

- 6.1 Staff Report (For Possible Action): Case No. LDC17-00061 (Meridian 120 South Village 1 & 2) - This is a request for approval of: 1) a tentative map to develop a 78 lot single family residential subdivision; and 2) special use permits for: a) fills of 10 feet or more; and b) disturbance of a major drainageway. The ±53.6 acre site is located southeast of the intersection of Boomtown Garson Road and Blue Heron Circle in the Large Lot Residential – 1 Acre (LLR1), Single Family Residential – 9,000 Square Feet (SF9), Open Space (OS), Hotel Casino (HC) zones and the Mortensen-Garson Overlay District. The site has a Master Plan Land Use designation of Special Planning Area/Mortensen-Garson Neighborhood Plan. njg This item was continued from the August 16, 2017 and September 6, 2017 Planning Commission meetings. [**Ward 5**] 6:10 PM

Commissioner Griffith-Douglas disclosed that her family company has an ongoing business relationship with some of the people involved in this application and she will be unable to vote on Items 6.1, 6.2, 6.3.

(Commissioner Griffith-Douglas absent at 6:11 p.m.)

Andy Durling, Wood Rodgers, presented an overview of the project.

Nathan Gilbert, Associate Planner, presented an overview of the staff report. Proposed revisions to Conditions 12, 15, and 17 were included in the presentation.

At this time Vice-Chair Johnson opened public comment for this item.

Catherine Smith stated that a number of Verdi residents would be presenting portions of a Verdi area community presentation. The presentation addressed concerns regarding the following issues that need to be considered before approval of this proposal: water supply; wells; water rights; flooding; drainage; traffic; schools; wildlife; density. Public speakers included: Dawne Rice; Pam Mortara; Hunter Sykes; DeeAnne Radcliffe; Sara Sykes; Jim Dunnivant; Pat Mead; Taylor Sykes; Gene Gardella; Shane Sykes; Colleen Sykes; Fletcher Gilson; Casey Corbett; Alice House; M.L. Belli; Aubri Harrigan; Sophie Dinning; Tonya Dinning; Matt Virden; Vernon Anderson; Patti Weaver.

Michael Pagni spoke on behalf of Steamboat Canal and Irrigation Company regarding conflicts with development adjacent to the canal.

Ed Kaufer discussed concerns regarding his Steamboat Ditch easement property being assigned to a third party.

Debra Horton spoke in opposition discussing concerns regarding flooding and easement.

Kathie Mead spoke in opposition discussing concerns regarding flooding, wells, drainage, easement, and fencing impacting migrating wildlife.

Gideon Caplovitz spoke in opposition.

The following people submitted comment cards in opposition but did not wish to speak: Laura DeMaranville; Kathleen Powning Smith; Spencer Bocks; Carmen Ferch; and Tim Ferch.

Hearing and seeing no further public comment requests, Vice-Chair Johnson closed public comment.

Commissioner Hawkins disclosed that he went on a tour of the site with Mr. Fletcher. The remaining commissioners present disclosed that they visited the site, received emails, and spoke with applicant's representative. Commissioner Weiske also disclosed that he met with neighbors in the area as well as the owner.

Mr. Durling used his remaining presentation time to respond to public comments. A traffic study on global impacts is underway for future development impacts. This is not a Planned Unit Development (PUD) and technically the studies are not required until we come in with a tentative map. We provided a traffic study for this tentative map tonight and that study found that with 78 lots there is no impact at this time. We are looking forward to a good working relationship with the Steamboat Ditch Company. Issues related to traffic studies, impacts, and flood mitigation are included in the staff report conditions. This is currently on a private water system and the ball is rolling to hook this system into the Truckee Meadows Water Authority (TMWA). The current water system is now being looked at by the State Water Engineer. Mr. Durling also stated that they are in support of the staff report and conditions.

Commissioner Hawkins asked how long it will take to get water to this subdivision.

