



WASHOE COUNTY PLANNING COMMISSION Draft Meeting Minutes

Planning Commission Members

Larry Chesney
Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
R. Michael Flick
Kate S. Nelson
Larry Peyton
Pat Phillips

Tuesday, November 2, 2021
6:00 p.m.

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

Secretary

Trevor Lloyd, Secretary

and available via
Zoom Teleconference

The Washoe County Planning Commission met in a scheduled session on Tuesday, November 2, 2021, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

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

1. Call to Order and Determination of Quorum [non-action item]

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

Commissioners present: Larry Chesney (via Zoom)
Sarah Chvilicek (via Zoom)
Francine Donshick
Michael Flick
Kate Nelson
Pat Phillips

Commissioners absent: Larry Peyton

Staff present: Trevor Lloyd, Secretary, Planning and Building
Roger Pelham, Senior Planner, MPA, Planning and Building
Chris Bronczyk, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building
Adriana Albarran, Office Support Specialist, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. Pledge of Allegiance [non-action item]

Commissioner Flick led the pledge to the flag.

3. Ethics Law Announcement [non-action item]

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

4. Appeal Procedure [non-action item]

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

5. Public Comment [non-action item]

Chair Donshick opened the Public Comment period.

Public Comment:

Mark Neumann stated he received the notice regarding Highland Village. He stated he couldn't get through all the materials on the computer. He said he attend October 20th meeting and spoke with the developer and Marc. He said Sun Valley doesn't have a CAB meeting due to COVID. He said he would like this tabled and sent to the Sun Valley residents so it can be planned appropriately. He said he would like to see it medium density instead of high density.

Justin Norvick stated he is a long-time Reno local and graduated from UNR with an engineering degree. He said he was traveling out to Redrock, and a lot of people were speeding. He said the large trucks were struggling to stay in their lane and he's worries about pedestrians. He said Silver Knolls was just approved. It was acknowledged in the North Valleys/Spanish Springs traffic study that there will be a huge increase in population without adequate infrastructure for the pedestrians. The slopes are more than 2:1. It's not safe around Silver Lake. There are curves without 2 foot shoulders. The traffic studies focus on Moya Blvd to the south, but don't address the first five miles between Moya Blvd and the new subdivision. He said he is concerned it's going to be heavily traveled, and it's not adequate. He asked if we could increase the regional road impact fee. He stated he is afraid this will be put off for decades, and the infrastructure is not there.

There was no further response to the request for public comment.

6. Approval of Agenda [For possible action]

Chair Donshick indicated that Staff asked to move item 8C, Amendment of Conditions Case Number WAC21-0006 (A Dog's Life), up to the first agenda item, making the new order of items 8C, 8A, 8B.

Commissioner Nelson moved to approve the agenda for the November 2, 2021 meeting with the new item order C, A, B. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Peyton – absent.

7. Approval of the October 10, 2021 Draft Minutes [For possible action]

Commissioner Chesney moved to approve the minutes for the October 10, 2021, Planning Commission meeting as written. Commissioner Phillips seconded the motion, which passed with a vote of five for, none against; Commissioner Flick – abstained and Commissioner Peyton – absent.

8. Public Hearings [For possible action]

C. [Amendment of Conditions Case Number WAC21-0006 \(A Dog's Life – Extension\)](#) –
For hearing, discussion, and possible action to approve an amendment of conditions for WSUP19-0030 (A Dog's Life SUP) for an extension of time of 2 years for a proposed

Commercial Kennel. The project site will consist of a 20,000 square foot building, associated landscape, and parking. The building will contain 15,000 sf of space for boarding and doggie day care, 2,000 sf for retail use, and 3,000 sf for a contractor's office.

- Applicant: Richard and Christine Wilson
- Location: Corner of Ingenuity Avenue and Pyramid Highway
- APN: 530-492-01
- Parcel Size: 2.75 Acres
- Master Plan: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 810, *Special Use Permit*
- Commission District: 4 – Commissioner Hartung
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building

- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Planner Chris Bronczyk provided a presentation.

