



# WASHOE COUNTY PLANNING COMMISSION **DRAFT** Meeting Minutes

## Planning Commission Members

Sarah Chvilicek, Vice Chair

Francine Donshick, Chair

R. Michael Flick

Daniel Lazzareschi

Kate S. Nelson

Rob Pierce

Patricia Phillips

### Secretary

Trevor Lloyd

Tuesday, November 1, 2022

6:00 p.m.

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

and available via  
Zoom Webinar

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The Washoe County Planning Commission met in a scheduled session on Tuesday, November 1, 2022, 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>

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## 1. \*Determination of Quorum

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

Commissioners present: Sarah Chvilicek, Vice Chair  
Francine Donshick, Chair  
R. Michael Flick  
Kate S. Nelson  
Rob Pierce  
Pat Phillips

Commissioners absent: Daniel Lazzareschi

Staff present: Trevor Lloyd, Secretary, Planning and Building  
Courtney Weiche, Senior Planner, Planning and Building  
Julee Olander, Planner, Planning and Building  
Katherine Oakley, Planner, Planning and Building  
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office  
Adriana Albarran, Office Support Specialist, Planning and Building  
Lacey Kerfoot, Recording Secretary, Planning and Building

## 2. Pledge of Allegiance

Commissioner Pierce led the pledge to the flag.

### **3. Ethics Law Announcement**

Deputy District Attorney Gustafson provided the ethics procedure for disclosures.

### **4. Appeal Procedure**

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

### **5. General Public Comment and Discussion Thereof**

Chair Donshick opened the Public Comment period.

#### Public Comment:

Bryn Klitzke (Chambers): “Good evening, Bryn Klitzke, Silver Circle Ranch, in South Reno. I am here speaking on behalf of Landess Witmer, who was unable to be here this evening. She is the owner of Silver Circle Ranch; she would like something on the record.” Ms. Klitzke stated there had been issues with her neighbors regarding harassment of the children involved with their program. She said, “We proposed a small indoor riding arena back this time last year. “We’ve had a lot of problems with our neighbors, with some misinformation . . . we’ve had some pretty unfortunate incidents happen . . . with the neighbors harassing the children on our property. So . . . one of the opposition, Jill Brandin keeps attacking the historic property that we have here. The City Planners approved the Silver Circle Ranch Indoor Arena, met all of its findings and due to the misinformation in the community and the neighbors and the opposition, it turned it into a big disaster. It turned it into a dangerous situation for our children at the ranch. We had people standing at the road yelling obscenities at our children, terrifying them. We ended up having to call the police several times. We just wanted to make sure that we have it on the record . . . we did withdraw without prejudice so that we can apply again in the future . . . this harassment from Jill Brandin and the other opposition is becoming . . . a big nuisance to the property. She is attacking us in every way, shape and form and it’s very disheartening when we are trying to just have a very simple riding center for these children. We had to pull out of the project due to these harassments . . . we are very sad that we have to pull out. So, thank you.”

With no further response to the request for public comment, the public comment period was closed.

### **6. Approval of November 1, 2022, Agenda**

Commissioner Pierce moved to approve the agenda for the November 1, 2022, meeting as written. Commissioner Phillips seconded the motion, which passed unanimously with a vote of six for, none against, Commissioner Lazzareschi, absent.

### **7. Approval of October 4, 2022, Draft Minutes**

Commissioner Chvilicek moved to approve the minutes for the October 4, 2022, Planning Commission meeting as written. Commissioner Pierce seconded the motion, which passed unanimously with a vote of six for, none against, Commissioner Lazzareschi, absent.

## 8. Public Hearings

**A. Abandonment Case Number WAB22-0012 (Wilson)** – For hearing, discussion, and possible action to approve an abandonment of Washoe County’s interest in three, 33-foot-wide government patent access and public utility easements along the northern, western, and southern property lines of APN 142-242-13.

- Applicant/Property Owner: Harry and Paula Wilson
- Location: 3315 Mount Rose Hwy
- APN: 142-242-13
- Parcel Size: 2.5 acres
- Master Plan: Rural Residential
- Regulatory Zone: 32% High Density Rural, 68% General Rural
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
  
- Commission District: 2 – Commissioner Lucey
- Staff: Kat Oakley, Planner  
Washoe County Community Services Department  
Planning and Building
  
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Kat Oakley provided a presentation. The applicants, Harry and Paula Wilson, did not have a presentation, but were available for questions.

With no further response to the request for public comment, the public comment period was closed.

Commissioner Chvilicek asked if the applicants were agreeable to Staff’s changes to the proposed approval with additional conditions. Planner Oakley said yes. They’ve received the staff report and haven’t stated they had any issues with it.

**MOTION: Commissioner Pierce 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 partially approve Abandonment Case Number WAB22-0012 for Harry & Paula Wilson, approving the request for abandonment of Washoe County’s interest in the right-of-ways and denying the request for abandonment of Washoe County’s interest in the public utility easements, with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20:**

- (a) **Master Plan.** The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Area Plan; and
- (b) **No Detriment.** The abandonment or vacation does not result in a material injury to the public; and
- (c) **Existing Easements.** Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

**Commissioner Nelson seconded the motion, which passed unanimously with a vote of six for, none against, Commissioner Lazzareschi, absent.**

**B. Tentative Subdivision Map Case Number WTM21-013 and Special Use Permit Case Number WSUP22-0010 (Lakeside Custom Lot Subdivision) – For hearing, discussion, and possible action to approve:**

1. A tentative subdivision map to divide one parcel of 72.8 acres into 24 lots, with lot sizes ranging from 2.01 to 10.29 acres.

2. A special use permit for major grading: the proposal exceeds the major grading threshold and will result in ±8.31 acres of disturbance including ±20,004 CY of cut material and ±16,583 CY of fill material; a roadway that traverses a slope of 30% or greater; construction of earthen structures greater than 4-½ feet high; and grading in the Critical Stream Zone, which is subject to all requirements of Article 418, Significant Hydrologic Resources. The applicant is also requesting a variance of the development code standards found in WCC 110.438.45(c), that finish grading shall not vary from the natural slope by more than ten (10) feet in elevation, in order to construct earthen structures and a driveway.

- Applicant: 8900 Lakeside, LLC
- Property Owner: Gordon Real Estates, LLC
- Location: 8900 Lakeside Drive
- APN: 041-130-58
- Parcel Size: 72.8 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: 16% (11.65 acres) Medium Density Rural (MDR), 78% (56.78 acres) High Density Rural (HDR) & 6% (4.37 acres) General Rural (GR)
  
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 418, Significant Hydrologic Resources; Article 438, Grading Standards; and Article 608, Tentative Subdivision Maps
  
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
  
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Commissioner Phillips recused herself from this item. Although, she was not within the noticing area, she lives near this project and felt that she would be impacted.

Planner Julee Olander provided a presentation.

Representatives Dave Snelgrove, CFA, Inc., Matt Herrick, Hydrogeologist, and Severin Carlson, Legal Counsel for Applicant from Kaempfer Crowell provided a presentation. Kathleen Knight, Project Engineer with CFA, Inc. was available via Zoom for questions.

Public Comment:

Kelvin Buchanan (Chambers): Provided a letter that was distributed to the Commissioners. "My name is Kelvin Buchanan. I'm a geological engineer registered in the state of Nevada with offices in Midtown. The company name is HP engineering. I reside at 2600 Kinney Lane.

I've lived in the Holcomb/Lakeside area for more than 35 years. I believe this project should be downsized to a minimum five-acre parcels, due to traffic concerns pursuant to the following testimony. My testimony at this hearing comes from a different perspective, beginning in 1983 and continuing through this last Sunday, October 30 I have run between five and 15 miles at least four days each week along the Lakeside Drive, Holcomb Lane corridor. Lakeside Drive as it approaches the north to the junction of Huffaker Lane changes jurisdiction from a Washoe County Road to become state route number 671. Although the signs still say Lakeside Drive, another mile south of the Huffaker junction, Lakeside Drive . . . changes its name to Holcomb Lane. The change is marked by a 90-degree left angle turn similar to those turns on section corners at the exact location of the applicant Gordon Real Estate at 8900 Lakeside Drive. Well, there have always been safety issues for runners and bikers along this two mile or so Lakeside/Holcomb stretch of road. Given the lack of road shoulders, my experience with safety along that stretch of road has generally been favorable over the years. There was a noticeable change in 2020. One of the nice things about being able to run during COVID was breathing fresh air but it also made me more observant of my surroundings. And while there was a noticeable lack of traffic on Lakeside/Holcomb portion of my runs, the vehicles that were present were moving faster, especially through corners. I thought that when the traffic volume increased, speed would slow, but that was not the case. Instead of slowing down . . . traffic now using Thomas Creek as a shortcut to South Reno and vehicles maintaining these higher rates of speed, made things less safe for runners like myself and bikers. A contiguous 10-acre property to 8900 Lakeside Drive, fronting on Holcomb Lane to the east is secured by a high-quality black chain link fence below the road grade. Several times in the last couple of years, vehicles have failed to make the 90-degree left turn and have gone airborne off the road and through that black chain link fence, destroying parts of it. Last September 6, 2021, a 2019 Cadillac Escalade traveling north on Lakeside lost control, took out Grapevine's street signs and a four-foot-high Truckee River Boulder."

