



**CITY OF SPARKS, NV
COMMUNITY
SERVICES
DEPARTMENT**

To: Mayor and City Council

From: Marilie Smith, Administrative Secretary

Subject: Report of Sparks Planning Commission Action

Date: May 11, 2020

RE: **PCN19-0040** – Consideration of and possible action on a request for a Conditional Use Permit to allow development of a site that is 10 acres in size or larger, with slope gradients of 10 percent or greater over 25 percent or more of the site, which is approximately 386.87 acres in size and is located at 555 Highland Ranch Parkway, Sparks, Nevada in the SF-6 (Single-Family - 6,000 sq. ft. lots) zoning district.

Please see the attached excerpt from the April 16, 2020 Planning Commission meeting transcript.

1 MS. SMITH: Commissioner Read?
2 CHAIRMAN READ: Yea.
3 MS. SMITH: Commissioner Petersen?
4 COMMISSIONER PETERSEN: Yea.
5 MS. SMITH: Commissioner Blaco?
6 COMMISSIONER BLACO: Yea.
7 MS. SMITH: Commissioner Carey?
8 COMMISSIONER CAREY: Yea.
9 MS. SMITH: Commissioner Pritsos?
10 COMMISSIONER PRITSOS: Yea.
11 MS. SMITH: Commissioner Rawson?
12 COMMISSIONER RAWSON: Yea.
13 MS. SMITH: Commissioner VanderWell?
14 COMMISSIONER VANDERWELL: Yea.
15 CHAIRMAN READ: Thank you. Motion passes
16 unanimously.
17 Next is our public hearing item. And I'm going
18 to go ahead and read the item. And before staff's
19 presentation, I'd like our attorney, Alyson McCormick,
20 to comment on this item.
21 The item is PCN19-0040. It's consideration of
22 and possible action on a request for a conditional use
23 permit to allow development of a site that is 10 acres
24 in size or larger, with slope gradients of 10 percent or

1 greater over 25 percent or more of the site, which is
2 approximately 386.87 acres in size and is located at
3 555 Highland Ranch Parkway, Sparks, Nevada in the
4 single-family 6,000-square-foot lot zoning district.

5 MS. MCCORMICK: Thank you, Madam Chair. For
6 the record, Assistant City Attorney Alyson McCormick.

7 Just a brief comment on this item. There was
8 some public comment received regarding holding this
9 meeting virtually. The State of Nevada has not exempted
10 or waived the City's obligation to process land use
11 entitlement requests in accordance with applicable
12 timelines in both State law and City codes as a result
13 of the COVID-19 emergency.

14 What the State of Nevada has done, however,
15 through Emergency Directive 006, is suspend the
16 requirement that a public body will, like the Sparks
17 Planning Commission, have a physical location where the
18 public can attend meetings in person, as long as other
19 options for public participation remain available.

20 The City's business must go on. And the
21 Planning Commission meeting complies with Directive 006
22 by providing alternatives for public participation, both
23 email and telephonic.

24 There were also concerns expressed about the

1 notice for this public hearing item that was provided.
2 NRS 278.315, subsection 4, requires that notice set
3 forth the time, place and purpose of the public hearing,
4 and that that notice be sent at least 10 days before the
5 hearing. That was done in this case.

6 Similarly, Sparks Municipal Code, Section
7 20.05.0030, subsection B, requires that the notice set
8 forth the time, date and place of a public hearing, as
9 well as the type of land use or development decision
10 being considered. Here, that was done. The notice
11 stated that this was a conditional use permit regarding
12 slopes, hilltops and ridges, which is exactly what it
13 is.

14 I think, that concern about the notice for the
15 conditional use permit conflates notice of a public
16 hearing with supplemental materials, or supporting
17 materials, excuse me, under the open meeting law.
18 Materials provided to the public body that would
19 reasonably be relied upon by the public body in making
20 its decision must be provided to the public or made
21 available to the public as well. However, they must be
22 made available to the public at the same time that they
23 are made available to the public body.

24 That was done in this case. Last Friday and

1 Saturday, the staff report and other supporting
2 materials for this item were posted to the City's
3 website. That is how the Planning Commission accessed
4 those materials, and that is how the public is able to
5 access those materials. And so that was complied with
6 as well.