Discussion by Commission:

Commissioner Chvilicek asked why the County added additional conditions. Mr. Bronczyk stated one of the conditions was provided by Air Quality. An air quality permit is required when the applicant breaks ground. That might have been left out in the original review process. The conditions from the original SUP are applicable, and the applicant needs to submit an action order for the current amendment of conditions, as well as the original. The final condition that was amended was the timeframe, giving the applicant a two-year extension from today's date, if it's granted.

Ian Meyer with CFA, the consultant for the project, stated that they agree with Staff and the revised conditions.

Public Comment:

Rich Wilson, the applicant, said that they've been on this journey for quite some time. The pandemic hit at the worst possible time. He said it's been his dream for a long time and they've worked hard to make this dream a reality. With the way the Covid hit everyone, this extension would be exactly what is needed to move forward.

There was no further response to the request for public comment.

Motion: Commissioner Flick moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number WAC21-0006 for A Dog's Life, with the amended conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30.

Commissioner Chesney seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Peyton – absent.

Chair Donshick convened the Capital Improvements Advisory Committee (“CIAC”), with members of the Planning Commission and CIAC member Kenneth Krater, for this item only.

A. For possible action, pursuant to NRS 278B.150 and Washoe County Code (WCC) 110.706.05, to recommend approval to the Washoe County Board of County Commissioners to adopt the 7th Edition of the Regional Road Impact Fee (RRIF) General Administration Manual (GAM), RRIF Capital Improvement Program (CIP) and the revised fees for unincorporated Washoe County. The RRIF is an NRS Chapter 278B impact fee designed to generate revenue for the construction of regional roads and associated improvements in the community and has been periodically amended upon the adoption by the Regional Transportation Commission (RTC) of updated versions of the GAM, CIP, and fees. The amount of the fees is based on the most recent version of the CIP in effect and is calculated according to the formula set forth in the GAM. If approved, authorize the Chair of the Planning Commission, on behalf of the CIAC, to sign a resolution to that effect that also recommends the adoption of any necessary ordinances to implement these amendments.

- Prepared by: Mitchell Fink, RRIF Administrator
Washoe County Community Services Department
Engineering and Capital Projects Division
- Phone: 775.328.2050
- E-mail: mfink@washoecounty.gov

Dale Keller, Engineering Manager with RTC, provided a presentation.

Discussion by Commission:

Ken Krater stated the City of Reno hired him to develop the impact fee program, which morphed into the regional road impact fee. He spoke in regard to the administrative manual and land uses. He said a lot of fee has to do with the trip generation manual which was developed by the Institute of transportation engineers, which is the worldwide authority on traffic and transportation. He said when he started in traffic engineering, this was the trip generation manual single volume. It's morphed into three giant volumes. They found over the years that trip generation is dependent not just on land use, but the variables within land use – building square footage, number of employees, the number of acres; there is a lot to it. He spoke about the importance of the level of detail the ITE has put into the trip generation manual.

For residential uses, within the last several editions, townhouses and condos have been considered multi-family uses. They were called out as multi-family residential use but put in the single-family use. If it's three or more units, it's considered multi-family. If it's an attached townhome or condo, those uses generate the same as an apartment. He said he had brought this up with the City of Sparks and Reno, and they all agreed. He said he would like to clarify in the administrative manual that the townhouse or condominium with three or more units be considered a multi-family residential unit and not a single-family unit. If you are not generating that much traffic, you should be considered a multi-family residential unit. Secondly, dealing with industrial development, what has happened in the last several years is now there are these e-commerce fulfillment centers. There's now a land-use category in the trip generation manual: code 155, high cube fulfillment center warehouse. For example, the Amazon facility out on Lemmon Drive would fit within this category. And ITE has found that these types of fulfillment centers generate about 4.7 times more traffic than a normal warehouse and distribution facility. So, if an Amazon e-commerce facility moves into this community, they should pay the higher rate and not get the benefit of the typical warehouse distribution facility. All you have to do is look in the parking lot and see that they clearly generate far more traffic.

