



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney, Chair
Francine Donshick, Vice Chair
James Barnes
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Trevor Lloyd, Secretary

Tuesday, January 7, 2020
6:00 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, January 7, 2020, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Chesney called the meeting to order at 6:00 p.m.

Mr. Lloyd stated that Commissioner Horan has resigned from this Planning Commission. He has moved out of the unincorporated part of the County and into the City and is no longer eligible to serve on this Commission. He was a valuable member of this Commission. Mr. Lloyd added that he will be presenting a resolution to this Commission at a future date.

The following Commissioners and staff were present:

Commissioners present: Larry Chesney, Chair
Francine Donshick, Vice Chair
James Barnes
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson

Staff present: Trevor Lloyd, Secretary, Planning and Building
Kelly Mullin, AICP, Senior Planner, Planning and Building
Chris Bronczyk, Planner, Planning and Building
Dan Cahalane, Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Chad Giesinger, Planning Manager, Planning and Building
Dan Holly, Plans Examiner Supervisor, Planning and Building
Mojra Hauenstein, Director of Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Johnna Chism, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Bruce led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards 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 Chesney opened the Public Comment period.

Carol Black said she sent a packet with slides and a letter with additional information. She went through the slide decks. She said she recommends not recommending despite the hard work from staff and good components in the report. She said her reasoning is that she doesn't believe the findings have been met. She said zoning components are not compliant with TRPA or NRS. Occupancy is a major concern. The ordinance will not limit short-term rentals in the area; it will encourage more. Short-Term Rentals (STRs) have increased occupancies. Airbnb reported 27,000 more arrivals to the Tahoe area compared to the previous summer. This occupancy is a risk to all of us. Parking is a mess. There are tiers in the proposal. She said 10 is the threshold in which one needs a discretionary permit. Census data for residences is 2.5 residents. IVGID survey shows an average for short-term rentals is 4.5 people. Ten is a big difference with a big impact on the community. She recommended lowering it to four for the threshold. She spoke about collateral impacts to changing the zoning. She spoke about hazards in short-term rentals.

Judith Miller, Incline Village resident, said she doesn't have anything against short-term rentals. She said they are great in moderation. She read a prepared letter. Your recommendations will impact Lake Tahoe. The bi-state strategy is predicated on the carrying capacity. She said through short-sighted recommendations, it pushes through the carrying capacity. She said she decided to move here 12 years ago. STRs have occupancies that are much more than residential use. She asked the Commission to think about evacuation routes. She said we don't want to experience another fire like Paradise, California. Limiting STRs is important to protect the citizens and tourists. She spoke about declining population and declining school enrollments. To introduce amendments that don't address the problems with having too many STRs is not acting responsibly. This was brought to the attention of the County Commissioners five years ago, but they didn't want to touch it. It's going to be difficult. Today, you have the opportunity to modify the amendments before going to the Board of County Commissioners.

Blane Johnson requested to speak during the short-term rental item.

Hearing no further requests for public comment, Chair Chesney closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the Tuesday, January 7, 2020 meeting as written. Commissioner Bruce seconded the motion, which passed unanimously with a vote of six for, none against.

7. Approval of December 3, 2019 Draft Minutes

Vice Chair Donshick moved to approve the minutes for the December 3, 2019 Planning Commission meeting as written. Commissioner Bruce seconded the motion, which passed unanimously with a vote of six for, none against.

8. Public Hearings

A. Tentative Subdivision Map Case Number WTM19-003 (Blue Oaks) – For possible action, hearing, and discussion to approve a 10-lot, single-family residential tentative subdivision map and grading of ±9,600 cubic yards of cut and ±9,600 cubic yards of fill. Lots range from 35,010 square feet to 47,110 square feet.

- Owner/Applicant: Ken Dixon
- Location: 11720 Campo Rico Lane
- Assessor's Parcel Number: 534-600-12
- Parcel Size: 10 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS) (Max Density of 1 dwelling unit per acre)

- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 608, Tentative Subdivision Maps
- Commission District: 4 – Commissioner Hartung
- Prepared by: Chris Bronczyk, Planner and Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3612 (Chris) and 775.328.3628 (Dan)
- E-Mail: Cbronczyk@washoecounty.us and dcahalane@washoecounty.us

Chair Chesney called for Commissioner disclosures. There were no disclosures by the Commissioners.

Dan Cahalane, Washoe County Planner, provided a staff presentation.

The Applicant representative, Ryan Sims, introduced the owners. He said they agree to all conditions of approval and thanked staff for their hard work.