7 In short, the notice for this item and hearing
8 this item in this virtual meeting, while it might be
9 strange and somewhat uncomfortable, is perfectly legal.

10 CHAIRMAN READ: Thank you.

11 MS. MCCORMICK: Thank you.

12 CHAIRMAN READ: I think, we're ready for
13 staff's presentation.

14 MR. CRITTENDEN: Thank you, Chair Read. Give
15 me just a moment so I can share my presentation.

16 All right. So, Chair Read, members of the
17 Planning Commission, I am Ian Crittenden, your
18 Development Services Manager.

19 This site is located, as mentioned,
20 555 Highland Ranch Parkway. You can see it here on the
21 map outlined in red. The site was previously operated
22 as an aggregate mine. It becomes important here in a
23 moment.

24 In July of 2018, the City entered into a

1 development agreement for the residential development of
2 this site under its previous name of The Quarry. In
3 January of this year, the City Council approved an
4 amendment to that development agreement under its new
5 name of Five Ridges.

6 The two items that will be heard tonight
7 pertaining to this item are not approving a new project,
8 but are the next steps in the process of implementing
9 the development agreement. Review of the conditional
10 use permit and the tentative map applications is for the
11 purpose of advancing the technical analysis of, and
12 defining conditions of approval for, the first
13 subdivision of land within the site.

14 This request specifically is for a conditional
15 use permit for development of sites subject to Sparks
16 Municipal Code, Section 20.04.011, slopes, hilltops and
17 ridges.

18 There are two criteria that determine if a
19 conditional use permit for slopes, hilltops and ridges
20 is applicable. First, is the site larger than 10-acres?
21 And, second, does the site have slopes of 10 percent or
22 greater over 25 percent or more of the site?

23 This site is 386.87 acres in size, which meets
24 this first cite criterion. However, the development

1 agreement for the site established that the previously
2 disturbed portions of the site will not be used in
3 calculation of maximum disturbed area.

4 This preliminary slope analysis that you're
5 seeing in front of you determined that 120.93 acres,
6 this area that's white on this slope map, would be
7 exempt for purposes of calculating maximum disturbed
8 area. If we exempted that area from, if we extracted it
9 from the total area or subtracted it from the total area
10 of the site, we're still left with 265.94 acres, which
11 still meets that first criteria or first criterion of 10
12 acres or larger.

13 When they did submit this slope analysis, it
14 also determined that over 29 percent of the site had a
15 slope of 15 percent or higher, which means that the
16 portion of the site with slopes 10 percent or higher is
17 even greater than that 29 percent. So we know that the
18 second criterion was also met.

19 So, now that we've talked about why we're
20 talking about slopes, hilltops and ridges for this, the
21 development of this parcel, we're going to talk about
22 some of the standards that are established in the code
23 for development of sites like this.

24 The first set of standards address design. And

1 there are four design policies. Policy 1 relates to
2 slope analysis or relates to the slope analysis that we
3 were just discussing. The applicant's slope analysis
4 considered the slopes present on the site and calculated
5 according to the guidelines contained in the code the
6 portion of the site that is developable.

7 According to that analysis, and as is
8 memorialized in the development agreement, the
9 developable area is 145.61 acres plus the 120.93 acres
10 determined to be previously disturbed. That ends up
11 with a total of 266.54 acres of developable land. This
12 conditional use proposes to disturb 138.13 acres, 128.38
13 acres less than the maximum area permitted to be
14 disturbed.

15 It also is important to note that this request
16 is associated with the first tentative map for the Five
17 Ridges project. The slope analysis and this conditional
18 use permit will have to be updated with each ensuing
19 tentative map application to reflect the total disturbed
20 area and document continued compliance with the Sparks
21 Municipal Code and the development agreement.

22 The second policy addresses degradation of the
23 site as well as erosion and sedimentation. The site was
24 highly degraded in its prior use as an aggregate mine.

1 The applicant's plan is actually attempting to mitigate
2 much of this existing degradation through extensive
3 slope stabilization, landscaping and revegetation.

4 Excuse me. The third policy aims to limit long
5 slopes with sharp transitions. As I just mentioned, the
6 plan provided for this site aims to reclaim the existing
7 long slopes with sharp transitions using slope
8 stabilization benches along with other slope
9 stabilization methods.

