when the Chair signs the appointment letter. An appointed member will serve a four-year term. Two successive terms are allowed.

Chair Barnes stated that he would sign the proposed appointment of Lucia Maloney.

## **10. Chair and Commission Items**

### **\*A. Future agenda items**

None.

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

Commissioner Daly requested a timeframe to reconsider the sign code ordinance.

Mr. Webb explained that a letter had been emailed by Bill Whitney on October 26, 2015, regarding the topics which were remanded from the Board of County Commissioners back to the Planning Commission. A specific date has not been set to bring these sign code ordinance topics back to the Planning Commission, but the expectation is one of the meetings in early 2016. Staff is completing additional background work before bringing those issues back to the Planning Commission. Mr. Webb advised the Commission to contact Planning staff directly (Trevor Lloyd, Bill Whitney, or Bob Webb) or Nathan Edwards, as legal counsel, if they have questions prior to the meeting.

Vice Chair Chvilicek requested a copy of the letter updating Lora Robb's progress on the review of the Aggregate Pit in the North Valleys' area.

Mr. Webb explained that Ms. Robb spoke with Commissioner Edwards earlier in the evening and intended to speak with Vice Chair Chvilicek, as well. Ms. Robb has done some background research and has a draft of a letter that is waiting for Director Whitney's final review. The last five-year review of the aggregate pit was done in 2012. Ms. Robb's draft letter notices the aggregate pit owners of certain requirements and obligations they need to complete, specifically for a required annual report, and also for the next five-year review. Ms. Robb will be doing site visits. The five-year review is 2017.

Vice Chair Chvilicek would like a copy of the draft letter, in addition to the copy that Commissioner Edwards received.

## **12. Director's and Legal Counsel's Items**

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

Mr. Webb shared that the Development Code Amendments on cargo containers and on the rewriting of some of the water resource requirements in the Code were passed by the County Commission and will become effective on November 6, 2015. The Sun Valley Master Plan Amendment and Regulatory Zone Amendment were approved by the Board of County Commissioners and are moving on to Regional for conformance review. The Master Plan Amendment for the Forest Area Plan and the Regulatory Zone Amendment for Canyon Drive are on the agenda for the November 10, 2015, Board of County Commissioners meeting.

Mr. Webb announced an APA signature webinar series entitled, "Effectively Communicating with the Planning Commission," being held in Planning's Mount Rose Conference Room on November 4, 2015, from 1:00 p.m. through 2:30 p.m.

The Board of Equalization meets in February 2016 and is often held in the Commission Chambers. The Health conference room has been reserved as a backup location for the February 2016 Planning Commission meeting. The February Planning Commission meeting location will be confirmed in January 2016.

Mr. Webb discussed optional water bottle donations by and for members of the Planning Commission.

**\*B** Legal information and updates

DDA Edwards provided an update on the lawsuit filed by property owners in the Warm Springs Area against the County. These property owners are seeking refunds of fees that were paid in connection with infrastructure development in the Warm Springs area. An oral argument on the County's motion to dismiss the lawsuit is set on December 17, 2015, at 2:00 p.m., in the Second Judicial Court.

**13. \*General Public Comment**

Cathy Brandhorst spoke about wires and poles going up and about utility needs.

**14. Adjournment**

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:49 p.m.

Respectfully submitted,

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Kathy Emerson, Recording Secretary

Approved by Commission in session on November 3, 2015.

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