It should be added as an additional land use category within industrials to have that land-use code for 155 for the high cube fulfillment. It's a difference of 1.74 trips per thousand square feet versus 8.18 per thousand square feet; a marked difference. RTC has tried to simplify the land-use categories, and for good reason, because it's challenging for the layperson to look at all these land-use categories. Another land-use category that has to do with small businesses that would benefit is a veterinary clinic. Right now, veterinary clinics are grouped together with a medical-dental office. A veterinary clinic generates far less traffic than a medical office building to the tune of 21.5 trips per thousand square feet versus 34.8 for a medical office building. We want to help our small businesses. Mr. Krater said we want to be fair, and he would like RTC to look at adding a veterinary clinic to the land use category.

The last category to look at is student housing. The trip generation manual has also done a lot of research on student housing. We've had a lot of student housing coming in this community, and right now, it's just lumped in with multi-family housing. Student housing generates a lot more traffic than an apartment building. These student housing complexes are very lucrative. They make a lot of money in these projects, so they ought to pay our community for the impacts they create with the traffic they generate for those complexes.

The last question relates to traffic report guidelines. City of Sparks, City of Reno, Washoe County have similar guidelines, but they're not the same. There's also a requirement within the administrative manual for traffic studies, and it speaks to how many trips you generate. If you generate more than 100 peak hour trips, you have to look at an access and entry study for the project. If there are 200 or more, you have to do a full-blown study. It's time for the three different entities to require the same across the board. It just makes it easier for everybody knowing what the rules are. That way, there's no confusion. He said he would love to see RTC work with the three entities and create the same standards across the board that would help the developers and community as a whole.

Dale Keller addressed Mr. Krater's questions. With regard to the different types of land uses, he said Mr. Krater recommended a simpler way to administer the program, and that is what RTC has done. RTC has reviewed the categories and they understand that there will always be some type of exception, such as a veterinary hospital or one offs. In the administrative manual, there are ways to do your own traffic study to show less impact than the category you are in. This will help avoid the extensive lists; they idea came up and was vetted through the RRIF Technical Advisory Committee (TAC). We also talked about student housing and e-commerce, the additional trips generated by that use type. Mr. Keller stated he would take that comment back for the next update, as the goal is to make sure everyone is paying their fair share for their impacts. He said there are many ways to improve this program, but the main purpose of this update was to reflect what was done in the 2050 regional transportation plan (RTP) and to make sure that the fees reflect the program work that will be delivered in the next ten years.

Mr. Krater said he is familiar with the independent fee calculation study. However, until those changes are made, he said he would love to see more guidance from Staff to assist small businesses or developers and point them in the right direction. He said that unless they are told, they're just going to pay the fee and pay more than they should. Mr. Keller said he would be more than happy to work with Mr. Krater offline on improving that process and developing our independent fee calculation. Mr. Krater said he would appreciate that support.

Mr. Krater stated he would love to hear from the other members of the Commission.

Commissioner Flick said he was confused about the current traffic impact fees being collected. He asked whether they are supposed to pay for future expansion of roads or if there are there other funding sources to pay for this. Mr. Keller stated per NRS; RTC must consider other funding sources before implementing impact fees. All the other funding sources: federal, state, and local gas tax were accounted for in making the funding formula.

Commissioner Flick questioned whether they have to use matching funds, federal grant, or state bonds. Mr. Keller said that RTC must consider all of the other funding sources that are collected before creating a larger impact fee or share based on developers' impacts. Commissioner Flick agreed that people should pay their fair share and doesn't want to see small businesses trying to get off the ground having to pay disproportionate fees. Mr. Keller said he hasn't come across that issue, but that he is happy to look into it, should it come up. Commissioner Flick stated the County is experiencing a tremendous amount of growth and asked whether the plan gives any credence to when the money is going to be available.

Mr. Keller stated that we are fortunate, as a region, to have this as a funding source, and we can focus our attention on capacity-related issues on the roadways. It's a direct correlation. The fees collected go directly to design and construction. You will see big projects such as Sky Vista project next year. A lot of these major projects that we see are funded through the RRIF program. Commissioner Flick questioned whether these fees are collected in a timely manner, asking whether it's the other part of the money that isn't available. Mr. Keller stated that per NRS there is a time limitation to use the funds, approximately 10 years. As the funds come in, approximately five to seven million dollars per year, they are spent on projects.

