

APPROVED AUGUST 14, 2012

The regular meeting of the Douglas County Planning Commission was held on Tuesday, June 12, 2012 in the Douglas County Commissioner Meeting Room of the Douglas County Administrative Building, 1616 8th Street, Minden, Nevada.

PLANNING COMMISSION MEMBERS PRESENT: Margaret Pross, Chair; Frank Godecke, Vice Chairman; Jo Etta Brown; James Madsen; Don Miner and Jeremy Davidson.

PLANNING COMMISSION MEMBER ABSENT: Kevin Servatius

STAFF PRESENT: Stephen Mokrohisky, County Manager; Cynthea Gregory, Deputy District Attorney; Mimi Moss, Community Development Director; Candace Stowell, Planning Manager; Brandy McMahan, Senior Planner; Dirk Goering, Assistant Planner; Barbra Resnik, Civil Engineer and Lorraine Diedrichsen, Clerk to the Board.

Call to Order and Determination of Quorum

Chair Pross called the meeting to order at 1:04 pm and determined a quorum was present. Noted was the absence of Kevin Servatius.

Pledge of Allegiance

Member Madsen led the Pledge of Allegiance.

Approval of Agenda

MOTION by Brown/Godecke to approve the agenda as presented; carried with Servatius absent.

Disposition of the May 8, 2012 Meeting Minutes

A technical correction to the Public Comment section of the minutes was explained by the Chair.

MOTION by Madsen/Davidson to approve the minutes as corrected; carried with Miner abstaining and Servatius absent.

Public Comment

None.

Presentations.

- 1. Presentation by Arlo Stockham, Tahoe Regional Planning Agency, on the draft TRPA Regional Plan, Draft Regional Transportation Plan, Draft Code of Ordinances, and related Draft Environmental Impact Statements.**

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Brandy McMahon, Senior Planner, introduced Arlo Stockham, TRPA Regional Planning Manager.

Mr. Stockham explained the function of TRPA and pointed out the social and economic impact of their current policies and regulations. The emphasis of the Regional Plan update is to refine the environmental approaches to make them more workable for the communities.

He talked about the ten year process followed to update the Regional Plan and the role threshold evaluations played. Right now the 60 day formal public review process for the environmental documents is taking place. Once completed, the draft plan will be refined and ultimately adopted.

He provided a brief overview of the initial visioning saying it proposes to pair ecosystem restoration with redevelopment activities while simplifying the regulations at TRPA. The Update Committee reviewed every detail of the Regional Plan and Ordinances taking public input to determine which items should be included in the update. A major emphasis of the plan is to improve water quality using TMDL programs, redeveloping the urban environment especially in SEZ areas, increasing the use of alternative transportation, and improving the built environment. Another key emphasis of the plan is to try to reverse the unsustainable social pattern taking place at the Lake.

While the plan still proposes stringent requirements for many areas, priorities for the update include the maintenance of effective programs, improving the environmental & social conditions, simplifying the planning and permitting process, and expanding the use of bonus units to provide social and environmental benefits. The numerous standards in place ensure the environment at Tahoe will not be degraded by new development. However there is not going to be a lot of new development at Tahoe.

Explained were the Development Transfers/Restoration, Redevelopment Policies, alternative transportation amendments, Area Plans, and other amendments and the opportunities and benefits they would provide. Another goal of the update is to remove regulatory barriers to redevelopment. The major barriers were identified and the proposed reform rules were presented. These reforms will allow for economically feasible redevelopment and incremental environmental improvement. In closing, Mr. Stockham stated the update will set in place a process for continual improvement and adjustment of the plan.

This was a presentation only.

Public Hearings

- 2. For Possible Action. Discussion on Land Division Application (LDA) 12-004, for Sierra Nevada SW Enterprises, Ltd., requesting a 22.13 acre Tentative Commercial Subdivision Map within the GC (General Commercial) and PD (Planned Development Overlay) zoning districts. The subject property is within the Town of Gardnerville and is a part of the Virginia Ranch Planned**

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Development and Specific Plan. It is located north of Charlotte Way and east of US Hwy 395 in the Minden-Gardnerville and East Valley Community Plans. (APNs: 1220-10-110-007, 1220-10-101-002, 1220-03-000-039, 1220-10-501-007 and 1220-10-510-007). The Planning Commission may recommend approval, recommend approval with modifications, or recommend denial of the request to the Board of Commissioners.