Rhonda Shafer (Chambers): "Hello, our neighborhood group which incidentally includes Jill Brandin and myself, has been meeting with Roger Davidson and his associates for the last several months. It's satisfying to work with people who not only listened to our concerns, but also evidenced care as to how their project will affect the neighbors' properties, character of his surroundings and importantly water. Both sides listened, really hearing each other's concerns and ideas. As a result, we reached an agreement regarding proposals for irrigation and domestic wells, which will go a long way to addressing our main concerns. We look forward to continuing and building on this positive relationship. In our opinion, NDOT and Washoe County still need to commit resources to address the urgent traffic safety and floodwater issues at the intersection of Lombardi with Lakeside Drive and Holcomb Ranch Lane. Additionally, we would like to ask if a sewer treatment facility that will be handling the sewage has the capacity to handle this as well as all other approved but not yet built projects. Thank you."

Bo Sanders (Chambers): "Hello, my name is Bo Sanders, I live at 8990 Lombardi Road. It's actually the property immediately adjacent to the south and west of this project and wow, what a project, what an official effort from them. We like everything that we hear about their effort to make concessions. I guess the meetings happened. We didn't know about them. Our immediate concern, or my immediate concern, is still the surface water. The springs, the natural springs that feed that valley. I don't have PowerPoint presentation, but if you were to look at a map, you would see a greenbelt that borders the south of that project and I could throw a rock from their southernmost parcels into the valley. We have natural springs there. The geologic survey says that there will be minimal drawdown and surrounding wells. Our concern is what does that do to the water that feeds the wildlife in

that valley? Twenty thousand some cubic yards of cut? I do dirt-work for a living; I'm guessing it would probably be a little more. But such a significant change to that environment right there, it's kind of a little closed ecosystem and no one has come to see the springs, no one has looked into the valley, and nobody has done any kind of environmental impact study that we know of. Nevada Department of Environmental Protection, no response. Nevada Department of Water Resources, no response. Division of Wildlife, no response. I could go on. There are several other entities. We're not trying to stand in the way of progress. I understand that things change, but what we have here in our community is so valuable. The beauty there, the community there and this inevitably will make an impact on everything around it and nobody's looked at our property. So, we just want to say pump the brakes, and let's let every relevant group weigh in on it. Let's do it right. We think that we should bring water. But it's not. I think they said that economical or feasible to their bottom line. To them, this is a business deal; money is involved, and I get that. But to us, it's life and history and family and we just don't want to see it go to the wayside for a bottom line. We just want to see everybody weigh in and make sure that it's done right because it will have an impact and we know that everyone here knows that. So, we just asked that we postpone the decision and maybe make sure that everything's done right. Thank you."

Elizabeth Conboy (Chambers): "Good evening, my name is Elizabeth Conboy. I own property immediately south of this application, 8990 Brady Ranch Road. First of all, the nine-point bullet comments that Mr. Snelgrove put up, I would just like to comment doesn't represent all the property owners out there. I know people have been working different meetings and here and there. But it doesn't represent everybody that lives out there that has opinions about or concerns about this application. First of all, I'd like to ask for clarification on the application that was on the website today. There's been no response from NDOW, water resources or NDOT. I'd like to know if there's been any response from them. According to the Master Plan, the Area Truckee Meadows South Master Plan, no tentative map can be approved if it involves more than 10 acres, if there has not been any comment or input by NDOW on the impact to the application. So, I just like to know if NDOW has weighed in some comments that was just made by Mr. Sanders go to this, to this point. The impact of the wildlife just to the south of that. Staff comments there's a lot of consistent with goals and policies and staff comments, but I would just like to comment that it's not consistent with a lot of the property owners in the area. I've read the Character Statement of the Master Plan, and the Southwest Truckee Meadows Area Plan and it's a high bar. So, I would hope all of you want to still meet that high bar for the environment and the fragileness of it and in consideration of this application. Just some of the conditions of approval, that I would like some clarification on, there's supposed to be streetlights in this application along the road. There's one streetlight and it's at Lakeside Drive and Holcomb Ranch Road, so we don't have streetlights out there. So, I just like to know what streetlights are going to be along the road in the development? There's future expansion possibly, for the sewer system, that may be brought in and kind of like to know a little bit more about what future expansion for future developments. That's not clear in this application or the conditions by Washoe County. Another condition I'd like to make a comment on, is the current proposal is from the Health Department, the Washoe County Health Department. The current proposal is for lots to be served by a municipal sewer. Any change to utilize septic will require different lot sizes, and new review. This is the crux of this issue. If I were to develop."

Marianne Merriam (Chambers): "Good evening, Commissioners, my name is Marianne Merriam. I live at 8600 Lakeside Drive. And I urge you to vote no on the present configuration of this proposal. I'd also like to mention, that I think you're noticing that methodology is very flawed. My house is actually on their drawings, and I've never been notified of anything. I'm off of the sewer extension up Lakeside, and surely, if I'm on the

drawings, I'm within 500 feet of this, but never have I been notified of any meetings or anything. So, in order for this project to receive approval, the project needs to meet certain findings set up by the Washoe County codes. And if they had been able to meet all of these findings, I think they would not be applying for all of these variances and non-conforming items for the project. Isn't that why we have ordinances and project rules? They're exceeding major grading thresholds. They have a 40 foot and a 60-foot-high slope on this way over the top, that we're all going to have to look at. It's gonna be really ugly. It makes no sense. So, they have slopes greater than 30%. They have earthen structures well over four and a half feet tall, if they're going 40 foot and 60-foot-high slopes. Finish grade varies by more than 10 feet above the natural slope. A lot more than 10 feet above the natural slope. The site is not physically suitable for the development proposal. It's not consistent with county standards and policies. Utilities are not available with it, without being injurious to the property adjacent, property owners, over the use of water, detrimental to the character of the area. I mean, nowhere do we have to slopes like that. Even as shown on the . . . draw-down model plan, it does affect off-site. I have a list, a shopping list of things. Two-and-a-half-acre minimum. Lots should be based on net density, not gross density. They need to add a left-hand turn lane or there are going to be a ton of accidents. I go around that corner every day, probably four times and I'm only one car. If they've got 24 or 48 cars in there and they're doing four trips a day like I do; their numbers are way off on the traffic count. They need to re-configure the slopes to eliminate 40 foot and 60 foot on manufactured slopes. I say build fewer lots to minimize water consumption; work with the health district to be able to have septic systems.”

Cherie Humphreys (Chambers): “Hi, my name is Cherie Humphreys, I'm speaking on behalf of Marian Merriam, who lives at 8600 Lakeside Drive. For legal purposes, I would like to go on record to state she was not properly noticed as defined under NRS 238030. In addition to not being noticed, the neighbors who did receive notice, some of those notice included incorrect hearing dates. Due to improper notice and notices sent with incorrect dates, this body should not take any action without setting proper notice. Thank you.”

Melissa Schreckenberger (Zoom): Had hand raised but was not available when called upon by Recording Secretary Lacey Kerfoot.

Diane Becker (Zoom): Ms. Becker indicated that she intends to give public comment under item 8D.

#### Discussion by Commission:

Commissioner Chvilicek asked about the chart for HDR, MDR, GR. Planner Olander showed the slide. Commissioner Chvilicek asked Planner Olander of her mention of general rural, the minimum lot size being 40 acres, and Planner Olander's mention of 6% of this site is in General Rural with a total acreage of 4.37, however Planner Olander said there is one lot allowed. Commissioner Chvilicek was trying to understand the math. Planner Olander said there would be one lot allowed, because Staff can't prohibit them from building a house on that however, just how the GR is laid out on this property the applicant didn't get 40 acres of GR on this parcel. At some point, when the GR was created on this parcel, it was maybe possibly under the old zoning, which would maybe be Agricultural, maybe one acre, two acres? Planner Olander wasn't sure. The other thing is there was an update when there were areas that were in sensitive areas. There are various reasons a little section could be GR. Commissioner Chvilicek said the applicant is saying 25 or 24 Lots? Planner Olander said there is a possibility of 25 Lots, the applicant is only asking for 24. But the math equals 25.

Commissioner Nelson said each well is allowed at 100 gallons per day. And that's being taken out of the mid aquifer. Mr. Herrick said that's correct. Commissioner Nelson asked if the 1,800 gallons per day is just for domestic use, not for landscaping? Mr. Herrick replied

it would include irrigation if the well was being used for irrigation purposes of landscaping. However, the applicant is asking to use a majority of the water from steamboat ditch for common area irrigation and private irrigation as well. Mr. Herrick added perhaps he didn't emphasize the two models enough, but the 414 gallons per day is probably more realistic because the water that will be used from the wells are primarily going to be in house consumptive use; flushing toilets, doing dishes and not irrigation of trees or shrubs or grass that will come from the ditch and the surface water rights.

Commissioner Nelson asked if Mr. Herrick analyzed how much water gets recharged back into the aquifer when taking into account that there's going to be public sewer? Mr. Herrick responded that calculation was not done. However, that's not occurring today as we speak. There's no recharge from existing septic tanks on the parcel. Commissioner Nelson said no, but their irrigating it. 100% of that irrigated water is going into recharging? Mr. Herrick said that's correct. The plan is to use those existing service water rights for continued and ongoing irrigation.