10 The fourth policy addresses how buildings on
11 the site will be designed to show sensitivity to
12 hilltops and ridgelines.

13 So building houses along the ridgeline, as is
14 proposed in Villages 2 and 3, is not inherently
15 sensitive to the terrain or to the visual impact of this
16 development on the ridges. However, development along
17 the ridgelines typically requires less grading than
18 developing on the slopes of the hill, which provides
19 some level of sensitivity.

20 Proposed Condition Number 6 requires that plans
21 submitted for building permits demonstrate that homes or
22 buildings to be constructed on or near ridgelines show a
23 high degree of sensitivity to the terrain, including the
24 use much earthtone colors and rooflines designed to

1 blend in with the natural environment.

2 The next set of standards that govern the
3 natural slope analysis itself, on this slide, you can
4 see these are the guidelines for determining total area
5 that can be disturbed. This is pulled directly from the
6 Sparks Municipal Code. This does not limit the area
7 that can be disturbed in any single category, but
8 determines the total area that can be disturbed for the
9 site.

10 We can also see that areas that have a slope of
11 30 percent or more, that are going to be disturbed, will
12 have to be balanced throughout the site at a 2-to-1
13 ratio with areas that will not be disturbed. So just a
14 general idea there is if you're going to disturb one
15 acre of land that has a 30 percent slope or more, you're
16 going to have to provide at least two acres of land that
17 will not be disturbed as a balance for that area, those
18 areas.

19 So this next slide shows the table submitted by
20 the applicant indicating their volume of proposed
21 disturbances. As you can see, the applicant is
22 proposing to exceed the maximum disturbed area in some
23 of the categories, specifically the areas of 25 to 30
24 percent slope and the 30 percent plus slope. However,

1 as we had discussed earlier, the categories are not as
2 important as the total area. This table does show that
3 the total area to be disturbed, this 138.13 acres, is
4 less than the total area allowed to be disturbed, which
5 is this 266.54.

6 The applicant is proposing to disturb 25.61
7 acres of land that's in the 30 percent slope area. And
8 this will require that they reserve 51.22 acres as
9 undisturbed open space.

10 The development agreement also requires that
11 100 total acres be reserved throughout the Five Ridges
12 development as open space. And this reservation from
13 this application of 51.22 acres can count towards that
14 total of 100 acres that they have to provide throughout
15 the site, or throughout the entirety of the development.

16 This next slide covers the four additional
17 standards that are in the code for development on slopes
18 and hilltops and ridges. Engineering staff has reviewed
19 the submitted plans addressing erosion and sedimentation
20 and determined that they comply with code.

21 And then, in regard to landscaping, areas
22 disturbed as part of the grading of in site must be
23 revegetated to comply with the Sparks Municipal Code.
24 The submitted plans indicate that this is the intent of

1 the applicant. And proposed Condition Number 4 requires
2 that that standard be met.

3 And then areas required to be set aside as open
4 space by the slopes, hilltops and ridges section of the
5 code are required to be maintained as undisturbed. The
6 applicant must submit with their grading plans sheets
7 that demonstrate the appropriate amount of open space
8 within the Five Ridges development is protected and
9 undisturbed.

10 And then the City has designated certain
11 hilltops and ridges as significant. These hilltops and
12 ridgelines require additional setbacks and protection.
13 However, this site does not contain any of those
14 designated hilltops or ridgelines.

15 All right. Conditional use permits have five
16 findings related to them. Findings C1 and C2 address
17 conformance and consistency. This site has a
18 Comprehensive Plan land use designation of IDR, or
19 Intermediate Density Residential.

20 The Five Ridges development is envisioned as a
21 desirable, highly amenitized residential community in
22 conformance with Goal CC1, which is to ensure that
23 Sparks's physical environment, services and amenities
24 make it a city of choice for residents and businesses;

1 Goal H2, which it's promote a strong diverse housing
2 market that supports economic growth and vitality while
3 ensuring environmental and fiscal sustainability; and
4 Policy H1, which is to ensure that there are sufficient
5 appropriate zoned areas with the infrastructure, public
6 facilities and services necessary for the production of
7 new housing.