John Enloe, TMWA, stated there is a lot of uncertainty with respect to how the Verdi area will be served water in the future. They have been negotiating with representatives of Boomtown regarding wholesale water service. The TMWA Board deferred action on the wholesale service agreement primarily because of a lot of the same concerns that the residents raised regarding long-term water supply to the community. One of the problems is that Boomtown and the developer of these projects made an agreement that Boomtown would provide water rights and the developer would construct facilities. That agreement does not provide for this developer to pay for their fair share of improvements to extend water service to the area. That cost implication is an issue the TMWA Board raised as well. In response to Commissioner Hawkins' question, it would probably take three years at best to design facilities and get them permitted and constructed. He is going to the TMWA Board again later this month to get direction on several alternatives. This issue is complicated by the agreement between Boomtown and the developers not having to participate in the larger improvements to extend water service. It is also complicated by the fact that there is some uncertainty with respect to the sustainability of the 800 plus acre feet of groundwater rights that are out there. The data doesn't exist to substantiate whether or not there is water to support those water rights. The State Engineer is working on a monitoring program to see what happens as development proceeds. TMWA has some other issues with respect to water quality of the Boomtown wells. There is a lot of uncertainty so there is a lot of risk for TMWA to say they will take over this Boomtown water system and move forward with it. Their preference would be that TMWA provide retail water service sooner rather than later. There is concern about the financial impact to existing customers. There was a meeting yesterday with the standing Advisory Committee that oversees TMWA's rate process and they made a motion that they support the wholesale agreement concept but they were very concerned about placing a future financial burden on the existing TMWA rate payers.

Commissioner Weiske asked how long it takes to do a water survey and process the information for groundwater and wells.

Mr. Enloe responded stating that it is not a matter of test pumping wells for a couple of weeks. You have to look at different hydrologic cycles. We would like to see years' worth of pumping data and how the water levels respond.

Mr. Durling confirmed for Commissioner Weiske that the traffic study includes Boomtown Industrial, Meridian North, and this project. He also confirmed that they understand that anything they do in the Steamboat Ditch has to be signed off by the Steamboat Ditch Company.

Cary Chisum, applicant's engineer with Wood Rodgers, responded to Commissioner Weiske's questions regarding the storm water basin and how they will manage peak discharge. They will look at historic peaks and that sets the discharge amount and the existing ground condition dictates how they can discharge.

Shawnee Dunagan, Senior Engineering Technician, confirmed for Commissioner Weiske that the goal of the conditions is to work toward a point where they are improving the situation regarding flooding.

Commissioner Weiske asked who is responsible for maintenance of the existing drainage areas north of this property line.

Ms. Dunagan replied that she does not know but believes it may be the County.

VICE-CHAIR JOHNSON CALLED A RECESS AT 8:24 P.M. THE MEETING RESUMED AT 8:33 P.M.

Mr. Enloe explained the water rights issue. There are 800 plus acre feet of groundwater rights that were held by Boomtown at one point. Boomtown retained 300 acre feet of the water rights for their own uses. There have been discussions with the State Engineer and TMWA and the developer and their engineer. The State Engineer has ultimate authority on determining whether or not they are going to accept the groundwater rights for a will serve commitment. Based on the information available today, the State Engineer has said to TMWA that he is prepared to accept the water rights to allow the Meridian 120 North development and this project to go forward based on the groundwater rights they have available. There are a number of factors why he is willing to do that. Boomtown's water use in the past was actually greater than it is today. I don't think anybody disagrees there is some amount of sustainable resource out there to allow some additional development to go forward. Mr. Enloe also agreed with Commissioner Weiske that water rights are different than actual available water.

Mr. Gilbert explained for Commissioner Weiske the information provided by Fire Marshal Palmer regarding having only one access point stating it is standard practice given the parameters of this particular subdivision. Fire Marshal Palmer provided no additional comments and no requests for further conditions. He further explained that comprehensive review by the Fire Department will occur during final map.