Commissioner Nelson said regarding the public sewer system, has there been any analysis done regarding the capacity of this sewer treatment plant today and with all of the approved development? Mr. Snelgrove said it's their understanding and this will ultimately go downstream to a sewer system that is controlled by Washoe County, Reno/Sparks. His understanding is that there is capacity within that system to handle this. There is an existing sewer line at Kenny Court that they can make gravity flow to. Mr. Snelgrove was in agreement with everything that he heard regarding the item. Additionally, everything must be proven out. All the conditions of approval will have to be met before they can get a final map. Mr. Herrick said he didn't know if Kathleen was available via Zoom, her team did a sewer report. Kathleen Knight, the engineer services manager, was available via zoom. Ms. Knight said, as Dave Snelgrove stated, they did a sewer study for the line in Kenny Court; and were able to gravity the sewer from this project down Lakeside Drive into the existing line in Kenny Court. Based off of the flows that they were getting from this site, they were not negatively impacting that existing line, but they only designed it down to the existing line and Kenny Court, they did not take it all the way to any full facility.

Commissioner Pierce mentioned that on the secondary access road, emergency access, they were going to go across Dry Creek. Was there ever any water in that?

Mr. Snelgrove stated that there is water that comes down, but he didn't know to what level. There is a similar crossing; it doesn't have the severity of slopes, it's just off a little bit west that serves a private home that's on a larger lot. The applicant will have to work with the Army Corps of Engineers on that crossing. Mr. Snelgrove reminded the Commissioners that part of his presentation identified that crossing was necessitated out of an engineering code requirement. Initially they submitted their application without the crossing, they wanted to leave that alone. The fire department was saying a secondary access wasn't needed however, the engineering department was saying it was. That access does serve the property in case of emergency but also the homes up off Belle Haven and Lone Tree. Those have a pinch point too. If there was an emergency up there, and that access was blocked, it benefits that neighborhood as well. It is going down a steep slope, and traversing that steeper slope is not something that's typical, however, working with the zoning code, or the County's grading ordinance, it's really challenging to present a project that doesn't have trips to thresholds. The requirement was coming from the engineering department and the codes relative to engineering and serving the property. Fire didn't have the concern; one must be a 30 Lots to need a secondary access. If the Commissioners wanted to remove the requirement for an emergency access, they'd be perfectly happy about that. Commissioner Pierce said he didn't have any intention on doing that. But he did want to ask where they were going to put a bridge?



Mr. Snelgrove said there will end up being a crossing that goes over. Kathleen and her team have been working on some initial designs to crossover. It will emulate what's been done upstream, maybe 500/700 feet for the crossing of the driveway. Mr. Snelgrove asked if Kathleen could add more in terms of how they'll be crossing Dry Creek.

Ms. Knight said yes, they will be using a large, like box culvert structure to take the water that's in that creek bed and as Dave said, they will be emulating a project that was previously done about a couple 100 feet south. They will have a similar sized structure that they will install and create a bridge like structure across for the emergency access.

Commissioner Pierce asked if someone could show him where the stormwater detention area was?

Mr. Snelgrove shared his presentation slide. He said the stormwater detention basin will be handling the water that's coming off the roadways, predominantly, each lot will be required to have their own detention area. He showed on the slide the northeast corner of the site, up by where the primary access is, there's an area there just in the north of the access, which is where the detention is. The intention of that is to collect the water that's coming off the impervious surfaces. Really associated with the roadways, that will be put in the private driveways, there's not a lot of area in association with that. As each home develops, they're going to be required to follow the Washoe County Development Code, and they will be required to provide detention. They don't know whether somebody's going to put 15 to 20,000 square feet of impervious surface, or 5 to 7,000 square feet of impervious surface, because these are custom lots. To try and calculate that it is a little difficult. They will be required to do that with each custom home site that gets developed.

Commissioner Pierce asked for the slide with the additions to the CC&Rs. Mr. Snelgrove said the five they're looking at are suggesting that they get added to Condition 1.q, and these are the requirements that would need to go into and be included in the CC&Rs. He pointed number four, the last three words of that says, 'to the HOA' this was a straggler it didn't mean a whole lot. Mr. Snelgrove then mentioned the end sentences, 'the HOA will keep a log of annual meter readings that will be available to the public upon request'. These do cover a lot of things, while not every neighbor was involved from the initial neighborhood meeting, the applicant heard a lot of concerns regarding water, the use of the continued use, and applicability of the surface water to this property. One of the items on the presentation slide, number two, talks about irrigation water. Mr. Snelgrove has Steamboat ditch rights, the pertinent to the property will remain with the property. So, there's a commitment to keep that surface water there. Some of the speakers got up and had concern about continuing water going into the aquifer; that will be used for irrigation purposes. And that will stay with the property, it's one of the commitments that the property developer has been discussing and working out with some of the neighbors. Mr. Snelgrove understands it's not all, but he's hopeful that this addresses a lot of neighbors' concerns.

Commissioner Flick said a couple of letters of concern from the people was dealing with the sewer lines and installing the sewer lines. Did Mr. Snelgrove have a reimbursement agreement for future hookups as far as that line is concerned? Mr. Snelgrove said he's dealt with utility companies, worked for a utility company that worked under rule nine, which has some reimbursement agreement. He wasn't sure if there's any reimbursement agreement. This would be on the nickel of the developer. Mr. Snelgrove also didn't know if there's any other hookups that would have to pay him to tap in. There will be some properties that are directly adjacent that if they're leach fields, septic systems were to fail, and they couldn't re-establish. They could connect and it would be a quick and easy connection because it's very close to them. There are requirements and he believes it's 400 feet or 600 feet. With the size lots that are out here, as soon as you get off that first lot, you're probably going to be outside of that lineal distance to require hookup. He was

unaware and did not believe that there is any county mechanism for a reimbursement agreement. He stated he could be wrong on that. If anyone wants differently, please let him know.

Chair Donshick said the Commission normally gets a copy of all planned not yet developed in the area and there isn't one there to help them understand what the impacts might be in the area.

Planner Olander said that's Exhibit C. Chair Donshick asked if the lots on the map in the northeast section or to the right side of the paperwork, on the unbuilt map, were all approved and built. She sees Holcomb Ranch has 19 lots approved and remaining. So that means none of them have been built. Planner Olander confirmed and added that most are in the City of Reno.

Commissioner Nelson asked what that the difference between the green and the blue was? Planner Olander said the green are the county and the blue appear to be in city of Reno.

Commissioner Nelson asked if Staff knew if all these developments are within the TWMA Service area? Planner Olander said they would be.

Secretary Lloyd said these maps and this information comes directly from regional. He did notice that some of these maps need to be updated; Staff will be contacting regional to request that they update the maps.

Commissioner Chvilicek asked about the conditions and the CC&Rs that were pointed out and under number four with the water meters, it was said they would be maintained by the HOA. What is in place for a homeowner under the jurisdiction of CC&Rs and HOA if they exceed 1,800 gallons a day? Mr. Snelgrove said they're basically breaking state law at that point. That would be the equivalent of two-acre feet per year is what 1,800 basically calculates out to be. They will be using just domestic water to wash clothing. The irrigation water will come off the surface water source, which will put water back into the groundwater. If connected with TMWA, the water bill will go down a lot during the winter because only the interior domestic water is being used. That's where Matt Herrick and his calculation came out with 414 gallons per day on average; that's probably more realistic. So, it'll be well under. The developers fully anticipate everything will be well under the two-acre foot state allowance. Part of this is to make sure that there's something putting these into the CC&Rs to ensure there's some enforceability. The applicant wants to live up to their word, and have the residents understand that they're sincere in what they're trying to accomplish with putting these into the CC&Rs to know that they're trying to make them so that they are enforceable. Mr. Snelgrove spoke with Planner Olander about them yesterday.

Commissioner Chvilicek mentioned what was said by the hydrologist, when the applicant said that they worked on 414 gallons, but by law they're allowed 1,800 gallons per day; If this project has a detrimental effect on existing wells, how will this be mitigated?

Mr. Snelgrove said he anticipates that any well is going to have a certain degree of drawdown. Mr. Carlson said typically, domestic wells don't have meters. They're offering meters on these domestic wells. Typically, if there are other wells, wells that are owned and operated by TMWA, or industrial wells, those all must have meters, they must log the usage, they report that information to the state engineer to perfect the right. So, they have domestic wells that will have meters; if there's pumping an excess of two-acre feet on any of these domestic wells, the state engineer has full enforcement authority with respect to those well owners. In terms of if there's an impact, a neighbor can bring a complaint to the state engineer. There are two different creatures – there is a permit to appropriate, which then the state engineers look at that application to appropriate, but a domestic well

doesn't require a permit to be appropriate. It's a creature of statute. So really, the recourse goes through the state engineer's office. If a neighbor were to feel that pumping of one or all these domestic wells has an adverse impact on their well. That question comes down to the science. Is it the pumping of these wells? Is there something wrong with one of those other wells? He's not looking to pass the buck, but it's this point of where they have a right under state law to drill a domestic well for up to two-acre feet a year. Many of these homes have those same types of domestic wells. They're offering something that's not required under the county code. That's not required under state law. And that's the installation of a meter. The 414 gallons per day from TMWA includes a traditional single-family residence. Most single-family residences in the Truckee Meadows have an outdoor component and an indoor component to them. We're offsetting that outdoor component of use through the surface rights from the ditch that's pertinent to the property, it will remain pertinent to the property, and will not be stripped from the property. So, the 414 is the conservative number. He would submit that it's an extremely conservative number because they have the surface offset. Suppose there was to be a lot owner in this subdivision that used all of the surface water that's allocated to their lot and exceeded the two acre feet from the domestic well. In that case, anyone in the neighborhood can file a complaint with the state engineer for pumping more than the statutory rights.

