

APPROVED September 12, 2017

The Regular Meeting of the Planning Commission was held on August 8, 2017 in the meeting room of the County Administration Building, 1616 8th Street, Minden, NV, beginning at 1:00 PM.

PLANNING COMMISSIONERS PRESENT: Margaret Pross; Anje de Knijf; James Madsen; Frank Godecke; Jo Etta Brown; Stacy Noyes and Bryan Davis.

STAFF PRESENT: Mary Anne Martin, Deputy District Attorney; Mimi Moss, Community Development Director; Heather Ferris, Planning Manager; Erik Nilssen, County Engineer; Kathleen Schmidt, Deputy Clerk.

CALL TO ORDER AND DETERMINATION OF QUORUM

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Member Madsen.

PUBLIC COMMENT

Jim Slade apologized publicly to Mr. Anderson and the Planning Commission for his misleading and inappropriate comments regarding Rob Anderson during the July 18, 2017 meeting. He complimented Mr. Anderson for his preparedness, organizational and speaking skills.

Public comment closed.

APPROVAL OF AGENDA

No public comment.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jo Etta Brown, Board Member
SECONDER:	Anje de Knijf, Vice Chairwoman
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

APPROVAL OF MINUTES

Planning Commission - Regular Meeting / Master Plan Update - Jul 18, 2017 9:00 AM

Note was made of minor grammatical errors that were corrected.

No public comment.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Madsen, Board Member
SECONDER:	Frank Godecke, Board Member
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

Planning Commission - Master Plan Workshop - Jul 19, 2017 9:00 AM

**DOUGLAS COUNTY PLANNING COMMISSIONERS
MEETING OF AUGUST 8, 2017**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Madsen, Board Member
SECONDER:	Frank Godecke, Board Member
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

PUBLIC HEARINGS

1. For possible action. Discussion on a request for the following: (1) a Serial Tentative Parcel Map to create 3 parcels and a remainder parcel using the provisions of Douglas County Code (DCC) 20.714.040, Agricultural 2-acre parcel; (2) a Variance to Improvement Standards to construct a 50 foot wide private road; (3) a Variance to Improvement Standards for a minor arterial road access to be 650 feet from the intersection of Highway 88 and Kimmerling Road; and (4) a request for a private road per DCC 20.100.090(H). The subject parcel is located at 837 Highway 88 in the A-19 (Agricultural-19 acre minimum parcel size) zoning district in the South Agricultural Community Plan Area. The applicants are Kent Neddenriep, Trustee of the Neddenriep/Johnson Family Trust and Mark Neddenriep, for the Nedd Family, LLC. (APN 1220-18-002-003). Land Division Applications (LDA) 17-015; LDA 17-017 (VIS); and LDA 17-018 (VIS). Case Planner: Lucille Rao

Heather Ferris, Planning Director, explained that the application is coming to the Planning Commission because the project involves a request for the use of a private road. The request is for Serial Tentative Parcel Maps and is the first in a series of maps. She presented LDA 17-015, LDA 17-017 and LDA 17-018; Vicinity Map; Master Plan and Zoning Map; Tentative Parcel Map LDA 17-015; Current Landholdings; Variance to Improvement Standards and Private Road; Road Improvement Standards; Water Conveyance Advisory Committee; Recommended Actions, recommend Approval. To review documentation regarding Item 1, please see Board Packet.

Chairwoman Pross requested clarification for LDA 17-015, and was given the information needed.

Tammy Kinsley, RO Anderson and representing the applicant, stated that they have received the staff report and are in agreement with all the conditions and recommendations.

PUBLIC COMMENT

Ed Kleiner, owner of 43 acres northeast of the proposal, applied his comments to both Items 1 and 2 and noted that revisions in the Code expand the ordinance from its original intent to allow developers to break up and open agricultural space. He encouraged the Planning Commission to stand firm and support an open space legacy. Mr. Kleiner, along with his neighbors, has invested heavily into agricultural open space and appreciates the protection offered through the Master Plan. He purchased two 19 acre parcels with no plans for anything beyond agriculture, thus supporting the open space legacy. This proposal is a higher density housing development project in the middle of historic open agricultural land. He suggested the Neddenriep's develop a park, use a conservation easement and/or tax credits and create a pretty place and a lasting legacy.