8 Sidewalks will be provided throughout this
9 development. And the development agreement details how
10 City services will be provided to this site at
11 acceptable levels. And this complies with Policy C4,
12 which provides public sidewalks for pedestrians on all
13 street networks within the City, and Policy CF1, which
14 is that when we're doing new development, the City will
15 not approve an application unless City services can be
16 provided at acceptable levels.

17 This site borders predominantly GR, or General
18 Rural, zoned properties in the unincorporated county to
19 the north, south and west. To the east side of the
20 site, it's bordered by Kiley Ranch North planned
21 development.

22 This conditional use permit request is for the
23 development on slopes, hilltops and ridges. Development
24 of this portion of the site for a residential use is in

1 conformance with the Comprehensive Plan. And the
2 proposed Conditions of Approval are intended to mitigate
3 any compatibility issues of the development on slopes
4 and hilltops and ridges with the surrounding land uses
5 by minimizing the visual impact to adjacent properties.

6 Findings C3 and C4 look for or address
7 identified impacts. The potential impairment of natural
8 resources is more appropriately addressed in the
9 analysis for the tentative map application submitted for
10 this site. However, it's important to note that much of
11 the site was previously disturbed as its life as an
12 aggregate mining operation.

13 The impacts identified by staff specifically to
14 this are ridgeline development. Villages 2 and 3 and
15 the associated tentative map for this project show
16 houses along the ridgelines. You can kind of see them
17 here and here, as well as this area here.

18 The Sparks Municipal Code, specifically Section
19 20.04.011, requires a high degree of sensitivity to the
20 terrain and its visual impact when houses are placed
21 along ridgelines. To comply with this requirement, the
22 applicant has proposed houses in earthtones and
23 rooflines to blend with the natural environment. Homes
24 and architectural features that result in stark contrast

1 to the surroundings will be prohibited. Condition 6
2 reinforces this requirement.

3 Additionally, areas of cut slopes must be
4 recontoured and revegetated to result in natural
5 appearance to ensure such areas are not visually
6 obtrusive. Condition 3 reinforces this requirement.

7 In conformance, or, finally, Finding C5 has to
8 do with public noticing. In conformance with state law
9 and the Sparks Municipal Code, public notice was
10 published in the Reno Gazette-Journal on April 3rd of
11 this year. In addition, 45 notices were mailed to
12 owners of property within 1,500 feet of the site on
13 April 2nd of this year. The Planning Commission meeting
14 functions as a public hearing required, or the required
15 public hearing for this item.

16 Staff believes that the findings can be made
17 for conditional use permit 20-0005. And we are
18 recommending approval.

19 There has been some public comment on this
20 item. We have received four phone calls in opposition,
21 as well as 14 letters and emails that were also opposed.
22 As mentioned earlier, the planning secretary will read
23 those into the record later, or as directed.

24 This ends my presentation. I am available for

1 any questions. The applicant's representative, Mike
2 Railey, and also available for questions that you may
3 have.

4 CHAIRMAN READ: Thank you, Ian.

5 If the Commissioners have any questions for
6 staff, could you please raise your hands and wait until
7 I call on you.

8 Commissioner Carey.

9 COMMISSIONER CAREY: Thank you. It looked like
10 my hand was blending in with the background. Sorry
11 about that.

12 I did have a technical question before we
13 jumped into the public comments. Ian, I was wondering
14 about the Finding C1. This is a conditional use permit
15 for hillside development. How are we supposed to
16 consider the availability of services? I'm just kind of
17 curious how policy, in staff's opinion, Policy CF1
18 applies to development on a site with hillside
19 development. How are we supposed to look at that?

20 MR. CRITTENDEN: That's a great question,
21 Commissioner Carey. We struggled with this a little bit
22 as we were writing the staff report.

23 The set of criteria that's specifically set out
24 in the code for development of hillsides -- I can't say

1 this right, half the time I get it wrong -- slopes,
2 hilltops and ridges have its own set of criteria. Those
3 are the ones I went through in pretty great detail. But
4 then we get to the actual findings related to a
5 conditional use permit, and there's a little bit of a
6 disconnect of how those apply.