Commissioner Chvilicek replied, "so it's complaint driven?" When Mr. Carlson says he's doing monitoring and they're putting well meters on there that feels like a feel-good statement, because it doesn't feel like they're going to enforce it. If one's well is adjacent to another's who is using two-acre feet, and the former is impacted, they would have to complain, even though there is data on the meters?

Mr. Carlson said they are in the tentative map stage. He'd be happy to discuss an enforcement mechanism under the CC&Rs with his client for an additional level of protection in terms of an HOA that can require cutting the lawn or pulling weeds. The HOA could develop a fine system relative to use more than the two-acre feet. He can't make that concession or that offer at this moment. But he'd be happy to confer with his client

Commissioner Chvilicek said she's putting it into the record that Mr. Carlson said he has standards to follow with the metering wells, but there doesn't seem to be anything going from there. And she knows they're in the tentative map stage, but she just wanted it on the record.

Mr. Carlson said that's fair, but he thinks enforcement can come one of two ways through the HOA. HOAs enforce the rules and regulations on a daily basis. Ask homeowners who live in an HOA they're probably not always complimentary of their HOA. That's one enforcement mechanism. The second enforcement mechanism is the Office of the State engineer.

Commissioner Nelson said today, there's one lot; they're allowed to have one home on it. So that person is allowed to have two-acre feet per year. The applicant has come to the Commissioners to request to make 24 Lots; if they were tying into the TMWA system, they would have to dedicate water rights. This way, they're going to the state engineer saying, "Hey, we now have 24 lots. So, each lot now has two-acre feet per year to utilize." There was no response to the comment. Commissioner Nelson asked if there an analysis of the difference in irrigation versus now having 24 lots using 8 gallons a day

Mr. Carlson said this doesn't happen everywhere in Nevada. Still, under the Washoe County code, they are required to relinquish two-acre feet of groundwater per domestic well, so they have the surface rights in a separate bucket, approximately 180 acre-feet. It's pertinent to the property. It will remain pertinent to the property and only be used for irrigation outside. With respect to the domestic wells, in Elko County, relinquishing two-acre feet to drilling domestic well would not be required. Because this project is in Washoe

County, the Washoe County Code requires the developer to relinquish two-acre feet of groundwater per domestic Well. The client has obtained sufficient groundwater rights to relinquish two-acre feed for each domestic well, that's contemplated under the tentative map.

Commissioner Nelson said and at what point does the County receive that final determination? Mr. Carlson asked if she meant when the relinquishment has been done? It's a condition of approval. So, it will be essentially paperwork, but they have appropriated water rights, that are sufficient to meet that relinquishment. They file paperwork with the state engineer. So those water rights cannot be pumped in some other portion of the groundwater basin. And they file paperwork with the County, so that essentially those groundwater rights have come off the books, they're no longer available for appropriation, because the understanding is they're being relinquished, AKA dedicated for use within these domestic wells.

Chair Donshick said she had a clarifying question because Mr. Carlson kept talking about how the wells are going to be used for internal, home use only and he talked about surface offset for landscape? How are they going to use this? How are they going to access it? Mr. Carlson said it's going to be engineering from the ditch to each of the separate lots within the subdivision. Chair Donshick asked if there's going to be piping from the ditches to each lot just for outside water? Mr. Carlson said that's correct.

Commissioner Chvilicek said they had the tentative map in front of them, but the commission had to look at what the future holds as well. She continued to ask if, when the analysis was done, was it done based on current depths, and current water that's available with those aquifers? Mr. Herrick said the analysis that was done was based on the hydraulic parameters of the subsurface. So, the ease at which the aquifer material sands gravels allow water to move through them. It's not a function of where the water levels at. Commissioner Chvilicek said she understands how the water flows through the aquifer and stuff. But what about the environmental changes in climate change and the detrimental effects on groundwater and those upper-level aquifers. The aquifers are being drawn down because of climate change. Was climate change factored into that available resource? Mr. Herrick said no, it was not. It's complicated, he would partially argue that the water levels out there today, are much higher than they would be under natural conditions prior to the presence of humans in that part of the valley. Because of all the irrigation that's occurred, the water levels out there now, are not representative of natural conditions, by any means or there's a ton of irrigation in that part of town. If that helps.

Commissioner Nelson said she had a quick question. There's a deeper aquifer of 400 plus feet. Was it a conscious decision to test within the 150 to 200 feet depths? Mr. Herrick said the two shallow aquifers are eluvial material, it's erosional material that comes off the mountain range, sands, gravels, silts, that deeper aquifers is bedrock. Those wells are screened out there in that deep aquifer up on the hills or the ridges, and there is no alluvial material there. Therefore, they had to screen their wells in that material. Bedrock generally speaking, does not provide ease for which groundwater can flow through the subsurface. it's not nearly as transmissive; it's not nearly as productive as a water resource. Additionally, water quality is typically better from a alluvial material as opposed to bedrock material. So, they define what that bedrock layer was, they focused on the deepest alluvial material that was present out there for water quality and quantity purposes.

Commissioner Chvilicek said Dave said each lot will have to have a detention area. How is that managed?

Mr. Snelgrove said they're talking about lots that range anywhere from just over two acres, up to about 10 acres. Each lot, depending upon how much impervious surface, there's a requirement with development that stated runoff must go back to pre-development

conditions. There's already water going off each of the lot areas or this whole property, in general. They will be handling the things that are coming off the roadways and the common elements to the subdivision. Each homeowner will have to develop in a low spot upon that will come out and then will feed into system they're going to have to detain back to pre-development conditions. Whether dealing with a two-acre lot, a ten-acre lot, or a gas station, this being development, that's part of the County Code. Because they don't know how much impervious surface custom lot future residents want to have on their property, the more impervious surface they put in, the bigger they're going to have to provide for the detention area. That's how it would work. They have a lot of land in which to do this. The area doesn't get rain that much. It gets between seven and nine inches that average per year. However, they must develop to the county standards that would meet a requirement whether building a gas station, building a single-family lot or any other use. Each lot will have its own detention.

Commissioner Chvilicek said in terms of the comment that they heard this evening, there are some discrepancies in public noticing. Can anyone speak to notices having incorrect hearing dates and the maps for proper noticing? Planner Olander said there's not been any incorrect noticing. There may have been some confusion. This was supposed to be heard the last month, and it got moved to this month with a certain date. So, that might have been the confusion. This was presented to the community in March, so it's been sitting up there for a while. There might have been some misunderstanding about when this was going to go to Planning Commission. However, because of the concern about the wells primarily, it got delayed several months. It's a computer-generated program. Staff doesn't pick the addresses; the program picks parcels/addresses 500 feet from the parcel. Staff is required by NRS to notice on certain applications such as for tentative maps it's 500 feet so anybody within 500 feet. It goes through the mail and we can't control delivery dates. However, it is posted on the website and people can be made aware of any kind of applications that are going before the Planning Commission or Board of Adjustment.

Commissioner Chvilicek asked if there was a second notice sent for the item's continuance to the current month?

Recording Secretary, Lacey Kerfoot said, per the records, the official notice of public hearing was postmarked for March 24. For the originally scheduled hearing April 5. Admin also sent a notice postmarked September 23, for the hearing that was to take place last month on October 4. And additionally, admin had an official public hearing notice postmarked October 19 for tonight's hearing.

Commissioner Donshick said they have a list of agencies that receive applications, and most of them reply. But in this case, NV Department of Water and NDOW did not reply, and they had made some comments. Those are required when dealing with wells and things. She asked for clarification.

Planner Olander said the application is sent to different agencies, including the Nevada State agencies, typically Staff doesn't hear back from them depending on what the application is. On the NDOW one, Planner Olander did look it up in the area plan, Staff is required to contact them. The agencies have the choice if they want to respond back or not. Planner Olander did want to make a note that she realized when she noticed this property, she didn't realize this was a NDOT roadway at the time. And she did reach out to NDOT and spoke to them about the concerns about the traffic on the on the road. They are aware and they've been contacted by citizens out there about issues on the roadway. However, it is an NDOT road and at this time, they don't have any planned improvements, but they were made aware of this application.

Commissioner Chvilicek asked for Planner Olander's proposed motion slide to be brought up.

Planner Olander said she didn't believe the motion was any different than it was previously. The conditions from the applicant presentation were presented late in the day and so they were not added. Planner Olander made a comment that the conditions that were provided by the applicant are primarily for the CC&Rs. Her suggestion to the applicant would be that they would just put on the record that they will add those conditions to their CC&Rs. Planner Olander was unsure that they needed to be in the approval for the meeting. She deferred to DDA Gustafson if she thought that is not the case.