Commissioner Phillips asked how often the process is revised. Mr. Keller stated that the process is updated every three years. Three year intervals allow for consistency, they also allow projects to come in with a clear understanding of their RRIF fees and it allows for long-term planning. Commissioner Phillips asked about the offset eligible improvements. Mr. Keller said if there is a project listed on the capital project improvement plan and the developers are conditioned to build part of a regional roadway, on RTC's behalf, they are eligible for waivers, so they're not being taxed twice. In this case, a developer can enter into an offset waiver agreement to be used on eligible regional road improvements for capacity.

Commissioner Chesney stated that Ken Krater has some really good points. As an engineer and consultant, it might be a good idea to consider adding Ken to the RRIF TAC committee as a representative from the industry, so he can provide more immediate input. He said infrastructure lags growth severely, historically. Nothing is immediate regarding these kinds of funds. They have to be spent within ten year period and they [RTC] are doing the best they can. For example, on Pyramid Highway, RTC funds cannot provide the funding to do necessary improvements and so they have to wait for State and Federal funds. We have to make sure the public understands it's not like turning on a light switch. There have been a lot of long meetings and controversy that has been settled. Commissioner Chesney stated that it's a good proposal and that he will support it.

Public Comment:

Shawn Wensley said it was his first time here. He said he owns his own little micro business doing home repair from a single wide mobile up to million and a half dollar estates. He said he works for real estate agents. He said he lives up on top of Sun Valley and moved up there over five years ago. He said it's a lot more stressful because there's so much traffic. He said going over Highland Ranch Parkway, the traffic is so bad in the morning it's unbelievable; our emergency personnel, police, firefighters, or ambulances can't get through there. It's got to be opened up from a two-lane to at least a six-lane, and then add a dirt path on each side so they can get by it. A lot of the counties and cities have the cameras in the intersections. Start looking at those cameras and look at the high traffic volume. Highland Parkway is so bad, people can't get through. If you watch Channel 2 news in the morning, they start about 6:00 a.m. and the traffic from the Spaghetti Bowl is backed up all the way.

There was no further response to the request for public comment.

Commissioner Chesney stated he would make the motion but wanted to make sure Ken Krater's comments are included in the minutes.

Motion: Commissioner Chesney moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Capital Improvement Advisory Committee (CIAC) recommends approval to adopt the 7th Edition of the Regional Road Impact Fee (RRIF) General Administrative Manual (GAM), Capital Improvement Plan (CIP) and revised fees for unincorporated Washoe County to the Washoe County Board of County Commissioners and authorizes the chair to sign the resolution on behalf of the CIAC.

Commissioner Nelson seconded the motion, which passed unanimously with a vote of six for, none against; Commissioner Peyton – absent.

The Washoe County Planning Commission will reconvene solely as the Planning Commission for the remainder of the meeting. Commissioner Ken Krater exited the meeting at 7:00pm.

B. Amendment of Conditions Case Number WAC21-0005 (Truckee Meadows Water Authority) – For hearing, discussion, and possible action to amend condition number 2 of Special Use Permit Case No. SW07-017 and condition number 1 of Variance Case No. VA07-021 in order to extend the expiration dates of these approvals from December 4, 2021 to December 4, 2023. The approved special use permit allowed the construction of a booster pumping facility to convey potable water through the Mogul area, as authorized by Table 110.302.05.2 of the Washoe County Development Code. The approved variance allowed for varied grading standards within Washoe County Development Code Sections 110.438.45(b)(1) and (2), as those subsections existed in 2007, allowing for 2:1 slopes instead of 3:1 slopes, and allowing fills higher than 48 inches within fifty (50) feet of a shared property line; and to vary the front yard setback standards of Section 110.406.50(b), allowing a retaining wall of up to 8 feet in height approximately 8 feet from the front property line. The grading for the project approved in 2007 includes approximately 540 cubic yards of excavation, 400 cubic yards of exported material and a retaining wall ranging from 3 feet to 8 feet in height.