Chair Chesney said Harris Ranch hasn't even begun to start, but the primary access for this site is through the proposed entrance into Harris Ranch. He asked if the applicant cannot proceed with construction until the entrance is put in. Mr. Cahalane stated they need access to the property; even if Harris Ranch Subdivision doesn't move forward, financial assurance is required in order to connect the roadway to Pyramid Highway. He noted it's condition of approval 2.p. Chair Chesney said he hoped the temporary access wasn't going to be used for years.

Chris Bronczyk, Washoe County Planner, noted if the permanent access from Harris Ranch changes, it will have to come back for full review again. He said that is why the financial assurance condition is in place.

There were no requests for public comment; Chair Chesney closed the public comment period.

Commissioner Chvilicek stated she was looking for a report from Fire. She asked if they were satisfied with access to the property. Mr. Bronczyk noted they provided photos and the application. Mr. Don Coon was satisfied. Due to the length of the cul-de-sac, there was no requirement for secondary access.

Commissioner Bruce asked if the CAB had a recommendation. Mr. Cahalane said the CAB did recommend approval. Commissioner Chvilicek said it's helpful to have the minutes or to include CAB approval or denial in the report.

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 approve, with the conditions included as Exhibit A to this matter, Tentative Subdivision Map Case Number WTM19-003 for Ken Dixon 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.

The motion was seconded by Vice Chair Donshick. The motion carried unanimously, with a vote of six for, none against.

B. Development Code Amendment Case Number WDCA19-0008 (Short-Term Rentals)
– For possible action, hearing, and discussion to amend Washoe County Code Chapter 110

(Development Code) within Article 302, *Allowed Uses*, to identify the types of review required for short-term rentals in each regulatory zone and to add an administrative review permit to the list of review types; within Article 304, *Use Classification System*, to update the residential use type description, add a definition for short-term rental, and update the definition for lodging services; and within Article 410, *Parking and Loading*, to update the off-street parking space requirements table to include a reference to short-term rentals. Chapter 110 would also be amended to create Article 319, *Short-Term Rentals (STRs)*, to establish standards, location limitations, defining unpermitted short-term rentals as nuisances, occupancy limits, parking requirements, safety/security considerations, signage, noise thresholds, trash/garbage collection rules, insurance requirements, Tahoe area considerations, permitting requirements, enforcement process, fees, fines, and penalties associated with short-term rentals; and to amend Article 306, *Accessory Uses and Structures*, by removing the procedural details for Administrative Review Permits, with those details being re-located into a new article that is updated to reflect minor changes related to short-term rentals. That article would be created as Article 809, *Administrative Review Permits*. Short-term rentals are a type of temporary lodging of brief duration operated out of private residences such as homes, apartments and condos. They are commonly made available through property management companies and online booking services, and are also referred to as vacation rentals that are generally booked for fewer than 28-days. The amendments may include the resolution of discrepancies that may arise within existing WCC chapters as a result of any new code language, and other 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. Any material modifications that exceed the scope of the amendments being considered at this hearing may require continuation of the hearing for possible action at a future meeting.

- Prepared by: Kelly Mullin, AICP, Senior Planner
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Planning and Building Division
- Phone: 775.328.3608
- E-Mail: kmullin@washoecounty.us

Chair Chesney called for Commissioner disclosures. Commissioner Bruce asked if the private meeting with Washoe County Staff should be a disclosure. DDA Edwards noted it's a good idea to disclose that information and asked for clarification. Commissioner Bruce said he met with staff but not as a quorum. There were no further disclosures by the Commissioners.

Kelly Mullin, Washoe County Senior Planner, provided a staff presentation.

Public Comment:

Judith Miller said she has two main objections to the approval. She said she learned Mr. Horan, who represented District 1, has resigned. Now there is an empty seat and no one to represent District 1. She said the Code states there is a representative for each District. There is no one to represent Incline Village. She said she objects to staff's four findings of facts. She said the findings are not valid, and she objects to it. She reviewed the findings. She said she read the Master Plan which addresses work-force housing, in which short-term rentals are in direct competition with work-force housing. She said we are supposed to provide affordable and work-force housing. The second one is to promote the purpose of development code, and she said she believes the amendment doesn't do that. It doesn't promote health, safety, and general

welfare. It doesn't lessen traffic congestion. She asked if it avoids undesirable concentration of population. A vacation rental increases population for the weekend. These amendments do nothing; it's detrimental to the factors. There are adverse effects.