7 And so we tried to give the best explanation of
8 what we know as the coming and how it relates to the
9 findings that are requested. Because the reality of us
10 saying, well, you know, we could potentially be talking
11 about hillside development in any zoning district, and
12 it would still comply with the Comprehensive Plan of the
13 zoning district. There's not really a disconnect there,
14 but we wanted to not be so brief as to act like we were,
15 or make it look like we were avoiding talking about it.
16 We just tried to talk about the project as far as we
17 understand it and how it impacted these goals and
18 policies.

19 COMMISSIONER CAREY: Okay. Thank you. I
20 appreciate that, that clarification.

21 Thank you, Madam Chair.

22 CHAIRMAN READ: Any other Commissioners have
23 questions? Raise your hand.

24 Okay. With that, could staff unmute the

1 applicant to provide any additional information or
2 comments.

3 MR. MIKE RAILEY: Good evening, everyone. Can
4 you hear me?

5 CHAIRMAN READ: Yes.

6 MR. CRITTENDEN: Yes.

7 MR. MIKE RAILEY: For the record, this is Mike
8 Railey with Christy Corporation representing Five Ridges
9 Development Company and QK, LLC.

10 I'd like to thank staff for their hard work on
11 this project and the thorough overview that Ian
12 provided.

13 Madam secretary, if I could also ask that Scott
14 Christy and Blake Smith, Sr., be unmuted as they may
15 wish to add some comments to my presentation.

16 I think, Ian did a great job in his overview,
17 and we are in agreement with all the conditions. Having
18 read some of the public comments that were submitted, I
19 would just like to clarify a few points. And some of
20 these relate, kind of overflow with the tentative map
21 request that's on your agenda later, but, I think, are
22 relevant to the CP as well.

23 I think, if you look at those comments,
24 essentially all of those comments were previously vetted

1 and addressed when we went through the development
2 agreement process that was done, you know, over the last
3 two years essentially. We've addressed all those
4 issues.

5 I think, it's important to note that the
6 project, as presented, is in full compliance with the
7 development agreement, Municipal Code requirements, and
8 ordinances related to hillsides and ridgelines. We are
9 not requesting any variance or deviation from code or
10 the development agreement requirements.

11 Also, I would like to reiterate that the City
12 of Sparks Comprehensive Plan does not identify any
13 prominent ridgelines within our project boundaries. The
14 total number of units that are proposed along with this
15 conditional use permit are 460. The development
16 agreement actually requires a minimum of 1,200 units and
17 allows for up to 1,800. So there was some reference to
18 a 3,500-unit project. I'm not sure where that came
19 from, but we are in full compliance with the development
20 agreement.

21 As part of the development agreement, a
22 thorough analysis of the project occurred in completing
23 the traffic impact analysis, the fiscal analysis and the
24 hydrology study. The development agreement then set

1 standards and thresholds for which when improvements
2 would be triggered and whatnot, and we are in full
3 compliance with that.

4 In terms of hydrology and drainage, we have
5 done a very extensive hydrology study that shows that we
6 are retaining the flows on-site and routing them into
7 the existing City facilities. We are significantly
8 improving runoff conditions in all directions from what
9 exists today.

10 When you look at Five Ridges, it's really
11 isolated on its own. The closest new home to, or
12 existing home to a new home within Five Ridges is
13 approximately 550 feet, with the majority being well
14 over 1,000 feet away. And, I think, it's also important
15 that those lots, those closest lots are within future
16 Villages 9 and 10, which are not up for consideration
17 this evening.

18 So I'd just like to clarify those points.
19 Points. And, I believe, the project applicant, Blake
20 Smith, would like to make a couple comments. And I'll
21 turn it over to him.

22 MR. BLAKE SMITH, SR.: Well, again, Mike, this
23 is Blake Smith, Sr., the developer of Five Ridges. I
24 would just like to thank the staff for their report on

1 this, Commissioners for your consideration of it.

2 And, Mike, I think, you've touched on all the
3 bases here. We're here to answer any additional
4 questions that the Commission may have.

5 CHAIRMAN READ: Okay. Thank you.

6 Does any of the other applicants want to speak?

7 Okay. Let's go ahead and open it up for
8 questions. Do the Commissioners have any questions for
9 the applicant? Go ahead and raise your hand if you do.