Secretary Lloyd said he would agree with everything that Planner Olander recommended as the reviewing agencies have not had an opportunity yet to review those proposed conditions. And as such, there may be concerns raised. But if the commission feels it's appropriate to add them, he will add a caveat that, only if acceptable to each of the reviewing agencies subject to each one of those conditions.

Planner Olander stated she would just recommend putting on the record that these items that that applicant presented tonight would be added to the conditions of approval made to the CC&Rs. She didn't believe they need to be part of the motion. That was her take on it because they are fairly complicated. A lot of times things get in the CC&Rs that are not part of the conditions of approval because the applicant has decided they want to add more language to the CC&Rs that were originally approved. Planner Olander asked that the Commissioners leave the motion the way it is, with the understanding that the applicant has presented those items and that they would then move forward with them and the CC&Rs. CC&Rs are a separate document. If you look at the conditions of approval and the CC&Rs, they're pretty general. A lot of things they speak to have to do with code.

Commissioner Nelson asked for assurance that nothing gets lost?

Planner Olander said we put that on the applicant. There is an understanding that those are part of them. The things that the applicant has listed that he wants to include in the CC&Rs are typically not things we put in our conditions of approval, because Staff isn't a part of those activities. Planner Olander understood that the Commission has seen the same CC&Rs but they are things that have to do with Washoe County. However, the things that the applicant presented have to do with those property owners and their HOA. So those are more likely to be found in CC&Rs and not in Staff's conditions.

Commissioner Nelson asked if something like a developer's agreement could be added as an attachment? The developer could enter in with the county and say, "yes, these items will be included in our CC&Rs," and just attach it.

DDA Gustafson said when the county conditions things to be in the CC&Rs its because it either affects the county, or it's related to county code. CC&Rs are private contracts between the homeowners that live in that development and the developer. And so the types of things that are listed on this is normally not something that the county requires, but certainly is something that the developer can make a statement what he or she the developer is going to include in those CC&Rs. It's their discretion. There are two options, essentially. The Commissioners can say yes, we believe that the county should require this developer to put these things in the CC&Rs. Also, as Secretary Lloyd mentioned, subject to a caveat that the conditions are subject to approval by the reviewing agencies that would be applicable to that condition. Or the Commissioners can simply say, they expect that the developer based on the developer's representations today will include the private covenants that the developer has represented within those CC&Rs and not make it a condition of the county to do that.

**MOTION: TENTATIVE SUBDIVISION MAP 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 Tentative Subdivision Map Case Number WTM21-013 for 8900 Lakeside, LLC, with the conditions included as Exhibit A to this matter, having made all ten findings in accordance with Washoe County Code Section 110.608.25:**

- 1) **Plan Consistency.** That the proposed map is consistent with the Master Plan and any specific plan;
- 2) **Design or Improvement.** That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
- 3) **Type of Development.** That the site is physically suited for the type of development proposed;
- 4) **Availability of Services.** That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
- 5) **Fish or Wildlife.** That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
- 6) **Public Health.** That the design of the subdivision or type of improvement is not likely to cause significant public health problems;
- 7) **Easements.** That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
- 8) **Access.** That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
- 9) **Dedications.** That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
- 10) **Energy.** That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

**SPECIAL USE PERMIT 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 with conditions Special Use Permit Case Number WSUP22-0010 for Lakeside, LLC, and the requested variance to WCC 110.438.45(c), with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and having addressed the Special Review Considerations in Washoe County Code Section 110.418.30:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
- (b) **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) **Site Suitability.** That the site is physically suitable for grading and for the intensity of such a development;
- (d) **Issuance Not Detrimental.** That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Chair Donshick seconded the motions, which passed unanimously with a vote of six for, none against, Commissioner Lazzareschi, absent.

Prior to the vote, Commissioner Nelson asked the applicant to put it on record that they were going to include the additional items in the CC&Rs, as presented. Applicant Representative Dave Snelgrove indicated that they would include items 2, 3, 4, 8 and 9 in the CC&Rs.

*Chair Donshick called for a recess at 7:49PM. Chair Donshick called the November 1, 2022, meeting of the Planning Commission back to order at 7:58PM.*

**C. Master Plan Amendment Case Number WMPA22-0006 and Regulatory Zone Amendment Case Number WRZA22-0007 (Calle de la Plata and Village Green Commerce Center Specific Plan) – For hearing, discussion and possible action to:**

1. Adopt an amendment to the Spanish Springs Area Plan, which is a component of the Washoe County Master Plan, to change the master plan land use designation from Rural Residential (RR) to Industrial (I) on APN: 534-561-09, which is ±10.4 acres in size;
2. Adopt an amendment to the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D - Village Green Commerce Center Specific Plan to add APN 534- 561-09 (located at 365 Calle De La Plata) to the plan area;
3. Adopt amendments to the Washoe County Master Plan, Spanish Springs Area Plan, Appendix D - Village Green Commerce Center Specific Plan, to include the following:
  - a. Update acreage to include APN 534-561-09;
  - b. Remove specific references to APN 534-561-10 and update all requirements to be the same for all parcels;
  - c. Add a Utilities section requiring any development project within the plan area to underground utilities;
  - d. Amend and update the following sections of the Specific Plan: Development Standards; Site Planning: Building Height and Fences and Walls; Architecture; Turf Areas: Buffer Yards; and Public Trail Easement.
  - e. Remove the following sections of the Specific Plan: Specific Plan Goals; Land Use Classifications; Transportation Infrastructure; Site Planning: Building Site Coverage, Parking, Circulation & Sidewalks; Architecture: General Guidelines, Energy Efficient Tenant Criteria, Figures D-3 & D-4, Building Massing and Form, Mechanical Equipment, and Building Materials; Signs; portions of Landscaping; Turf Areas: Planting Palette and Parking Lot Landscaping; Subsequent Review Requirements; Project Financing; Maintenance; Administrative Approval for Minor Revisions; Design Flexibility; Omissions; and Definitions.

And if approved, to authorize the Chair to sign a resolution to this effect. Any approval would be subject to further approval by the Washoe County Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by the regional planning authorities.

AND

4. Subject to final approval of the associated Master Plan Amendment and a finding of conformance with the Truckee Meadows Regional Plan, recommend adoption of an amendment to the Spanish Springs Regulatory Zone Map, to change the regulatory zone from Medium Density Rural (MDR) to Industrial (I) on APN 534-561-09, which is ±10.4 acres in size; and if approved, authorize the Chair to sign a resolution to this effect.

- Applicant: Avenue 55 LLC
- Property Owner: Cynthia Thomas & Narayan Living Trust
- Location: 365 Calle de la Plata & the adjacent parcel directly to the south
- APN: 534-561-09 & 534-561-08



- Parcel Size: ±10.448 & ±10.188 acres
- Existing Master Plan: Rural Residential (RR) & Industrial (I)
- Proposed Master Plan: Industrial (I)
- Regulatory Zone: Medium Density Rural (MDR) & Industrial (I)
- Proposed Zone: Industrial (I)
- Area Plan: Spanish Springs
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander provided a presentation. Applicant representative Mike Railey stated that his presentation was redundant and was not necessary to review, but he was available for questions.

Public Comment:

Marc Siegel (Chambers): “Good evening, Marc Siegel, SJSCDLP1, the owners of the adjacent parcel to the east, the 40 acres which we were on previously. We want to say that we’re supportive of the Master Plan Amendment and the re-zoning of parcel 09 with the added language that Julie presented this evening. Thank you”

Dan Herman (Chambers): “Good evening, Commissioners, my name is Dan Herman. I live about a block away, just outside the 750 feet notification, which I was not notified. I understand that. Here we go again, this is another bite of the apple; I’m just sick of this. This has been going on for 20 years out there. This is the fifth or sixth bite at the apple by the developers and it keeps getting a little bit more, a little bit more. Now the apples gone and all we got is a core left, though. So, they basically have gotten everything that they’ve asked for and now they’re back for more. So, the Spanish Springs Specific Plan was gutted. The goals have been deleted. The landscape has been deleted. The land uses have been highly modified and there’s nothing left in this Spanish Springs Specific Plan. I worked on it. I helped put this together 20 plus years ago, along with Mr. Trevor Lloyd. He was involved in all this. He knows about it very, very well. So, my main complaint is that you guys are in the, the people that are trying to have this amendment, is they want the 40-foot height. You guys probably want it, too, because it makes it simple. I don’t think so. I think they stay with the original Spanish Springs Specific Plan, which was 30 to 35 feet max height. So, the landscaping has been decreased. It was 20%. Now it’s 15% for this request. There’s a public trail easement. There’s an administrative error. Julie knows about it. But it shows in part of the application, that it’s in the flood detention basin, Washoe County owned property. Then there’s Exhibit B that she has, that says it’s on the applicants of parcels 08 and 09 and should be 09. I just want to make it really clear that we don’t want it on the detention basins. That needs to be rectified. So, in neighborhood meetings, as Julie showed on her slide there, the 40-foot height was a major concern. There’s opposition from the community out there at the Citizen Advisory Board at Lazy Five, noise and lighting, road traffic concerns. I don’t see where this is addressed in the application. The 40 feet is oh boy, we’re going to rubber stamp parcel 10. So, their asking for another 10.”