Case Planner: Dirk Goering (775) 782-6212 dgoering@co.douglas.nv.us
Case Engineer: Barbra Resnik (775) 782-6234 bresnik@co.douglas.nv.us

Chair Pross disclosed she is a member of the Main Street Gardnerville program but they do not have any input on projects within the Town.

Member Godecke disclosed he was in the noticing radius but feels he would not be materially impacted in any way.

Dirk Goering, Assistant Planner, presented the vicinity map, noticing radius map, land use map, 2004 Virginia Ranch Specific Plan, zoning of this parcel prior to the zoning adopted in 2009, planned development boundary and the condition to amend it and obtain the necessary zoning for 2 acres which should have been included in the commercial zoning (the need to dedicate additional development rights is still being determined), adopted zoning, 2010 aerial map, recorded conceptual development plan, and proposed commercial subdivision map. The Town of Gardnerville approved nine conditions with their approval and the applicant will speak to those.

Addressing corrections and clarifications to the conditions, Mr. Goering stated the applicant thinks Condition 21f is over restrictive when compared to the design guidelines. Staff agrees because engineering will dictate whether or not another access point is possible. Clarifications were made to the language regarding the required improvements for Phase I and to Conditions 2e, 3, and 7. To improve consistency between this application and the 2009 design review for Wal-Mart, language in Condition 2d has been replaced to match the language in the 2009 design review. The applicant has been made aware of this change. Mr. Goering referenced a discussion held earlier in the day with the applicant regarding Condition 25 and the feeling the condition might be too restrictive and go beyond the Planned Development. Staff is proposing to strike language relating to consistency with the building elevations and the site layout and instead require it to comply with the recorded development plan. This would provide the landowner the flexibility to construct where they want to while still meeting the county code, comply with the standards adopted in the 2004 Specific Plan as well as obtain design review approval. Staff is recommending approval with all the changes presented including the change to Condition 25.

Member Miner stated concerns with last minute changes and thought it would be difficult to grant approval without seeing the changes. He wondered if a continuance would be appropriate.

Mr. Goering said he does not see a need to continue this item but the Planning Commission could if they desired to.

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The Planning Commission took a brief recess to allow staff to make copies of the proposed changes (slides 13-17 of staff's presentation and condition of approval 25) for the Planning Commission, clerk, and the public.

Mr. Goering provided copies of the change to Condition 25 to the Planning Commission and the public. Upon further review, staff has decided the condition needs to remain as is in order to be consistent with the conditions of the Wal-Mart design. If they desire to change the development plan, it can be done when they amend the planned development boundary. The other changes are associated with the entire map and must be met prior to recording the final map.

Member Godecke said Wal-Mart had to go through the Water Conveyance Advisory Committee for piping and realigning the Company Ditch. Part of this property overlaps the Company Ditch alignment and he asked if the realignment has already been completed.

Barbra Resnik, Civil Engineer, stated much of the construction is already done.

Member Brown asked why Condition 21f was being removed. Mr. Goering responded the applicant was concerned the condition would be more restrictive than what is adopted in the Development Code and Design Standards. The condition is being removed because the engineering standards in the Design Manual should dictate whether or not another access is feasible. They could use a traffic analysis to demonstrate the spacing requirements have been met. Ms. Resnik added the original traffic report received for the development considered everything on the exhibit presented today. If a new traffic analysis is submitted that considers the entire development and it justifies an additional access off Grant Drive then they would be allowed to do it. Placing a note on the map would have prohibited it outright. Mr. Goering said the county can regulate Grant Drive since it is a county road but NDOT will dictate whether access is allowed off Highway 395.