10 I'm not seeing any hand, hands raised. So
11 we'll go ahead and open it up for public comment.

12 Once again, I'd like to remind participants
13 that you are muted upon entry to the meeting and unmuted
14 as necessary when it's your turn to speak. You will
15 have up to three minutes.

16 Madam secretary, would you please repeat the
17 call-in information and summarize the emails and read
18 them into the record.

19 MS. SMITH: Thank you, Madam Chair.

20 Staff has received a number of telephone calls
21 and email comments regarding both the conditional use
22 permit and the tentative map associated with PCN19-0040.
23 Each of these will be read aloud now.

24 Again, the telephone number for call-in

1 participation is 1-669-900-6833. And the meeting ID
2 number is 438 926 149. And you will press star 9 on
3 your phone to request to speak.

4 We begin public comment for this item with
5 telephone calls. Staff has received four telephone
6 calls in opposition to the proposed project. The most
7 notable concerns are available infrastructure to support
8 the proposed new development, fire access, increased
9 traffic, and a lack of understanding of where and what
10 is being proposed, the maps were not clear.

11 We will now move on to the emails received.
12 Emails will be read aloud in the order in which they
13 were received. Bear with me, and I apologize if I --
14 somebody's name I get incorrectly. And I will begin in
15 the order in which they were received.

16 The first email that was received was from Ron
17 and Michele Shull. It says:

18 "Dear Planning Commission: It is disappointing
19 that the Planning Commission is considering this
20 important issue at a public meeting in which those of us
21 that are impacted most cannot attend in person given the
22 COVID-19 pandemic. While submission of written public
23 comment is possible, we all know that the true sentiment
24 of comments being read into the record by an unaffected

1 City employee will not be understood by the Planning
2 Commission. We would for that reason urge that you pass
3 your consideration of this issue to another meeting
4 where the community can actually attend and truly convey
5 the impact this project will have.

6 "However, since you will more than likely
7 proceed to consider this conditional use permit, please
8 know that we strongly object. When this developer last
9 came before you on this same project, he assured the
10 residents that are directly impacted that it was seeking
11 to build approximately 1,200 to 1,800 homes and that
12 that building on the ridgetop was not part of the plan.
13 How quickly these plans have changed. Now this
14 developer is seeking to build 3,500 homes, which by all
15 indications looks to now include the ridgeline it
16 assured was not previously an option.

17 "We purchased our lot here in Spanish Springs
18 and built our home specifically for the reason that it
19 was rural and not surrounded by thousands of other
20 homes. We have always understood the progress, that
21 progress would happen, but also understood that the
22 hills above us would remain open. Building on the
23 ridgetop means we will now have lost our rural view and
24 lifestyle that was the main reason we built here.

1 Please consider this impact before approving the request
2 to increase the number of homes this developer is
3 requesting.

4 Sincerely, Michele and Ron Shull."

5 Okay. I will now move on to the second email.

6 This email is from Dan and Mindy Flannagan:

7 "Greetings, Planning Commission members. My
8 name is Dan Flannagan. I have been a property owner
9 within close proximity of the above proposed subdivision
10 for over 41 years. I have been asked to send you this
11 email by many local residents listed above that are
12 directly affected by this project. As you know, the
13 subject subdivision project, formerly known as
14 The Quarry, was originally presented and discussed
15 during the Sparks Planning Commission meeting on
16 April 5th, 2018 as case number PCN16-0050. Certain
17 aspects of The Quarry project have been recently revised
18 and now is named, and now the name is being submitted
19 for tentative map approval under Five Ridges, case
20 number PCN19-0040, tentative map and CUP. Seemingly,
21 the overall land zoning uses and dwelling densities
22 requests appear to be similar. However, this highlights
23 a major concern we have as local adjacent or near
24 proximity property owners and is the basis of my email

1 to you today.

2 "Public notification of the April 16th Planning
3 Commission meeting was mailed by United States Postal
4 Service by the Sparks planning staff on April 2nd. And
5 most of the noticed recipients received the Planning
6 Commission meeting notice on April 6th which under
7 normal conditions would somewhat comply with the Sparks
8 Administrative Code Chapter 20.05, specifically, Section
9 20.05.03, section B. The reason I described the
10 noticing compliance to be 'somewhat' is that only until
11 the end of business day last Friday, April 10th, was any
12 documentation, information, revisions, details or staff
13 recommendation on the PC case numbers PCN-19-0040 or
14 CU20-0005 made available to the public for our review.
15 Though we fully understand the difficulty and the
16 challenges the Sparks Planning Commission must be
17 dealing with these days, we feel that full compliance
18 with Section 20.05.03, section B, did not occur, and we
19 will not have adequate time to review and organize our
20 comments before the April 16th Planning Commission
21 meeting.