- Applicant: Truckee Meadows Water Authority
- Property Owner: Paul & Daphne Mullen
- Location: 10200 Timberwolf Dr.
- APN: 038-461-06
- Parcel Size: ±0.793 acre (± 34,543 S.F.)
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Verdi
- Development Code: Authorized in Article 810, *Special Use Permits*, and Article 804 *Variances*
- Commission District: 5 - Commissioner Herman
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Senior Planner, Roger Pelham, gave a presentation.

Commissioner Phillips said on page 4 of the report, Washoe County Water Rights did not respond. She asked if there are domestic wells in the area that would be affected by this. Mr. Pelham stated that this is a pump station, not a municipal well, so they won't be taking water out of the ground there.

Chair Donshick reminded Commissioners that the only thing under consideration is the extension, not the other conditions.

Danny Rotter, Engineering Manager with Truckee Meadows Regional Water Authority (TMWA), addressed the Commission.

Discussion by Commission:

Commissioner Chesney asked Mr. Rotter that if this extension is granted, when will they take out a permit and build this thing. He said the conditions are antiquated and asked if they plan to break ground in the next six months. Mr. Rotter said the bulk of his work has been on this property in Verdi. He said he doesn't have plans to submit this in the next six months, but probably a year and certainly within two years. He said he doesn't plan on being here again in two years.

Commissioner Nelson commented on the litigations mentioned in Mr. Rotter's letter, asking whether the legal issues delayed the project. Mr. Rotter clarified that Commissioner Nelson was talking about the Meridian 120 South and the Lucas project. Commissioner Nelson confirmed that was correct. Mr. Rotter said he started with TMWA in late 2016, early 2017; at that time, Meridian North developers said they were 18 months away. TMWA started working on the Boomtown acquisition and tank. Those projects went back and forth between the appeal, litigation and back in front of the council, which did delay it. He said they were on the tails of the Boomtown acquisition, talking about needing the Verdi pump station, the US 40 tank, and the Lucas Tank. Here we are three years later with those two stalled and the other one is going. Add in a couple of RV parks that are ready to go, too. It's been a big part of getting ready for this, but still waiting.

Commissioner Nelson commented on the list of completed projects in the letter, asking if the bullet-pointed projects were done in preparation for this pump station or are they part of the Verdi backbone facility as a whole. Mr. Rotter said that up until this point he has been doing the groundwork for the backbone facility. In terms of roads, we have surface streets to Verdi right now. We need regional water infrastructure to get more water to Verdi to serve this growth. We need to put the pipes in place, get under the river, connecting to Boomtown, and having Boomtown as part of the portfolio. This has all been laying the groundwork to build tanks, pipes, pump stations for much more capacity. Commissioner Nelson asked if this pump station was put on the back burner because the other infrastructure needed to get done first. She asked if it was a situation where we think we are going in direction A, but then go in direction C. Mr. Rotter states that he wasn't there, but as he understands it, this was one of the key pieces to get secured in regard to a land standpoint and one of the first things to move forward for entitlements. The tank was the next piece; you have to be able to pump to a tank. The recession happened shortly after that.

Commissioner Chvilicek asked for clarification to make sure the Commission was applying the same set of rules to everyone. She said earlier the Commission heard an extension request for the doggy daycare. New conditions were added to that extension because the regulations had changed, including air quality. She said she understands it's a different type of project but questioned why the Commission would we not add additional conditions to bring the project to current code.

Mr. Pelham said it's a different type of situation. The previous project was essentially approved under the code we have now. The conditions were merely clarifications to code as it exists, more courtesy than substantive. The difference here is that there are substantial differences between the code that existed 14 years ago but the standards that were waived 14 years ago. It would be a large difference that would require a new set of plans. It's not the County's position to design a project for the applicant, but to evaluate what the applicant brings forward. Commissioner Chvilicek sought further clarification on whether the next set of code requirements would come into play once the project started to be developed, should the Commission recommend approval. Mr. Pelham stated that no, this would be compared with the plans that were submitted 14 years ago, not with the current code. Commissioner Chvilicek said she is concerned that codes from 14 years ago would be applied to a project being built in 2022. Mr. Pelham stated that the County cannot change the goal post once the game has started. The applicant obtained their approval in 2007, and if the Commission extends the approval, they are extending that approval based upon the application as it was evaluated in 2007, not based upon the standards that would be applied to a new project as submitted currently.