Discussion by Commission:

Commissioner Flick stated he was a little confused about the significance of the 40 feet versus 35 feet? Who’s asking for it? Is staff asking for it? Is the applicant asking for it? It seems like five feet is not a big deal. It apparently is.

Planner Olander said on the previous revision of this plan and that was done early this year with Mark Siegel's application, it was changed to 40 feet from 35 feet. And that was a request made by him. Planner Olander stated that she is not an industrial designer, so she didn't know. But her understanding was, they asked for that 40 feet because in industrial buildings, a lot of the cranes must have that port with the extra five feet to do whatever they do inside the building. So, it was requested by the applicant in the last revision of the Village Green plan.

Mike Raley said the 40 feet is reflective of modern industrial standards with automation equipment. The applicant was asking that the updated standards be applied to everything. There are provisions in the specific plan that if a building does exceed 35 feet, additional setbacks are allowed for that building height. That was part of what was negotiated during that last time. All the residents of the South were pleased. The applicant received testimony in favor of the new changes. The applicant thought it was also important to mention that 35 feet is allowed in a single-family residential zone. That's essentially two-story house, they were not asking for a huge increase.

Commissioner Chvilicek said under the case description, it says it's in Commission District Two. It's really in Commission District Four. Planner Olander apologized for the error.

**MASTER PLAN AMENDMENT 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 adopt the resolution contained as Exhibit A to this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA22-0006, having made at least three of the following five findings in accordance with Washoe County Code Section 110.820.15(d) and having found that the amendments are in conformance with Spanish Springs Area Plan Policies SS.17.1 and 17.2. I further move to certify the resolution and the proposed Master Plan Amendments in WMPA22-0006 as set forth in this staff report for submission to the Washoe County Board of County Commissioners and authorize the Chair to sign the resolution on behalf of the Planning Commission. Commissioner Flick also moved to include the changes as indicated by Planner Olander on slide 14 of her presentation.

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 Policy SS.17.1 and 17.2**

##### **SS.17.1**

- a. **The amendment will further implement and preserve the Vision and Character**

**Statement.**

- b. The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.**
- c. The amendment will not conflict with the public's health, safety or welfare.**

**SS.17.2**

- a. 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.**
- b. 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.**
- c. 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.**
- e. 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.**
- f. 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.**

**REGULATORY ZONE AMENDMENT 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 Planning Commission adopt the resolution included as Exhibit B, recommending adoption of Regulatory Zone Amendment Case Number WRZA22-0007, having made all of the following findings in accordance with Washoe County Code Section 110.821.15(d). Commissioner Flick further moved to certify the resolution and the proposed Regulatory Zone Amendment in WRZA22-0007 as set forth in this staff report, for submission to the Washoe County Board of Commissioners and authorize the Chair to sign the resolution, on behalf of the Washoe County Planning Commission.

- 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.**

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; more desirable use.** 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 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.** The proposed amendment will not affect the location, purpose and mission of the military installation.

Commissioner Donshick seconded the motions, which passed unanimously with a vote of six for, none against, Commissioner Lazzareschi, absent.

- D. Development Code Amendment Case Number WDCA22-0002 (Amends Chapter 110, Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) and Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies))** – For hearing, discussion, and possible action to approve a resolution to amend Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) to add single family dwellings, limited to air space condominiums, as an allowed use in Incline Village Commercial Regulatory Zone Special Area 1; and to amend Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies) referring to land use to add Tahoe Area Plan Policy LU2-9 as a special policy; and all matters necessarily connected therewith and pertaining thereto.

The Planning Commission may recommend approval of the proposed ordinance as submitted, recommend approval with modifications based on input and discussion at the public hearing, or recommend denial. If approval is recommended, the Planning Commission is asked to authorize the Chair to sign a resolution to that effect.

- Applicant: Feldman Thiel LLP
- Property Owner: Pal Cap FFIF 1 Tahoe LLC
- Location: Incline Village Commercial – Special Area 1
- APN: All parcels within Incline Village Commercial – Special Area 1
- Master Plan: Incline Village Commercial – Special Area 1
- Regulatory Zone: Incline Village Commercial – Special Area 1
- Area Plan: Tahoe
- Development Code: Authorized in Article 818, Amendment of Development Code
- Commission District: 1 – Commissioner Hill
- Applicant: Feldman Thiel LLP

- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Chair Donshick called for Commissioner disclosures. Commissioner Nelson stated as the Engineering Manager for the Incline Village General Improvement District, part of her job was to review a project associated with 947 Tahoe Boulevard. Specifically, the item talked about in the area plan. However, Commissioner Nelson did need clarification from Staff as to whether 947 Tahoe would be presented to the IVGID board?

Secretary Llyod stated the 947 Project does not require discretionary approval through this or any other board. Commissioner Nelson stated she believed the 947 Project already received approval through TRPA. Commissioner Nelson stated that this is specifically a code amendment in article 220 of the Washoe County development code, which does have ramifications for that specific project, but this specific meeting the Planning Commission is not looking at a specific project. Commissioner Nelson stated she didn't think the 947 Project has to go back to IVGID, but Planner Weiche can correct her.

Planner Weiche stated she would get into some comments she received from IVGID as part of her presentation. Planner Weiche stated she did speak with the applicant prior to the meeting. Planner Weiche confirmed that the 947 Tahoe Project, as originally proposed, did go to IVGID for a presentation. Planner Weiche stated that there might be some additional outstanding issues they are aware of, and she believes 947 Tahoe Project intends to go back to IVGID. Planner Weiche was not aware of any County requirement regarding this and stated the applicant will be able to better clarify their intentions.

Secretary Lloyd stated one other point of clarification, and apologized misspeaking in one regard. Secretary Lloyd stated there would be a requirement for a tentative map approval that would come back to the Planning Commission as a discretionary item.

Commissioner Nelson stated that in reference to just the code amendment, she did not feel she needed to recuse herself. Commissioner Nelson stated she wanted to make sure everybody knows where she was standing on the issue.

Planner Courtney Weiche provided a presentation. A presentation was provided by Lew Feldman, with Feldman Thiel LLP, and Chuck Butler, via Zoom. Rob Brueck, Jacob Stock with TRPA, and Kara Thiel were also available via Zoom.

Public Comment:

Judith Miller (Zoom): "For the record this is Judith Miller. Good evening, Commissioners and I do want to congratulate the people who made it over the Tahoe Basin this evening. It was a challenge. I understand there are several of you there. Staff as well. I don't believe the proposed amendment meets the required findings. I think you'll hear from our community that in fact, this amendment would do much harm by allowing hundreds of additional dwelling units, that is past actions predict future outcomes, will become short term rentals. Additionally, the likelihood of development of affordable units or apartments will be slim to none. Given a choice, no developer would build apartments rather than condos. The highest and best use is the mantra of the real estate community. But calling this development mixed use with 40 condos, and an office is really a bit of a stretch. Nearly half of the roughly 8,000 dwelling units in Incline are condos and most of those are in or near town centers. There's really no need for more. Based on the most recent available data from the County, nearly 80% of the permitted short-term rentals are condos. Many of these units used to be our workforce housing. Our businesses are closing because they can't hire employees. There are only a few 100 apartments in Incline, not nearly enough to house workers in the hospitality and recreation jobs, who for the most part are renters, not

buyers. The special area along Tahoe Boulevard consists of over 30 acres of land. It was specifically identified as a potential location for some form of affordable housing or apartments. That's the multi-family limitation. Current zoning would allow for nearly 800 apartments. If the amendment is approved, there would be a potential for 800 luxury condominiums. So much for workforce housing. Many of these units would become short term rentals, adding to the already peak season problems of traffic, trash, and dangerous congestion. The average occupancy of full-time residences is 2.1. The average maximum allowable occupancy of short-term rentals is now over six. During peak season, STR's are typically filled to capacity, if not over capacity. The STR ordinance allows only one STR per parcel. So, if the two parcels driving this code amendment contained 40 apartments, only two could be permitted as short-term rentals. If the proposed amendments approved all 40 of the airspace condos could become short term rentals. This is not what was envisioned when the Tahoe Area Plan was finally adopted just last year. We need workforce housing, in particular apartments. What we don't need is more condos. Please vote no on this development code amendment. Thank you."