22 "Additionally, the original official public
23 notice of the meeting states that case number PCN19-0040
24 was to consider and possible action for a conditional

1 use permit designated as the only public hearing item.
2 This is also reflected on the revised April 16, 2020 PC
3 meetings agenda. We believe that PCN-0040 and CU20-0005
4 should both be public hearing items. From the
5 information that was provided late on April 10th, little
6 no information was included regarding, but not limited
7 to: Specifics on how Chapter 20.04, Section 20.04.011
8 will be mitigated. A secondary means of access road as
9 requested by then Fire Marshal Chris Maples during the
10 April 5th, 2018 Planning Commission meeting will be
11 addressed and currently is not detailed or a condition
12 of approval of any of the documents received to date. A
13 fully updated traffic impact study for the Five Ridges
14 project has not been completed as requested under items
15 B and C of the March 2nd, 2020 letter sent to the Sparks
16 Planning and Community Services Department by NDOT."

17 CHAIRMAN READ: Marilie, you're over your time.

18 MS. SMITH: Okay. Madam Chair, I really only
19 have three more sentences, if you --

20 CHAIRMAN READ: All right. Go ahead.

21 MS. SMITH: Okay. "These are just a few of our
22 concerns. But, again, due to having only four days left
23 before your Planning Commission meeting, we likely will
24 have many more questions of the staff and applicant

1 after a more thorough submittal review can be completed.

2 "Therefore, that due to the issues described
3 above, we respectfully request that Planning Commission
4 items PCN19-0040 and CU20-0005 be removed and stayed
5 from the Planning Commission's April 16th, '20 meeting
6 until further discussions on the project can be
7 completed with Sparks planning staff, related relevant
8 land use development agencies, fire department, health
9 department, public road design engineers and
10 infrastructure purveyor entities.

11 "Thank you for your consideration regarding our
12 request. And please let us know at your earliest
13 convenience. Dan and Mindy Flannagan."

14 Madam Chair, I apologize. That is the longest
15 email. So I don't foresee that to happen again.

16 CHAIRMAN READ: That's fine.

17 MS. SMITH: Okay. Moving on to number three,
18 this email was received from Dawn Gilmore:

19 "Good morning. I live on Wedgewood Circle in
20 Spanish Springs. I am writing to let you know that our
21 family strongly opposes the conditional use permit you
22 are considering for the development proposed for Spanish
23 Springs Valley along the ridgeline behind our house.
24 Our yard backs up to Pyramid Highway and there is

1 already so much traffic that I can't imagine what
2 another 3,500 houses would bring. The area is congested
3 and busy all the time. Not only will this project bring
4 more traffic, but it will ruin the views. We moved to
5 this area of Sparks because it wasn't congested, because
6 there was less housing. These developers want to turn
7 our area into California. But we don't want to live in
8 California. We like the open lands, the views of nature
9 and the clear skies.

10 "Please take into consideration the residents
11 already in the area and oppose building on our
12 ridgeline. Thank you for your consideration."

13 Email number four. This email is from Nick
14 Panelli:

15 "I understand that a special use permit is
16 being requested to have homes built on the southwest
17 side of Spanish Springs from Pyramid to Sun Valley. Is
18 that correct? If so, I wish that you'd deny this
19 request and keep the beauty of our area intact. What
20 about traffic concerns, the added volume of traffic to
21 our area?

22 "Please vote against this request. Thank you.
23 Nick Panelli."

24 Number five is from PJ Elsner:

1 "I'm sharing with you my tremendous displeasure
2 at the idea of more housing going up in the southwest
3 side of the Spanish Springs Valley. I urge you to
4 oppose a conditional use permit. We rely on Pyramid
5 Highway as our only way in and way out. A few months
6 ago, the highway was closed for however due to an
7 accident which caused major backup of several miles of
8 residents trying to get home. On a normal workday,
9 before COVID, there could be a constant stream of
10 traffic either going to Sparks in the morning or going
11 north with people returning home at the end of the day.
12 Also, consider the people who live west on Dolores.
13 They live in those hills to escape congestion. 3,500
14 new homes would encroach on the Dolores residents. We
15 do not need more houses in this area. Thank you."