Carol Murphy thanked the Commission. She said she is a realtor, broker, and the Chair of the Reno-Sparks Association of Realtors Legislative Committee. She stated the Reno-Sparks Association of Realtors and Incline Village Realtors provided written comments during public input period and should be included in the packet. Vacation rental regulation is a private property rights issue. A property owner has a right to own, sell, and buy property. She said they don't defend bad tenants or bad neighbors in short-term, long-term, or owner occupied. She said they support enforcement of nuisance ordinances. She said Kelly and staff should be complemented for reaching out to those involved. All efforts have been made to get input. She said she had issues with a few of the items. She said the 30-minute response time is a concern. It's lacking definition of response – it could be interpreted as physical response. Washoe County is a large area, and requiring a physical response is too limiting. She requested specific definition of response or a significant increase of time. Additional occupancy within specific limitations during daytime hours is generally accepted throughout the County. Occupancy limits generally allow increased occupancy where children below a certain age are exempt. Infants and toddlers should be exempted from the total occupancy count. Parking is always an issue. It should be uniformly enforced across the County regardless of property use. On-site inspections are well defined, but who will conduct the inspections is confusing. Staff's explanation shows general inspections are conducted by the County, but the regulation language indicates multiple inspections conducted by Fire and County. She said it appears as stacked inspections which could be costly. Lastly is the issue of exterior signage which can be an open invitation to burglars and a safety concern.

Blane Johnson, Sun Bear Realty, said that the permit process should be similar to RSCVA. Register the property with RSCVA for tax purposes. He said if you are under a property management company, then you are required to have a property manager permit, and it is reported to RSCVA for collecting taxes. He asked the Commission to consider that. He said under NRS 615.6054, a property would be required one permit under a licensed property manager, and the property manager would do all the reporting like RSCVA. He said a property managed by a property manager has significantly fewer issues than those being managed by someone outside of the area.

Mark Alexander, Crystal Bay resident, said Crystal Bay was devoid from the presentation made by staff. It's been personally brought to staff's attention. Crystal Bay has short-term rentals. He said we are confused with Incline Village. He said Crystal Bay roads are one-way roads. You cannot drive through Crystal Bay and pass two cars. He said we need to be careful. He applauded staff's work with addressing parking, but there is no parking in Crystal Bay except for on-site. He said he doesn't care about the number of bedrooms you have; there isn't parking. He said we had a fire a few years back. A short-term occupant had trouble starting a fire and used gasoline. It took out the whole house. We could have lost the entire community. These people aren't mountain wise. There need to be instructions for people renting the house.

With no further requests for public comment, Chair Chesney closed the public comment period.

Commissioner Chvilicek asked Ms. Mullin regarding the public comment about permit with a property manager. She asked how one property would be inspected. Ms. Mullin said our recommendation is that the property owner for an STR be a permittee; they may have an agent such as a property manager to go through the permitting process for them, but in reality, the owner should be the permittee. As part of the recommendation, part of the process, and before a permit is issued, they would have to have the appropriate inspections by both Building and

Fire. Those things are built into the permit cost and are required. Commissioner Chvilicek asked for clarification: the testimony heard was from residents at the lake, but this would address short-term rentals County-wide. Ms. Mullin confirmed it's County-wide. She noted there is qualifying language in the proposed ordinance that is only applicable to the lake and bear-prone areas. Additionally, on-site parking in the Tahoe basin would need to be developed to TRPA standards. Commissioner Chvilicek noted Incline Village and Crystal Bay were included in staff's presentation.