Commissioner Weiske asked what would happen if this development moves forward and test results show there isn't enough water in the water table.

Ms. Dunagan stated that they have enough pumping records. The State Water Engineer has stated they have the water rights. The pumping records are there to support that they have water for this project.

Commissioner Weiske asked if there is anything in place to ensure that the neighbors' wells do not get depleted because this development is coming online.

Ms. Dunagan stated that would be handled at the State Engineers office.

Commissioner Weiske asked who is responsible for ensuring the groundwater table stays within reasonable limits.

Mr. Durling stated that during the testimony for Meridian 120 North they had their hydrogeologist provide testimony as to how these aquifers are recharged. Some of the north wells are recharged by NV Energy recharge canal and this upper zone is recharged by the Steamboat Ditch.

Mr. Gilbert confirmed for Commissioner Weiske that they are not looking at density of Meridian 120 South. The density, zoning standards, and master plan designations were all established when the development standards handbook was adopted and subsequently when the city adopted the overlay in 2009. The density zoning requirements are established in code.

Commissioner Hawkins asked when the last test inspection was done on the wells at Boomtown.

Mr. Durling stated they have installed additional monitoring wells and right now those are being monitored daily.

Mr. Durling and Cary Chisum confirmed that the monitoring began in August.

Commissioner Hawkins asked Mr. Kaufer to explain his public comment regarding a third party ownership of an easement.

Mr. Kaufer explained that Steamboat Ditch goes through his property. He owns the land under the easement and has granted Steamboat Ditch the right to utilize that easement for ingress, egress, and maintenance. He did not give them the right to assign that easement to a third party to use as a trail.

Commissioner Hawkins asked who the third party is.

Mr. Kaufer stated the developer wants to use the Steamboat trail as a walking trail.

Mr. Durling explained they are required to provide trails along the Steamboat Ditch and that the trail will end on their property.

Michael Pagni stated that the Steamboat Ditch Company has not granted anyone a right to use the Steamboat Ditch for recreational purposes and they generally oppose that.

Mr. Pagni confirmed for Vice-Chair Johnson that the Steamboat Ditch Company is opposed to the modifications proposed for Conditions 12, 15, and 17. The reason is that the testimony from the applicant was suggesting that the purpose was to limit Steamboat's input on those conditions. Regardless of what the source of water is, we still want to have input along with the city as to whatever mitigation improvements are going to be made.

Vice-Chair Johnson stated it appears the modifications are speaking about storm water.

Ms. Dunagan explained the modified conditions are more to address that we want to examine the storm water. We changed it to be more specific regarding what we are looking for and we did not exclude or restrict involvement from Steamboat Ditch in the conditions.

Vice-Chair Johnson and Mr. Chisum discussed accommodating Steamboat Ditch failures. Mr. Chisum stated they typically see failures during major storm events. He also stated that they are required to make offsite improvements needed to make their project work. All of the final map projects have to stand on their own.

Gene Gardella responded to question from Commissioner Hawkins and discussed concerns with the traffic footprint.

Mr. Durling stated they are planning ahead for the main road that would serve the further southern reaches of the Mortensen-Garson Plan and are working with their traffic engineer to size it appropriately.

Janelle Thomas, Community Development Senior Civil Engineer, explained that staff has been communicating with the Nevada Department of Transportation (NDOT) and the applicant regarding the future roadway widths and requirements for design in this general area.

Commissioner Weiske stated that the eleven findings for the tentative map make sense based on what is provided to us by the 2009 acceptance of the Mortensen-Garson Overlay District (MGOD). With regard to the special use permit (SUP), he has a hard time with finding A. He asked Mr. Durling to explain how this higher density is compatible with the existing surrounding land uses.