Phil GilanFarr (Zoom): "Phil GilanFarr, Chair and Commissioners, thank you for taking the time. I worked on a community plan in the 90's and was part of that committee planning team. I was also again part of the Tahoe Area Plan updates. I think something like this should have been reviewed with plan team members or through a number of workshops through the CAB prior to what we're doing today. I feel like it's such a new plan and we're just letting a few staff members make a decision about something that will greatly impact us, as a community, as a whole. They purchased this property knowing or not knowing because I actually had a conversation with the law firm, and it reminded them that there was a rule in the Community Plan that said it was single family was not allowed in that area. Mr. Coleman is incorrect in this case when he says that there is no re-development as a result of the previously Community Plan. Numerous buildings in fact, I designed 5 of them in the middle of town which are commercial and retail and retail oriented, to be part of a town center, have been developed in the Incline Committee Plan town center. We don't need two million-dollar units sitting in the middle of the town center and we certainly don't need the plan area to be adjusted to allow multi-residential and single family throughout the entire town center. This is completely inappropriate for a town center. What is part of the town center? Town center should be mixed use. Mixed use is not 50,000 square feet of \$2 million residential units with a 400 square foot office. That is not mixed use. That's silly. They're just trying to pull the wool over everyone's eyes. They received TRPA approval, and they jumped the gun. They went and got a multi-family approval and now they're trying to railroad a single-family project to be put in the middle of a town center. If you've been in Incline, you realize they didn't build Incline with a town center. We don't have a nice bottom block Aspen Village or like what we have in Kings Beach, where you have the nice walking community. Where you have retail with residential on top. What we should have is a mixed use. Great, put some luxury condos at the end of town. But let's make sure that we write the code in such a way, that says mixed use must be primarily commercial retail in the town center, with residential above anything that faces the street. Highway 28, Tahoe Blvd, should be mixed use retail, restaurant, office space to enhance the community core and yes, we want a walkable community. We need to create and enhance our town center, not fill it up with a bunch of residential units, that are not enhancing the town center. I request you postpone this and gather more information from the planning team or from the CAB prior to making a decision. TRPA is waiting for you to make the right call. Thank you."

Diane Becker (Zoom): "My name is Diane Becker and I'm a full-time resident of Incline Village. I'm very familiar with existing housing in Incline Village and I must disagree with all the proposed findings and state there is no support for any of these findings. I've sent you a lengthy email in opposition to the amendment and hope that you have read it. But I do not see that it is in the packet, and I also note that several people I know have sent opposition that is not contained in there. I first want to remind all of you that the County is currently working on its own proposed amendments to the Tahoe Area Plan and those will have a workforce affordable housing component, I am told. Why would the planning

commission even consider this piecemeal request to amend the entire plan, before it sees what the County is proposing? I do not know why this was not requested just for the one property, but to do the amendment for the entire special area is unfair to our residents. It's particularly unfair because there was not the normal public meeting. These public meetings, which are noticed for a very small area is not the public comment and input that you should have. Second of all, I want to tell you how this amendment came or how the Tahoe Area Plan in this area came to be. In 2020, I attended and so did many, many residents' meetings that were attended by a TRPA representative, who's no longer at TRPA, Eric Young of the County and it was explained to us, that this special area needed to have increased height, increased concentration, and density, and reduced coverage so that the projects could have an affordable housing component. That's the only way people are going to build affordable housing, we were told. People stopped objecting in the community because we know we needed affordable housing. Now, secondly, there's very, very, very little commercial property in Incline Village for those of you who are familiar with it. To just make a change to the whole plan at a time where you are not getting public input on this, where we could not come down, partly because of the snowstorm, is not appropriate. You really need to get input from the community as to what our needs are before you change the Tahoe Area Plan. And I'm not saying this as an opposition to the project itself. I'm saying this, that you are talking about a major plan amendment that you should not be making with so little input. I hope that you will wait. The change conditions that they refer to don't exist. There is no affordable housing in our area because the County has determined not to enforce the small amount of affordable housing."

Chris Wood (Zoom): "Yes, my name is Chris Wood. I'm a resident full-time of Incline Village. I speak to oppose this proposal. Although, I do respect the individuals attempting to bring this forward. I don't think it's in the best interest of Incline Village. This special area one, as I understand was created in 2021. That's just a year ago. The two sets of parties, Washoe and TRPA should have considered whether to add airspace condominiums as a unit that is acceptable within this special area. The fact that they didn't is a glaring omission and I wonder if anybody has looked into the legislative history of this Special Area One and found why that wasn't considered, if it was or it wasn't, why it was excluded. This is clearly a deviation. You should go to the website for Dixon Real Estate right this moment and put in 947 Tahoe Boulevard and see that they're offering one unit at least for \$3.9 million. Now what fire-fighters, police officers, teachers, or maybe even planners can afford that. How do we address the needs for Incline Village? These will be second homes for absentee owners. They are not going to get filled with families that populate downtown, they will populate downtown during the seasons that are peak seasons. In other words, three months of the year in the Summer and a month maybe in the Winter total. If you are going to pass limits, excuse me, if you are going limit or, excuse me, add this category of housing to the entire plan, it really should only be limited to this address. Before there's further consideration as suggested by the prior speakers, for a vast amendment to the plan overall. I would like to address a comment by one of the persons who wrote you an email in support, who suggested that it's Washoe County's duty at this point, to address the affordable housing issue and to build incentives that neighboring states have developed for their developers to build affordable housing. This is something Washoe County needs to address now and not to amend the plan of, overbroadly for every unit within the special area. Thank you very much."

Scott Dutcher (Zoom): "Thank you. My name is Scott Dutcher. I'm general manager of Tahoe Emo we're owner of an 18,000 square foot office building at 926 Incline Way, located adjacent to the applicant and bordering Incline Village Commercial Regulatory Zone. Tahoe Emo also owns and manages five other buildings in Incline Village in total over 65,000 square feet of

commercial and retail space, all within the core business district of the Northwoods, Southward Boulevard loops. I'm also a Nevada state licensed real estate agent and property manager. I'm responsible for managing a 15,000 square foot office building located within the regulatory zone at 937 Tahoe Boulevard adjacent to this applicant. So, as the representative then of two property owners located within the regulatory zone and adjacent to the regulatory zone, I ask that my voice might carry some weight on this issue. I support the right of all property owners to develop their land in compliance with the existing local zoning regulations. The Washoe County Tahoe Area Plan adopted last year, specifically states on page 2-19, higher density residential development should continue to be focused within town centers, which is what this proposed development complies with. But I think your plan makes a confusing distinction simply between density and ownership. What you're considering tonight is an example of a distinction between an allowable use of a 40 unit apartment building, but not a 40 unit condominium. It's the same development. It's simply a distinction as to ownership. So, I would ask your staff planner to clarify this point. Does your area plan specifically provide for any condominiums anywhere in the Tahoe area or is it silent on that issue? Condominium or townhouse is simply a distinction in the form of ownership, not an allowable land use, or its density. As a realtor with a capital R, myself and 20,000 other Nevada realtors have an obligation to oppose any attempt to restriction on property ownership, including condominium ownership. So, in closing, let me request the Planning Commission and its staff encourage specific property uses and densities, but not restrict or discourage any particular form of property ownership. Incline Village and Lake Tahoe communities have worked for many years to develop this area plan and several predecessor plans. Our governing boards have approved the plans and now a developer has finally stepped forward to begin implementing the plan. Please respect our individual development preferences, so long as they comply with your restrictions on use and density and do not restrict our rights to private property ownership, by way of requiring multi-family apartments instead of allowing condominiums. Thank you."

Ann Nichols (Zoom): "Ann Nichols, North Tahoe Preservation Alliance and Washoe County property owner. Realtor for 50 years. Scary as that is. Anyway, I'm really sorry, this has happened to this developer. He's put all this work into it and what I object to is that this considerable significant zoning change is being applied to an area when you're just talking about one development. Really, it's a major change; the community needs to get involved with this; needs to know about it. This has come up really quickly. There are some people that know, but there's plenty that that don't. So really, you should do some sort of community outreach workshop. That's what we're having to do on the Placer side. And yes, TRPA is going to try to do this everywhere. We are going to be condominiumized, the Main Street and all of Tahoe, if this kind of thing goes through. So please, this is too big and too complex to change on one request. Thank you."

Randall Fleischer (Zoom): "Hi and for the record this is Randall Fleischer. I am a property owner in special district one. I own two projects there. I'm also involved in the development of 947 Tahoe. I want to speak in support of the motion to change the Tahoe Area Plan. The project is in compliance with density; is in compliance with the mobilities; in compliance with the ability to provide close access to the downtown core. I'm speaking in support of the motion, as well as a property owner that has other assets. We also are working on affordability and workforce housing in the same Incline Village. I've been a resident of Incline Village for the last 10 years and want to speak in support of the motion. Thank you."

Recording Secretary Kerfoot offered clarification on Planner Weiche's comments about public comment. Recording Secretary Kerfoot stated there were 29 public comments included in Exhibit C of your staff reports. Admin received 15 additional public comments. She believed it was stated there were 17. The notices were sent out to planning commissioners and posted prior to the meeting and Ms. Becker's comment was included and was posted yesterday. Recording Secretary Kerfoot stated she did receive one additional public comment via email after she had already come down to chambers. She said it was not printed out, but it would be posted to the website and be included in the



record within 24 hours of the meeting.

Commissioner Flick asked why they must allow the single-family designation for condominiums to apply it everywhere? He thought they were doing an ordinance to allow and then define a condominium is a single-family residence as long as it has a tentative map. He asked if it was possible to zone specific parcels to have condominiums there, instead of trying to do a broad-brush approach to it?