Commissioner Bruce said he is concerned with enforcement. He referenced the report and stated standards to be developed over time. He said it's been his experience that standards, much more often than not, tend to be relaxed instead of strengthened. He said tier 1 limits other than where children are siblings, but even that is an issue. He said it's not clear about bedrooms whether or not that becomes a written limit on the permits. For example, one-bedroom unit gets written on the permit and enforced. Ms. Mullin said she anticipates when they get to the point that permits are actually being issued, the permits would be issued for a specific maximum occupancy, and information submitted during the application process would identify specific areas proposed to be used for sleeping areas, such as bedrooms. We would make sure they meet our standards during the inspection process. It will be part of the permit itself. She said the advertisement for the rental would need to include the number of bedrooms and beds associated with the issued permit to make it clear. Commissioner Bruce said that's good. He said he wished that was included in the report. Commissioner Bruce asked about permit fees released in early 2020. He said he would like to see those to get an idea of what is involved and how it's likely to work. He said he doesn't understand it. He said we are putting the cart before the horse and might need to wait a few months to get more done on this. He asked when in 2020 the fee recommendations will be made. Ms. Mullin said fee information isn't included here because it won't be part of Chapter 110 of the Development Code, and it is not under the purview of the Planning Commission. A fee schedule will be going before the County Commissioners for review. We will be before the County Commissioners at the end of February as well as in March. To give more information of what those fees will be covering, the goal is to be cost neutral. She said they are reviewing all the costs involved with running this program, such as the Host Compliance service contract (address identification, 24-hour/7 days a week hotline, mobile registration), an additional code enforcement officer, and they are looking at any additional costs associated with running this program. Commissioner Bruce said we appreciate the work staff has done. He asked about a decibel monitor and who pays for that after the second offense. Ms. Mullin said staff is envisioning that after a second confirmed noise violation, the property owner or responsible party would have to get a device established on the property. Prices range which include a physical device attached to property along with a subscription service. Some property managers currently use it to receive notifications if there are noise issues with the property. It would be up to the local responsible party to get that device installed. She noted the devices are measuring decibel levels, not recording conversations.

Commissioner Nelson asked what happens if a home has an HOA with CCRs that don't allow STRs. Ms. Mullin said that question has come up a lot during this process. Ms. Mullin said we are proposing to include language in the ordinance and the application that requires the owner/permittee to acknowledge that issuance of a short-term rental permit doesn't relieve them of responsibility of complying with any other rules, statutes, regulations, or restrictions, such as CCRs on their property.

Commissioner Chesney asked about the 30-minute response. He asked if it's physical response. Ms. Mullin said the local responsible party would need to be able to physically respond within 30 minutes; however, we recognize some issues might not require a physical response. It might require a phone call to the renter to request them to keep the noise down,

and if it resolves the issue, that's fine, but if a physical response is required, then they need to be able to be there within 30 minutes.

Commissioner Chvilicek asked about inspections. Ms. Mullin said for items within the home, such as ensuring deck railings are safe, outlets are maintained, and carbon monoxide detectors and smoke detectors are installed, those would be inspected by the Building Inspector. For items such as defensible space and sprinkler systems in the home, Fire Staff would inspect those items. There won't be an overlap or duplication of service. You aren't paying for two sets of people to inspect the same items.

Vice Chair Donshick asked how they got to the number 10 for tier one. Ms. Mullin said that was something discussed extensively. For the Tier 1 threshold, we looked at several examples, such as the cutoff for group homes versus group care, where the residential use versus different type of use was 10. Within the International building codes, 10 is also a threshold in certain circumstances.

Chair Chesney said Kelly and staff have done a tremendous job. He said this is not a standard that will be etched in stone; it will be a living document. It's new to all of us, staff and owners. We need to keep that in mind. We are giving it our best shot.

Commissioner Bruce asked if there is a written sunset for review in two years or three years. Ms. Mullin said there isn't a written sunset, but it is fully expected to be part of the process and something we will discuss with the County Commission. We expect to have a significant amount of data in six months to determine how effective the permitting process and standards are that have been put in place. We expect to do that debrief and revisiting within the 12-18-month period after launch.

Commissioner Bruce requested a formal recommendation of a review, no later than two years after it's been effective.

MOTION: Commissioner Bruce moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0008, to amend Washoe County Code Chapter 110 (Development Code) within Articles 302, 304, 306, and 410, and with new Articles 319 and 809 created as identified in Exhibit A and with the additional changes discussed this evening which include a formal review of these amendments within no more than two years following the effective date by the Washoe County Commission. Commissioner Bruce further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all four findings within Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse 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.

Ms. Mullin wanted to make sure that would include removing that reference to the business impact statement as noted in the presentation. Commissioner Bruce said yes, he forgot to include that. The motion was seconded by Vice Chair Donshick with amendment. There was no discussion. The motion passed unanimously with a vote of six for, none against.

C. Development Code Amendment Case Number WDCA19-0005 (Emergency Communication Facilities) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 324, to add new language in Section 110.324.50(e), Monopole Antenna, and Section 110.324.50(f), Lattice Towers of the Washoe County Code to establish placement standards regulating emergency service communication facilities which are owned and operated by governmental agencies; and other matters necessarily connected therewith and pertaining thereto.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect. If approved, the amendments would include the removal of a special use permit requirement for government entities for certain monopoles or lattice towers operated for purposes of emergency communications systems.