Commissioner Chvilicek asked about some of the zombie projects that have been languishing for much longer than this project. Commissioners have been told that once a project breaks ground, the new codes and requirements would be applied to that initial application. She asked for confirmation. Mr. Pelham replied that it's not exactly the case. Mr. Pelham pointed out that a "project" is not just one thing but can be one of many different types of applications and approvals. We have tentative subdivision maps, some of which are decades old and are still valid because they've done certain things over that 10 or 20 or 30 year time period; but the number of lots, the layout, the roadways, all of that was essentially approved when the subdivision was approved. On the other hand, when they get a building permit for an individual dwelling, you don't get to build to 1990 standard when you're building in 2020. The project currently under consideration is a different thing. It is a special use permit and essentially, the approval is for a facility, which has certain characteristics. This particular facility didn't meet code at the time it was approved, as they also got a variance to go along with it. Because that was approved, when this facility comes in it will be held to the standard of the application as it was submitted and evaluated in 2007.

Commissioner Chvilicek thanked Mr. Pelham for the clarification. Commissioner Chvilicek asked, when the request for an extension for this SUP came in, whether there was a conversation between the applicant and Staff to come to a consensus.

Commissioner Chvilicek said during the regional plan update, where she represented Washoe County as a Planning Commissioner to RPC, one of the things that was drilled into our heads regularly was that we need to be better at planning out. Meaning we are putting infrastructure in place at a specific dollar, rather than the inflated dollar when the project is being built. It seems we are penalizing an entity that is trying to plan forward. Mr. Pelham stated he could understand that position and can also understand some external situations affecting that. However, he contends that the County has accommodated that in with the prior extensions. He said he doesn't think the economic argument will come into play in this particular instance because the facility is being built and costs X dollars, regardless. He said he thinks the County's position is that this facility needs to be evaluated at the current standards. And to address the economic argument, the applicant isn't required to pay the application fees – not the original fees for the SUP, nor for the two extensions or tonight's hearing. This is all done as one governmental entity as a courtesy to another.

Commissioner Chvilicek said she is concerned with the level of grading accompanying this project and that it's not going to be done to current standards.

Mr. Pelham said he wanted to address what was asked by Commissioner Chvilicek about the conversation had between County and TMWA Staff. He said that Staff acknowledged the age

of the application and that it should be evaluated against current standards. Staff suggested coming back with a new application, which would have been done on the exact same timeline. Mr. Pelham said that it was unlikely for an approval to be recommended by staff and that his recommendation was to submit a new SUP.

Commissioner Flick asked whether the grading issue was the only violation of today's standards, the 2:1 versus 3:1. Mr. Pelham stated the issues are primarily related to grading and landscaping, but also an access issue as the driveway wasn't showing in the plans.

Mr. Rotter provided clarification that a pump station requires a Special Use Permit. The variance is the most significant thing at hand regarding grading, setbacks, and retaining walls. He said that TMWA acquired that easement with those constraints and under those circumstances. Mr. Rotter stated that TMWA couldn't meet those codes today and any application submitted would be constrained, that the easement is constrained. For your consideration, that is TMWA went forward with what they had. It's a tough, tight site with homes, drainage and a frontage road owned by NDOT.

Commissioner Nelson questioned why no access was shown on the plans, asking if that was an oversight by the designer. She asked how they planned to get into the site. Mr. Rotter said grading was considered; however, there were some issues to handle. She asked if he had gone through the encroachment right-of-way processes with NDOT. He stated we are currently doing that to include pipeline along 4th street, under the freeway, under Mogul church, further up to Somerset and along US 40. Commissioner Nelson asked if access to this site is included in the encroachment permit application. Mr. Rotter said it would be.