Keith Ruben, applicant, agrees with staff's proposed changes and the conditions of approval from the Town of Gardnerville. However instead of a note on the map, they would like Condition 20c to be a separate document that addresses access, maintenance, and parking between the parties. This would allow changes to it without coming back and amending the final map. Regarding their objection to Condition 25, they are willing to live within the design guidelines of the Virginia Ranch Specific Plan and this condition goes beyond what those guidelines spell out. They prefer the language to read "All future buildings located within this subdivision shall require design review approval and must be consistent with the final development plan as required with PD 09-001. Each building shall have sufficient loading areas to serve each use."

Mark Forsberg, counsel for Sierra Nevada SW, clarified why they believe there is enough distance to allow the right hand access on Grant Drive and that is the reason they do not want to be prohibited from doing it. Condition 25 is essentially based on the

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configuration of buildings displayed on the map. When the Planned Development application came forward, the county requested conceptual ideas about how retail space might be placed within the parcels outside the Wal-Mart and the applicant did that. The drawings indicate they are only conceptual. Then and at this time they have no idea who the end users of the property will be so the location of buildings was conceptual only and not intended to be a plan. If only minor adjustments can be made to the conceptual plan provided then they may have trouble selling the property or finding users for it. At the same time, building elevations were provided to show examples of how the building might look in the commercial development and they were examples only and not intended to be the designs for future uses.

Cynthia Gregory, Deputy District Attorney, explained the reason for the recess taken by the Planning Commission. Also, changes to conditions frequently happen at these hearings. In this case, staff has made the changes to be consistent with the previous approval for the PD for this site. If the Planning Commission feels they need more time to review the information then they can request a continuance but the applicant would have to agree to it. If staff feels they do not have enough time to consider changes, they are directed to recommend denial. In this case, staff is not recommending denial because they feel they have sufficient time to make the changes.

PUBLIC COMMENT

Jack Van Dien expected this kind of commercial development after the approval of Wal-Mart. How are you planning to move customers from the west side of the valley to this commercial center to do their shopping? Right now there is only Centerville and Waterloo Lanes.

George Keele, counsel for Barry & Karla Jones, stated the Jones' own an adjacent parcel and operate their moving and storage business from the parcel. Mr. Keele and Mr. Forsberg have worked on this matter and have made positive progress. He read from the Development application design review (3e) as it related to an access easement and driveway from Grant Drive to serve the Jones' parcel as agreed to in the letter to him dated November 25, 2009. He then read from the November 25, 2009 letter and stated approval of this design review and parceling would result in the Jones' trucks being unable to exit and make a right turn onto Grant or be able to get back onto the property without driving over the medians. Mr. Forsberg indicated to Mr. Keele that he would now have to deal with Wal-Mart but Wal-Mart has not responded to him. Mr. Keele believes it should be recognized that the Jones' have conducted this operation for the last 18 years from this parcel and will be afforded, as Mr. Forsberg indicated in his letter, all of the dirt that is not included on Grant Drive and is adjacent to the Jones' parcel and by giving them a bulb. He identified the area on the map and stated a BLA will be done to define the boundaries between the parcels. He added the Jones' are willing to provide the Town of Gardnerville with ingress and egress to allow them to maintain the improvements in the bottom of the detention basin.

Karla Jones said the proposed access road is a 5% grade and that is a concern. Other items referenced were a retaining wall proposed along Grant Drive for drainage off Grant

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and onto their property and a spillway for a 500 year event which appears to run across the point of their property and into the street. These items are of concern to them.

Member Davidson asked Ms. Jones to identify the primary access to their property and Ms. Jones said they have access off Baltic and a driveway on the eastern corner. The proposed future private road would be a secondary access.

Barry Jones feels Wal-Mart is walking all over him. He stated he has only just received notices about this issue; he has had to chase down all the information himself. He feels the process needs to be put on hold because of the questionable noticing done by Wal-Mart.

Jim Slade finds the last minute changes absurd. They were not put into written form for the Planning Commission or the public until staff was requested to do so. This is contrary to the spirit of the Open Meeting Law. He feels the zoning change for this area is one of the worst decisions made by Douglas County in this millennium and the decision was contrary to many adopted plans and the welfare of existing businesses. It is a classical example of sprawl. He urged them not to change the zoning of one more acre of agricultural land.