- Applicant: Washoe County
- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Trevor Lloyd, Planning Manager
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Planning and Building Division
- Phone: 775.328.3617
- E-Mail: tlloyd@washoeCounty.us

Trevor Lloyd, Planning Manager, provided a staff presentation.

Quinn Korbolic, applicant representative, was available to answer questions.

Commissioner Chvilicek asked if this takes into consideration advancements with satellite placements to enhance emergency communications across the globe. Mr. Lloyd said yes, with enhanced technology and advancements, we will need to open Chapter 324. Mr. Korbolic spoke about particular technology being used, called Project 25, which is a standard public safety communication system. The system being implemented requires radio antennas and receivers to be installed on a tower on a mountain top. He said remote locations in the County have limited radio communication, but we do have services with the sheriff and roads department

who use radio communication. That is why we are proposing radio communication in the northern part of the County. He spoke about particular sites in the County.

Commissioner Bruce asked if this has anything to do with 911. Mr. Korbolic said absolutely.

With no requests for public comment, Chair Chesney closed the public comment period.

MOTION:

Initiation

Vice Chair Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 324, *Communication Facilities*, as described in the staff report for WDCA19-0005.

Amendment

Vice Chair Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0005, to amend Washoe County Code Chapter 110 within Article 324, *Communication Facilities*, as described in the staff report for this matter. She further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

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

D. Development Code Amendment Case Number WDCA19-0006 (110.406) – For possible action, hearing and discussion to initiate an amendment to Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards, to add a new section to allow for variance or modification of the building placement standards

including setbacks, minimum lot size, or minimum lot width for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application; and other matters necessarily connected therewith and pertaining thereto.

If the proposed amendment is initiated, public hearing and further possible action to deny or recommend approval of the proposed amendment and, if approval is recommended, to authorize the Chair to sign a resolution to that effect.

- Applicant: Washoe County
- Location: County wide
- Development Code: Authorized in Article 818
- Commission District: All Commissioners
- Prepared by: Julee Olander, Planner
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- Phone: 775.328.3627
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Julee Olander, Washoe County Planning, provided a staff presentation.

With no requests for public comment, Chair Chesney closed the public comment period.

There were no questions, comments, or discussion by the Commissioners.

MOTION:

Initiation

Vice Chair Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission initiate the amendment to Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for WDCA19-0006.

Amendment

Vice Chair Donshick moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission recommend approval of WDCA19-0006, to amend Washoe County Code Chapter 110 within Article 406, *Building Placement Standards*, as described in the staff report for this matter. Vice Chair Donshick further moved to authorize the Chair to sign the resolution contained in Exhibit A on behalf of the Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

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

9. Chair and Commission Items

*A. Future agenda items – None

*B. Requests for information from staff –

Mr. Lloyd said he will follow up regarding the resolution for Phil Horan.

10. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items –

Mr. Lloyd said the Master Plan and Regulatory Zone amendments for St. James' Village on Bennington Court were approved by the Board of County Commissioners in December. He noted he received a request from RTC for a Planning Commissioner to sit on the Regional Road Impact Fee. He said he will bring that back to seek a volunteer next month as an agenda item.

*B. Legal information and updates –

DDA Edwards spoke about the Lakes of Lemmon Valley which was a subdivision of 100 lots off of Lemmon Drive at the intersection of Military Road. He stated the Planning Commission denied the request for the subdivision tentative map. The Board of County Commissioners upheld the Planning Commission's decision. The developer sued and challenged the denials in District Court. The District Court judge overturned the County denials and ordered the subdivision approved. The County Commission appealed that order of the District Court; it was assigned to Supreme Court settlement program. The County Commission approved a settlement of the litigation that entails approval of the subdivision with a two-year delay to sell lots with other provisions including they have to submit engineer proposal for left hand turn out of the subdivision. They have to submit an engineer plan for left hand turn to RTC. If it's approved by RTC, then the developer has to build it. If RTC says no, then it goes into effect as-is with right-in, right-out. The developer also waives any damages claims against the County in which they had claimed they lost a sale at the time of the appeal which fell out of escrow and claimed \$2 million in damages. They have waived that based on the resolution. It's made its way through the system and courts. Commissioner Chvilicek asked if we are seeing precedence where we are litigating outcomes of development. DDA Edwards stated he doesn't see anything alarming as far as trends. He said he has been doing land use for 12 years, and there was more litigation back then. No real paradigm shifts.

11. *General Public Comment and Discussion Thereof

With no request for public comment, Chair Chesney closed the public comment period.

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:45 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on February 4, 2020



Trevor Lloyd
Secretary to the Planning Commission