Planner Weiche stated the project had gone in a couple of different directions. Planner Weiche said they determined that single family was not a permissible or an allowed use in that special area. There were a couple of different options that the applicant had available to them, during consultation with TRPA and county staff that was discussed. One being the original application back in July, requested rather than applied this to all of Special Area One allowing for single family use, limited to condominium. The distinction in this is that by limiting it to airspace, condominiums, they're not the detached single family. So, the distinction between condominiums outside of special area one, isn't seen very often. It's just single family, residential. Planner Weiche said it still can develop a condominium, but in some ways, it is further limiting the opportunity for single family because you can't have detached. They must look and be functioning as an airspace condominium. The alternative option would have been to have taken these two parcels that are adjacent to the broader Incline Village commercial regulatory zone and remove them from the Special Area One and have them annex or incorporate into that broader zone. You are now looking at a Master Plan Amendment, a Regulatory Zone Amendment, and a Development Code Amendment because of the differences in what that process and requirements are, for that scenario. There hasn't been mention of a need and opportunity for the County to also be pursuing possible known Area Plan Amendments. This is just a Development Code Amendment. We are not touching the Master Plan nor the Regulatory Zone Maps. She may afford the applicant and even TRPA representative, to go through all the alternatives. Planner Weiche stated they all agreed this was the best approach and that there was enough rationale that it may make sense that's what was presented in the staff report for the whole of Special Area One. Planner Weiche stated she was in Washoe County since 2021 just prior to the adoption of this. Her understanding in the conversations with her colleague, who was on the area plan committee, was that it was intended to prevent or prohibit, restrict, if you will, the detached single family. Planner Weiche thought it was a bit surprising, as did TRPA, that by not distinguishing that airspace condominium you cannot have it in that zone. She thought the vision was they didn't want to see detached single family homes in a town center.

Secretary Lloyd stated he wanted to piggyback on what Planner Weiche had mentioned. The definition in of development code for single family residents is a distinction between that and condominiums in the code and that's where the confusion lies. Secretary Lloyd stated they're trying to adopt TRPA's code, and still have definitions from their code and they recognized early on, there may be these kinds of concerns or issues, that that pop up down the road and this is one of those situations.

Commissioner Flick stated he thought the major concern voiced by the people that were on the phone, was that we're going to have these things pop up all over the place and there isn't going to be affordable housing. Commissioner Flick stated he didn't know how they're going to get affordable housing on the water. He stated that if they zoned something that's a condominium somewhere on several different parcels, then they have a regulation that can have a single-family dwelling on a specific parcel. Commissioner Flick stated if is an air space condominium with a map, then that will eliminate some of the mass production of these things, that some people are worried about.

Chair Donshick stated she wanted to remind everyone nothing is being done with 947 at this meeting and it was strictly the development amendment code. Chair Donschick stated she knew they need to look strictly the code and not the 947 Project. The Chair stated it will come as a separate project later with more detail and asked if everyone was

comfortable with the way they're trying to fix the code issues.

Commissioner Chvilicek stated she was looking at what is allowed in the code, specific to the area's tourist accommodation, where it was said the timeshare hotel, motel design, timeshare residential is under a special use permit.

Planner Weiche confirmed that within Special Area One, those are solely the uses and only the uses that are allowed. The S represents that use, in the uses defined using the TRPA definitions in their code of ordinances would either be allowed outright or require a special use permit.

Commissioner Chvilicek stated they went through the Tahoe Area Plan and did an extensive examination of short-term rentals. Everything was called out as an STR and Commissioner Chvilicek asked if timeshares envelop STR or are STRS prohibited?

Planner Weiche stated short-term rentals are allowed in single family dwellings. She said they are not a unique use or separate permissible use by way of the regulatory zone. She stated, if it's a single-family dwelling per the STR code as it is today, it is allowed and can apply for a short-term rental permit. She stated it has been determined by staff and by legal, that timeshares are a separate and unique use from a short-term rental. Planner Weiche stated she believes it's common for timeshares to be permitted through a special use permit. She felt it was comparable to a Marriott, which functions and acts uniquely different than a short-term rental operation.

Commissioner Chvilicek stated that short term rentals would not be allowed when associated with a map of multi-family and airspace condominiums.

Planner Weiche stated the code allows one STR per multi-family or per parcel.

Secretary Lloyd confirmed Planner Weiche was correct. He stated that code article 319 allows one STR per parcel unless there is an existing accessory dwelling on that parcel, which would allow two, but for multifamily, that's one parcel line and one STR.

Commissioner Chvilicek stated she understood the definition of mixed use, but a better understanding of what mixed use really means was needed.

Planner Weiche agreed and anticipated this question. She appreciated the comments that we heard this evening and the comments received in relation to mixed use. Planner Weiche stated as part of the application for the 947 Multi-Family Project, that went before TRPA this summer, the planner on that project did reach out to her and the County to determine if Washoe County has any mixed-use standards or specific definition of what that means? Planner Weiche stated that TRPA also is lacking a specific kind of ratio, where you see 20% of the overall footprint is commercial or professional office space. She said this is something that the County has identified and has interest in exploring and going through an exercise. Planner Weiche stated this is exactly the sort of amendment that they plan to include as part of the broader area plan amendment. She stated that they are going to be presenting and doing extensive outreach to the public for coming up with that definition. Because of that, and Planner Weiche didn't want to speak on anyone's behalf and that Jacob Stock was available to answer questions. Planner Weiche continued by saying Bridgette Cornell and herself worked on that project and she believed they were somewhat limited in holding the applicant to a certain standard of what mixed use was. Planner Weiche stated they amended original proposal and drawings to incorporate 1000 square feet of commercial space for that project. Planner Weiche stated that the TRPA governing board did approve it meeting the mixed-use development standard.

Commissioner Chvilicek stated that as a regional planning commissioner, with the regional plan update and such, she had the opportunity to review a lot of different communities mixed use. She continued by stating commercial, single family, multi-family, open-space, and community space will be visible. Commissioner Chvilicek stated that was her working definition of mixed use.

Planner Weiche said she will be reviewing those as well.

Commissioner Phillips asked to summarize this as step one of step two and said step two will come in later when he can get more specific.

Planner Weiche stated it was independent of any specific future project. She does not know what projects will come in. Planner Weiche stated she can anticipate one that has been heavily referenced and discussed this evening. The next step would be, assuming it goes through, would be about seven plus more hearings. Planner Weiche stated it doesn't go to Board of County Commissioners for two readings. She said County staff will be going to TRPA, ARPC, ABC, the governing board and there would be a lot more steps depending on the outcome. Planner Weiche stated the existing multi-family, mixed-use development project has to be approved, which would allow subdivisions and condominiums airspace similarly to what has been heard from the 947 Project.

**MOTION: Commissioner Chvilicek moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA22- 0002, to amend Washoe County Code Chapter 110 (Development Code), Article 220 (Tahoe Area), Section 110.220.145 (Incline Village Commercial Regulatory Zone Special Area 1) and to amend Section 110.220.150 (Incline Village Commercial Regulatory Zone Special Policies) referring to land use to add Tahoe Area Plan Policy LU2-9 as a special policy; as reflected in the proposed ordinance contained in Attachment A-1. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on the ability to make all of the following four findings in accordance with Washoe County Code Section 110.818.15:**

- 1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;**
- 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;**
- 3. Response to Changed Conditions. The proposed development code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,**
- 4. No Adverse Effects. 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 Pierce seconded the motion, which passed unanimously with a vote of six for, none against, Commissioner Lazzareschi, absent.**

## **9. Chair and Commission Items**

- A. Future agenda items - Chair Donshick thanked staff for the on-going EnvisionWashoe2040 master plan update memos. She asked that next month; staff present provide a presentation on their progress to the Commission.
- B. Requests for information from staff - None

## 10. Director's and Legal Counsel's Items

- A. Report on previous Planning Commission items - Secretary Lloyd reported that the Larson MPA/RZA was approved at the Board of County Commissioners (BCC) meeting last week.
- B. Legal information and updates - None.

## 11. General Public Comment and Discussion Thereof

### Public Comment:

Phil GilanFarr (Zoom): "Yes, Phil GilanFarr. Thank you for letting us take the time to discuss this, I'm very surprised and will file an appeal against your decision. I feel like you did not hear any of the comments against changing our community plan and you're allowing years of time and effort in organizing and meeting with the community and working with county staff and TRPA, to review our community plan and then you allow a single staff member to make judgment call and allow a project to move forward, which will greatly impact an entire community. I'm very disappointed in each of you, for your support of a change without really considering the ramifications of what you've approved and I'm very disappointed and I will make an appeal to that and I will appeal the County Commission's review of that and your review. I think it was completely inappropriate. For the record, I'm just very disappointed in your action. Without considering that, with the exception of one or two people that a project proponent, you had 30 or 40 people who were saying, 'why are you moving forward with this with no proper public input that affects our entire community?' So, I'm very disappointed in your actions. Thank you."

Recording Secretary Kerfoot indicated that she had been remiss and did not mention under item 8B that staff had received 13 written public comments, 14 if you include the letter that Mr. Buchanan brought to the meeting.

Commissioner Chvilicek stated that as a citizen of Washoe County, she is dismayed that applicants are being harassed for projects. It troubles her deeply.

Chair Donshick concurred with Commissioner Chvilicek. She also acknowledged that we are losing Recording Secretary Lacey Kerfoot. She personally thanked Ms. Kerfoot for all that she's done and for her continued commitment. Chair Donshick wished Ms. Kerfoot well in all endeavors. The Commissioners applauded.

## 12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 9:45 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on November 1, 2022

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Trevor Lloyd  
Secretary to the Planning Commission