Jim Slade stated that he did not concur with RO Anderson's proposal. He had several concerns and was unhappy with the information provided by staff. He found no proof in the staff report

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that the land has been owned for the required amount of time. The ordinance says the parcels may be located inside or outside of the flood plain, preferably outside the floodplain when such options exist; however, the staff report doesn't indicate whether other options were available. He feels that an illegal parcel would be created by this proposal and there shouldn't be a remainder parcel that isn't consistent with the zoning. He asserted that there was not enough information in the packet to make a decision on this today.

Mark Neddenriep thanked the Planning Commission for their time and staff for working with their family. He clarified that the 11 acre parcel was created when Highway 88 was moved, going through the middle of the original parcel. This parcel is very poor agriculturally; they have to truck in water to keep cattle and is the best place to put "development". The reason for this proposal is because the County cut off the parcel and it isn't feasible agriculturally.

Kent Neddenriep verified that the land has been in the family for generations; Mark, Kent and his wife have owned it for over 5 years. The Assessor's report doesn't have enough room on the line to fit all the names of the owners on one line, but all three family members are owners.

Michael Fisher clarified that the State put in Highway 88, not the County. He was supportive of the Neddenriep family dividing some of their land. The non-conforming parcel was made worse by the Planning Commission's actions, waiving the County's road conditions and then ignoring the intersection standards for the State of Nevada. He is supportive of the idea but not in this location. Traffic stacks up in attempt to access Highway 88 and there is a turning lane issue similar to Airport Road. He is supportive of the Neddenriep's action but not in this location.

Public comment closed.

Chairwoman Pross asked Ms. Ferris to comment on the traffic concerns.

Ms. Ferris suggested that the County Engineer could speak to the traffic issue, but confirmed that all of the concerns mentioned had been reviewed by staff. The title report had been reviewed and the longevity of ownership confirmed.

Erik Nilssen, County Engineer, spoke to the traffic issue, reviewing Nevada Department of Transportation standards. Staff agrees with the proposal for several reasons; the road will have only five homes, which will not add significant traffic increase, the cul-de-sac is unlikely to be extended and it really is the best use of the land for the parcel the applicant was given, after the changes in Highway 88.

Chairwoman Pross observed that there were no other issues or opportunities that could further complicate Highway 88 access and if there was, they would already have been considered.

Mr. Nilssen agreed, stating that she was correct.

MOTION to approve Tentative Serial Parcel Map (LDA 17-015) to create three parcels ranging in size from 2.02 to 2.47 acres with a 4.39 acre remainder parcel;

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RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jo Etta Brown, Board Member
SECONDER:	James Madsen, Board Member
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

MOTION to approve (LDA 17-017) a Variance to Improvement Standards including a reduction in the improvement standards from the Local Road Section (Douglas County Design Standard A-02) to construct a 50 foot wide private road;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	James Madsen, Board Member
SECONDER:	Anje de Knijf, Vice-Chairwoman
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

MOTION to approve (LDA 17-018) a Variance to Improvement Standards requesting a reduction of the Nevada Department of Transportation Access Management System and Standards public road spacing requirement of 0.25 miles (1,320 feet) for a minor arterial road to 650 feet from the intersection of Highway 88 and Kimmerling Road;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Stacy Noyes, Board Member
SECONDER:	Jo Etta Brown, Board Member
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

MOTION to recommend approval to the Board of Commissioners to allow the use of a Private Road per DCC 20.100.090(H) to serve the parcels to be created by the Tentative Serial Parcel Map LDA 17-015, based on the conclusions in the staff report;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Frank Godecke, Board Member
SECONDER:	James Madsen, Board Member
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