Public Comment:

Shawn Wensley came to the podium for public comment. Mr. Wensley began to speak about COVID. Chair Donshick pointed out that this public comment period is specifically related to the TMWA item. Chair Donshick indicated that general public comment would be heard at the end of the meeting.

There was no further response to the request for public comment.

Chair Donshick brought the discussion back to the Commission. Commissioner Chesney pointed out that if the Commission approves this extension, they are approving an extension for a non-conforming facility.

Motion: Commissioner Chesney 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 deny Amendment of Conditions Case Number WAC21-0005 for Truckee Meadows Water Authority, no longer being able to make all five findings in accordance with Washoe County Code Section 110.810.30 and all five findings in accordance with Washoe County Code Section 110.804.25, specifically, the inability to make findings B, C and D*.

Commissioner Nelson stated that she believes the Commission should approve the item. Coming from a municipal background, she stated she understands the time it takes to move forward with these initiatives. The Commission needs to keep in mind that this is a regional system and that while a lot of the projects are not in the Washoe County area, they are benefiting the regional system. This property is in Washoe County and serves the area. In looking at the map from 2007 to 2019, you can tell that the development adjacent to the project has not changed. Commissioner Nelson stated that she is not concerned with the variance items, as municipalities are sometimes required to work on tight sites. She agrees with the comment from TMWA that if they are required to come back for another Special Use Permit, they will be coming back with the same drawings and maps.

Commissioner Chvilicek asked for clarification on a comment that Commissioners would be seeing this item again. Secretary Lloyd indicated that if the item is heard again, it would be heard by the Board of Adjustment.

Commissioner Flick seconded the motion, which passed with a vote of four in favor – Commissioners Chesney, Donshick, Flick, and Phillips; two against – Commissioners Chvilicek and Nelson; Commissioner Peyton – absent.

* The Planning Commission Staff Report for this item misletters the required findings on Page 7 under “Staff Comments on Required Findings of Fact” – 110.804.25 *Variance* finding (a) Special Circumstances is mislettered as (c), and 110.804.25 *Variance* finding (c) No Special Privileges is mislettered as (d). After the Planning Commission meeting, Staff was unclear as to which findings the Planning Commissioners could not make. Motion maker, Commissioner Chesney, clarified to Staff that he could not make 110.810.30 *Special Use Permit* finding (b) Improvements and 110.804.25 *Variance* findings (a) Special Circumstances and (c) No Special Privileges.

9. Chair and Commission Items [Non-action item]

A. Future agenda items

Commissioner Chvilicek asked for a standing agenda item for the Washoe County Master Plan update. Secretary Lloyd asked for clarification on the timing of that request – monthly, bi-monthly, etc. Commissioner Chvilicek deferred to Staff on the timing.

B. Requests for information from Staff

Chair Donshick asked that all Planning Commissioners receive a meeting list and all agendas for the Board of County Commissioners’ meetings.

10. Director’s and Legal Counsel’s Items [Non-action item]

A. Report on previous Planning Commission items

Secretary Lloyd stated that the Village Green Master Plan Amendment went before the Board of County Commissioners last week. A modification was requested, which requires a report to be given to the Planning Commission before the item goes back to the County Commission.

B. Legal information and updates - None

11. Public Comment [Non-action item]

Public Comment:

Shawn Wensley provided a public comment about COVID. He stated he heard last week that Britain is testing before you get the shot. He asked why haven't we done that in the States. We could be the safest County in the state and maybe even the United States if we do things right. He said he has never had the shot and will never get the shot because of the lack of information we need to know. He said he heard someone die from the shot. Of course, they never told us where and when, but one person died here in the last month. He shared is perfectly healthy after having surgeries. He said he was around people who had covid, and they are perfectly fine. He spoke about taking vitamins and eating correctly to help prevent covid. He stated his doctor said he doesn't need a shot. He said he wanted to give out the correct information.

There was no further response to the request for public comment.

Trevor Lloyd introduced Adriana to the team.

12. Adjournment [Non-action item]

The meeting was adjourned at 7:55pm.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on December 7, 2021.

Trevor Lloyd
Secretary to the Planning Commission