George Keele addressed the question of existing access to the Jones' parcel saying there is serious concern about the ownership of Baltic. It appears to be a street but is not shown on the parcel maps as a street; it is shown as owned to the centerline by the two adjacent parcels. With respect to access, Mr. Forsberg's letter of November 25, 2009 says the commercial realtors consulted believe the Jones' parcel with its access to Baltic Avenue and Grant Drive is much more valuable than in its current condition. They acknowledge that but are concerned that the modification to Condition 21f will take all direct access from Grant Drive off. He requested the parcel owned by the Jones' be exempt because they will own the dirt that falls to the west. Therefore, it could be argued they are receiving direct access from their parcel to Grant from a street that is specifically designed to provide them access to Grant. He would like the Jones' to have direct access from their parcel to Grant.

Mimi Moss, Community Development Director, said the item before the Planning Commission is a commercial subdivision and not a zone change or a design review for Wal-Mart. It is setting the boundary of a commercial subdivision where the property owner wants to develop parcels in different increments over time. Staff is recommending approval subject to the modifications to the conditions as presented today but do not support changing Condition 25 at this time. Staff will review Condition 25 prior to taking this item to the Board of Commissioners. The modifications proposed today are minor in nature and are mostly clarifications. Staff is not recommending a continuance.

The condition of approval is requested to be changed consistent to what was required for the Wal-Mart project. The access for the Jones' parcel is a private matter between the two property owners. They must meet the design criteria for commercial driveways and that is the reason why the condition was changed to the language it is today. It refers to the letters between the two parties and to the Design Manual because that is the

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minimum standard that the county can apply. The condition must be met before the final map is recorded and staff will request something in writing from both parties showing they are all in agreement with the final design before the final map is recorded.

Member Miner stated he is concerned about the adjacent neighbors, the continuation of their business, and access to their business when it is not laid out in a manner he would like to see. The access is going to change. Ms. Moss said the access will remain but the question is the width and maneuverability in and out of the parcel off Grant. The design remains to be seen.

Member Miner said the type of business they have requires more turning space. He asked if a traffic study has been done showing the traffic coming from the west side of the valley. Ms. Moss responded a traffic report was done for the project itself and the background project for a 20 year period. Member Miner said there is really no mention in the traffic plan then. Ms. Moss said it is too far out in terms of the location. Member Miner said there are traffic studies on Highway 395 all the way to the border. Ms. Moss said there was a scope of work done before the traffic report was presented for this application and that was acceptable to the county based on our Design Manual.

Member Miner feels they do not have enough of the information and he would like to give staff an opportunity to clean up the record, provide the missing documents, and correct the documents that need correcting. Doing this may require a continuance but then the whole picture would be more clearly presented. Ms. Moss feels a decision could be made today with the information they have. Staff is recommending modifications to the conditions but they do not agree with the changes to Condition 25. Staff believes the existing conditions mitigate all the parties and they will work out what the final design will be.

Member Brown said the maps do not reference the Jones' property with Ms. Moss saying it is on the tentative map. People within a ¼ mile were notified so the Jones' were noticed.

Public comment closed.

Mr. Forsberg responded to the Grant Avenue access that has been arranged for the Jones' parcel and stated the letter of November 25, 2009 indicated Sierra Nevada SW was willing to grant an easement across their property in addition to conveying various slivers of property to give him additional land for his parcel. The configuration was provided to Mr. Jones and no questions, comments, or objections were made by him. Only today is he stating objections. Condition 25 has only to do with the design and location of the buildings and has nothing to do with Mr. Jones. In addition, all of the plans have already been approved by the county with the exception of the internal division of the commercial subdivision.