2. For possible action. Discussion on a request for a Serial Tentative Parcel Map to create two parcels, using the provisions of Douglas County Code (DCC) 20.714.040, Agricultural 2-acre parcel. The subject parcel is located at 837 Highway 88 in the A-19 (Agricultural-19 acre minimum parcel size) zoning district in the South Agricultural Community Plan Area. The owners are Kent Neddenriep, Trustee of the Neddenriep/Johnson Family Trust and Mark Neddenriep, for the Nedd Family, LLC. (APN 1220-18-002-003). Land Division Application (LDA) 17-016. Case Planner: Lucille Rao

Heather Ferris, Planning Director, presented the second in the series of maps proposed by the applicants; LDA 17-016; Vicinity Map; Master Plan and Zoning Map; Tentative Parcel Map LDA 17-016; Current Landholdings; Water Conveyance Advisory Committee; Recommended

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Actions, recommend approval. To review documentation regarding Item 2, please see Board Packet.

Tammy Kinsley, RO Anderson, representing the applicant, stated that the applicants have received the staff report and accept the recommendations and conditions.

PUBLIC COMMENT

Jim Slade repeated his concerns regarding how long the land has been jointly owned; looking for specific dates to prove the length of ownership had been verified. His other main concern is that the land is in a flood zone and no indication was given in the report whether other options were considered.

Public comment closed.

Member Brown asked if the ownership was determined to be five years or more for the first item.

Ms. Ferris answered that staff did review the title report and the land has been in the family since at least 1989.

Member Brown asked about the floodplain and if there was an area that could have been used for development outside the floodplain.

Ms. Ferris said there was no area in the plan that was outside the flood plain or could have been used for an alternative.

MOTION to recommend approval of Tentative Serial Parcel Map (LDA 17-016) to create one parcel 2.01 acres in size and a 2.38 acre parcel using the provisions of Douglas County Code (DCC) 20.714.040, Agricultural 2-acre parcel based on the conclusions in the staff report;

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jo Etta Brown, Board Member
SECONDER:	Frank Godecke, Board Member
AYES:	Godecke, Brown, de Knijf, Madsen, Pross, Davis, Noyes

3. For possible action. Discussion on a request for extension of time for Land Division Application (LDA) 16-018, for a Division of Land into Large Parcels to create two parcels, one 130.55-acre parcel with a 155.63-acre remainder parcel from a 286.16-acre parcel. The subject property is located at 859 Highway 395 in the A-19 and FR-19 zoning districts in the Ruhenstroth Community Plan and is owned by Corley Ranches, LLC, (APN: 1220-14-000-007). Lucille Rao

Heather Ferris, Planning Manager, presented the request for an extension to file the tentative map. The original Land Division Application approval was granted on August 9, 2016 and the tentative map filing expires one year after that date, August 9, 2017. The applicant has requested a one year extension, which is allowable by Code. Staff recommends approval of extension to August 9, 2018.

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Vice-Chairwoman de Knijf noted a discrepancy between the individual parcel sizes and the total acreage shown on the map in contrast to the total acreage given in the proposal.

Mark Neuffer, applicant, asked that the question be repeated.

Chairwoman Pross clarified that the individual parcel acreage and the total acreage given do not add up correctly.

Member Godecke stated that the Assessor's parcel sizes don't always match the actual surveyed size of the properties.

Ms. Ferris confirmed that the map shows 286.18 acres and is the correct acreage.

Mary Anne Martin, Deputy District Attorney, suggested that the correction be noted in the minutes.

PUBLIC COMMENT

Jim Slade had also noticed the discrepancy and thanked the Vice-Chairwoman for pointing it out and getting clarification. He had issue with some of the language in the staff report, specifically a statement reading that "the Planning Commission must grant an extension". He read from County Code that says "the Planning Commission may grant an extension" and believes that granting an extension is a discretionary act, rather than a requirement. He stated that the findings must be consistent with the Master Plan, noting that the Planning Commission didn't approve this proposal last time. Extension procedures must be complied with, but there is no indication of whether a letter been written or fee been paid and no written justification for the delay. It should be denied and allowed to expire. There may be no traffic impacts now but what about the future.

Public comment closed.

Vice-Chairwoman de Knijf noted that the only thing on the agenda today is the Land Division Parcel Map extension, which was approved by the Planning Commission on August 9, 2016.