Mr. Durling stated there are a few things at play with the SUP finding A. We need to rely on the settlement agreement that came out of Judge Hardesty's court and in 2012 became part of Reno Municipal Code (RMC). There are several sections in the MGOB plan that address this situation. It says that we must provide one acre lots along the perimeter to edge match adjacent to the Blue Heron subdivision. Internal lots are on SF9 zoned land. We can have 140 homes in there and we have 64. The overall density of this development is 1.7 dwelling units per acre and that is compatible with the surrounding area.

Commissioner Weiske stated that, based on the explanation from Mr. Durling and that of Judge Hardesty's final decision and the way the property is laid out in density and some excellent conditions written in protection of neighboring properties, he can make the general SUP findings A through H. He clarified that does not mean that he is in agreement with Judge Hardesty, it means that he accepts Judge Hardesty's decision.

Commissioner Hawkins stated that he has had a well go out on him before and he knows what it is like to go without well water. He stated that he cannot make finding 2 for the tentative map because he does not believe they can provide water unless TMWA helps them out.

Commissioner Olivas discussed the buffering and the transition from one acre lots at the perimeter to higher density being more central and stated that how the transition is made helps him make the general findings for the SUP.

Vice-Chair Johnson stated that if it wasn't for some of the existing legal findings that are the basis of this, he would not be able to make findings. It seems counter-intuitive to increase density going uphill but it is the underlying zoning. The settlement is the only reason he can make the findings. With respect to the water, there are lot of conditions written to make the project compliant with TMWA standards. The conditions are written to allow for this to be connected to TMWA. With respect to storm water, it is a more complicated issue and he still has some concerns. The concerns he has do not preclude him from making the findings because the final design requirements the city will be putting on this will ensure that the discussions tonight and the engineering is going to be taken care of to the extent that it can be conditioned at the tentative map stage.

Commissioner Weiske stated that he is a recipient of overflowing ditches. He suggested that those downstream from this project start working with the Washoe County Public Works Department to improve the ditches if they can be improved to allow for more flow. We cannot condition a property owner to make improvements off of his property during the tentative map stage. The best that we can do is ensure that this development will detain as much water as possible for as long as possible and then control velocity and volume leaving the detention facility to minimize the potential damage to the surrounding properties.

It was moved by Commissioner Weiske, seconded by Commissioner Olivas, in the case of LDC17-00061 (Meridian 120 South Village 1 & 2) based upon compliance with the applicable findings, to approve the tentative map, subject to conditions, including the modified Conditions 12, 15, and 17. The motion failed with three (3) in favor and one (1) opposition by Commissioner Hawkins.

Mr. Durling asked for clarification on the vote. A simple majority of the members present is needed for a motion to pass.

Greg Salter, Deputy City Attorney, explained that this is a tentative map and requires a majority of the total membership. There is a membership of seven but with one recusal that makes it six and four votes in favor are needed for approval.

Vice-Chair Johnson read the appeal process into the record.

THIS ITEM WAS REOPENED AT 9:46 P.M. FOR A MOTION ON THE SUP.

RESULT:	DEFEATED [3 TO 1]
MOVER:	Kevin Weiske, Commissioner
SECONDER:	Paul Olivas, Commissioner
AYES:	Kevin Weiske, Mark Johnson, Paul Olivas
NAYS:	Ed Hawkins
ABSENT:	Peter Gower, John Marshall
RECUSED:	Britton Griffith-Douglass

Motion: Motion to approve the SUP 9:47 PM

It was moved by Commissioner Weiske, seconded by Commissioner Olivas, in the case of LDC17-00061 (Meridian 120 South Village 1 & 2) based upon compliance with the applicable findings, to approve the special use permit, subject to conditions. The motion carried unanimously with four (4) commissioners present.

RESULT:	APPROVED [4 TO 0]
MOVER:	Kevin Weiske, Commissioner
SECONDER:	Paul Olivas, Commissioner
AYES:	Kevin Weiske, Mark Johnson, Ed Hawkins, Paul Olivas
ABSENT:	Peter Gower, John Marshall
RECUSED:	Britton Griffith-Douglass