Chair Pross asked for confirmation that the applicant agrees to comply with all the conditions placed on the project by the Town of Gardnerville (Mr. Forsberg indicated agreement), all improvements must be completed for Phases I and II (Mr. Forsberg stated

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they agree to construct the required improvements), the tentative map will be revised to match the approved Wal-Mart offsite improvement plans (Mr. Forsberg indicated agreement), Lot 2-the detention pond will be deeded to the Town of Gardnerville (Mr. Forsberg stated yes), Town of Gardnerville staff shall review and approve any future site improvement plans (Mr. Forsberg said yes), future development within the Virginia Ranch Commercial Subdivision boundary located within the wellhead protection zone must provide safeguards as outlined in the 2012 Douglas County Wellhead Protection Plan (Mr. Forsberg said yes), and maintain the site free of weeds, trash, and other debris during the lifetime of the construction as well as comply with all of the Town of Gardnerville's water company's conditions (Mr. Forsberg asked what site was being referred to in that condition and Chair Pross said the site that is in today's application. Mr. Forsberg stated agreement).

Member Godecke referred to the correction to Condition 7 which more narrowly defines the dedication of the 105' public right of way from Muller Parkway/Mathias Parkway. He talked about other dedication in the area and noted there will be a huge chunk of open A19 zoning. Originally he thought they would dedicate a 105' right of way throughout the entire parcel but the language correction seems to change that.

Ms. Resnik said there was a concern that they would be required to dedicate Muller Parkway all the way to Toler Lane. Today staff is looking at a smaller area of the property but it goes all the way down to the Virginia Canal.

Mr. Goering referenced the settlement agreement between the county and the land owner and that agreement dictated the traffic report would outline what improvements are required. The traffic report submitted with the 2004 Virginia Ranch Specific Plan and the Wal-Mart design review does not demonstrate that Muller needs to be extended any further north. The access on Highway 395 can handle all the traffic for that commercial area.

Member Godecke cited the number of accidents that have occurred on Topsy Lane at the Wal-Mart intersection and have closed the highway. If we had a way of getting around Highway 395 in cases of emergency, this would be the mechanism to do so.

Mr. Goering identified the accesses the end up back on Highway 395 for this subdivision.

The Planning Commission took a brief recess.

Member Madsen does not approve of last minute changes. If it happens again, he will ask for a continuance.

Member Miner said it is disconcerting to see the last minute items and hear an unclear explanation. While hearing this item, conflict within the Planning Division was apparent. This adds confusion and puts more credibility on some of the other testimony. He suggested the Planning department tighten up their game plan going forward.

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MOTION by Miner/Madsen to recommend approval of Land Division Application (LDA) 12-004, for Sierra Nevada SW Enterprises, to the Board of Commissioners, based on the findings and conclusions in the staff report and subject to the recommended conditions including the handouts agreed upon. Condition 25 will remain as originally stated in the application;

At this time, the Chair called for a roll call vote.

Member Davidson-Aye; Member Miner-Aye; Member Brown-Aye with reservations because some of her concerns have not been addressed. She hopes future business is not conducted this way; Member Madsen-Aye; Vice Chairman Godecke-Aye; and Chair Pross-Aye.

Chair Pross agreed with the comments made by Members Miner, Brown and Madsen. She is concerned about the outstanding issues with the adjacent property owner. She urged all to work together toward a resolution.

MOTION; carried with Servatius absent.

3. For Possible Action. Discussion and comment on the draft Fiscal Year 2013-2017 Capital Improvement Program, as presented by Steve Mokrohisky, County Manager. Discussion and comments by the Planning Commission sitting as the Capital Improvement Advisory Committee will be reported to the Board of Commissioners.

Stephen Mokrohisky, County Manager, presented the FY13-17 CIP. The role of the Planning Commission in the CIP process and the regulating NRS authority was provided. Also presented were the parameters for a capital project and the 5 year CIP summary by major category and major planning area. There is \$70,000,000 in planned projects over the five year period with \$14,000,000 of that being in the adopted budget. Discussed were Airport, Facility, Transportation, Town, Utility and Leisure/Community Enhancement projects planned with the new Community Center highlighted. Bonds, grants, dedicated taxes and current revenue are some of the funding mechanisms which will be used to finance the five year CIP with a portion of the total plan remaining unfunded. In the five year CIP, the capital outlay totals \$149,048.