Ms. Ferris confirmed that this is strictly the Land Division into Large Parcels and separate from the Corley Ranch project. She also clarified Mr. Slade's reference to the language that the Planning Commission "must grant the approval", explaining that the extension cannot be approved administratively. The intent was to show that staff could not approve but the Planning Commission does have the authority to approve.

Member Brown asked when the extension begins, if approved.

Ms. Ferris replied that if approved, the deadline changes from August 9, 2017 to August 9, 2018.

Member Brown asked how many extensions were allowed.

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Ms. Ferris said that per County Code, only one extension is allowed.

Mimi Moss, Community Development Director, suggested that the applicant may want to comment on the reason for the extension.

Chairwoman Pross confirmed that the extension must be completed within the one year timeframe.

Mark Neuffer explained that estate planning and family issues were the reason for the extension request.

Member Godecke said he thought the tentative map could be taken to the Recorder's office immediately after approval, as he had personally followed the same process previously. He wondered what happened in between their approval and this extension request.

Mark Neuffer repeated that it was just estate planning and family issues that caused the delay.

Ms. Moss clarified that there's a separate process for a Final Land Division; the Planning Commission approves a tentative map, then the Board of County Commissioners approves a final map before it is recorded.

Member Godecke asked if they were scheduled to get on the Board of County Commissioners schedule, if approved today.

Ms. Moss answered that they could present to the Board within the next year, if they meet the conditions of approval.

Chairwoman Pross asked if the extension was granted, did it have to go before the Board and if it becomes effective tomorrow.

Ms. Moss replied that the extension is effective today, then they have one year to file the final map and be heard by the Board of County Commissioners with the conditions of approval being met or it would expire.

Member Madsen said that this wasn't approved by the Planning Commission originally and has morphed itself into something else. He found it interesting that the Board of County Commissioners direct the Planning Commission in one direction and then change their mind in 180 degrees the other direction. He had a hard time swallowing any of this.

MOTION to recommend approval of the Land Division Map application (LDA) 16-018 based on the ability to make the required findings as outlined in the staff report and subject to the conditions identified in the staff report;

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RESULT:	APPROVED [6 TO 1]
MOVER:	Frank Godecke, Board Member
SECONDER:	Anje De Knijf, Vice Chairwoman
AYES:	Godecke, Brown, de Knijf, Pross, Davis, Noyes
NAYS:	Madsen

PLANNING MATTERS

Mimi Moss, Community Development Director, reviewed the workshop schedule for September 12, 2017; the morning will be open to hear any normal items and the afternoon set aside to review the remaining Master Plan Elements. The afternoon will be a workshop only and no final action will be taken on the Elements. The October 10th meeting will be a full day meeting and final action will be taken on all of the Master Plan Elements. The Board of County Commissioners has an all-day special meeting on September 18, 2017 to hear just the Master Plan Map Amendments. The meeting date for the Board's final action on the Elements has yet to be determined.

Member Madsen asked if the consultant has all the information to finish the Draft Elements and make them available before the September meeting.

Ms. Moss answered that they have been assured that all the Draft Elements will be available for review before the end of this month. The Park & Recreation Element has been reviewed and is on the web, the Housing Element was presented last month, and the Public Service and Facilities Element will be released soon. Nothing has been heard on the Tribal Element but the Development Director with the Washoe Tribe is back at work so they are hopeful that information for that Element will be available soon.

Vice-Chairwoman de Knijf asked for confirmation that the September and October meetings were both scheduled for one full day each.

Ms. Moss answered yes.

Member Brown asked if additional days needed to be kept open in case extra time was needed for completion.

Ms. Moss said that was not necessary.

Chairwoman Pross suggested an email be sent to confirm the dates.

Ms. Moss agreed and verified that the information would also be on the website.

Chairwoman Pross thanked everyone for their help.

ADJOURNMENT

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There being no further business to come before the Planning Commission, the meeting adjourned at 2:05pm.

Respectfully Submitted:

Kathleen Schmidt
Deputy County Clerk

Approved:

Margaret Pross
Margaret Pross, Chairwoman