Member Madsen questioned how the General Obligation Bond for the Community Center would be repaid. Mr. Mokrohisky stated the utility operator fee, ad valorem capital construction funds, reserves from the medical indigent fund and the Room Tax fund would be used. Member Madsen asked what the interest rate would be since it could have an impact on the costs and when would the General Obligation be funded and staff was unsure. Member Madsen cited the declining school population and the resulting closure of a school and believes converting the school to a Community Center would have been more economically sensible. Addressing the set aside of money for a River Park, he does not support that because the river goes through all the rancher's lands and then they will be expected to clean up the mess left by the public. Beside that there are liability issues for the landowner.

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Member Miner asked what percentage the Utility Operator fee was at and Mr. Mokrohisky responded 2.5%. Member Miner asked if staff could take all the sources of revenue for the county and project them out and Mr. Mokrohisky stated a five year forecast was done for the General Fund for operational purposes, there is a five year plan for capital projects, and a five year forecast for all the funds is in process. Long range financial planning is done. Member Miner expressed a desire to see the financial projections because he would like to look at the bonding capacity of the county. Mr. Mokrohisky said they could provide that as well as the schedule for the financing of the Community Center. He pointed out the financing for the construction and operational costs of that project have been presented in several public meetings over the course of the last year. Member Miner feels the public does not always understand what the government is doing with their money so providing as much information as possible in a public forum would serve to allay some concerns.

Member Brown discussed the fiber optic cables coming to Douglas County and feels that is exciting. She asked how many different sites it will go to. Mr. Mokrohisky said there are three different projects and the one the county is pursuing is a microwave/ethernet project from various facilities in the Minden-Gardnerville area out to the county yard and Airport facilities. Another major project is the California Broadband Initiative but it is still in the planning stages. It is intended to provide high speed, low cost access and will have various connection points along the Highway 395 corridor. The third project is the Nevada Hospital Association project which will provide high speed broadband access to various healthcare facilities.

While he understands the recreational draw of them, Member Godecke echoed the river park comments made by Member Madsen. As a farmer/rancher there are some problems with people in the river especially in regard to diversions. As those parks are developed, efforts are going to have to be made to keep people from ingressing on private property and from removing the diversion boards. Also, he believes Stodick Park does not need additional ballfields; they need additional parking since they are parking all over Toler. As it relates to the long term capital improvements for Topaz Lake, he wanted to assure there is a long term lease agreement (perhaps 50 years) with the Walker River Irrigation District before more money is put into that facility. Mr. Mokrohisky believes we are halfway through a 20 year lease but staff is exploring longer term arrangements. Member Godecke cautioned the county not to expend public funds before a long term binding agreement is in place. Mr. Mokrohisky agreed but believes the Walker River Irrigation District understand their mission is not to provide recreational opportunities at the Lake and they would rather be in a long term partnership with another public agency rather than doing it themselves.

PUBLIC COMMENT

Jack Van Dien was glad to hear concerns expressed about the size of the liability for the Community Center. It is the right project but the wrong time. It should have gone to a vote of the people first. He noticed the \$800,000 project at the Airport to move soaring to the east side has disappeared off the CIP. He compared the water expenditures per

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resident in Sunrise Estates to the cost of an individual private well and urged them to take a closer look at the water systems.

Jim Slade said the cost of water/sewer projects is second only to Leisure/Community Enhancement as far as the cost. The CIP should be a planning and budgeting tool used to identify needed projects. He does not think approved developments are needed projects and accommodating them with sewer and water only leaves existing users to pay for the expanded infrastructure when the developments are not built. The Master Plan calls for growth controls and it is in there to ensure infrastructure keeps pace with development not outpaces it.

Public comment closed.

Mr. Mokrohisky stated the Airport is aggressively moving toward relocating soaring operations to the east side and creating a soaring destination. He addressed the cost of the utility projects and said much of the cost is due to the five agency interlocal waterline agreement.

There being no further business to come before the Planning Commission, the meeting adjourned at 4:12 p.m.

Respectfully Submitted:


Lorraine Diedrichsen, Clerk to the Board

Approved:


Margaret Pross, Chair