16 The next email is from Nancy and Howard Danner:

17 "My name is Nancy Danner and as a resident
18 living in the Spanish Springs area at the intersection
19 of Dolores and Marie Way for over 20 years and in close
20 proximity to the proposed development, I am writing to
21 let you know my husband and I are opposed to this
22 request for a conditional use permit to change the
23 zoning for a large planned development.

24 "I personally think the move to hear this

1 request is unconscionable. This request is not a
2 necessary business. You are doing a great disservice to
3 the residents of this valley by allowing the developer
4 to bring this before you at a time when everyone is
5 focused merely on surviving -- jobs, food, money,
6 illness, death. Due to requirements on social
7 distancing, residents cannot attend the meeting and most
8 do not have the capabilities or the understanding on how
9 to watch proceedings online. You should be ashamed that
10 you did not table this idea to a time that would allow
11 the residents of the valley to attend and voice their
12 opinions.

13 "Are there any members on this board living in
14 the Spanish Springs area that are familiar with the
15 overload of traffic on Pyramid Highway? Pyramid Highway
16 cannot sustain additional traffic from hundreds, if not
17 thousands of additional cars.

18 "If our local news sources are reliable, we are
19 apparently heading into a drought year. Where will the
20 water come from for this development?

21 "Are there no skylines in the area that have
22 value? Most of us moved to this area because of the
23 openness and beauty, even the ridge I see every day from
24 my front yard. You can never get a skyline back once it

1 has been taken away.

2 "If I understand correctly, it appears that the
3 conditions and concerns from a previous meeting in April
4 2018 regarding the planned development under a different
5 name, The Quarry, have not been resolved and the name of
6 the development is now Five Ridges.

7 "I respectfully request that you deny this
8 request for conditional use permit or at the very least
9 table it until such a time the residents can attend.

10 "Thank you in advance for your time in
11 considering the concerns of the residents. Nancy and
12 Howard Danner."

13 The next email is from Gregory N. Elley. And I
14 apologize, Mr. Elley, if that's not how you pronounce
15 your last name:

16 "It is my understanding that a development
17 which received approval from a previous planning
18 committee meeting membership is now in need of a
19 conditional use permit to proceed. Ladies and gentlemen
20 of the committee, this is a rare, golden opportunity to
21 reserve a decision which should never have been made.

22 "I" -- and then he lists his parcel number that
23 he owned -- "along with other adjacent property owners
24 in attendance at the meeting in which this project was

1 approved express opposition to a project which would
2 dramatically increase congestion on our roads,
3 contribute to erosion, burden our public services,
4 reduce openness, engender light population, and
5 exacerbate noise. I understand you will hear such
6 arguments with most developments. However, at said
7 meeting two other critical points were raised: The City
8 of Sparks Fire Chief testified that he opposed the
9 project for its failure to ensure occupants safety. The
10 lone dissenting member of the planning committee
11 maintained the project was not consistent with the City
12 of Sparks master plan.

13 "The acreage in question was not used for
14 residents as it was unsuitable for such. It was a
15 quarry. As it was suitable as a quarry or some other
16 industrial site, one cannot make a silk purse from a
17 sow's ear.

18 "Let's return this quarry to open space. Or
19 better yet, make it a park or refuge of sorts. If
20 approval is granted, at least revise it to one unit per
21 acre. But in view of the fact that your guidelines
22 insist the Planning Commission must make finding that
23 the proposed major deviation will be compatible with the
24 existing or permitted uses of adjacent properties and is

1 consistent with the City of Sparks master plan.
2 Furthermore, how would granting the major deviation not
3 be materially detrimental to the public health, safety
4 or welfare or injurious to property or improvements in
5 other vicinities? And, finally, how would this major
6 deviation be deemed necessary for the preservation and
7 enjoyment of a property right possessed by other
8 property owners in the same vicinity and land use
9 district and is denied the property for which the major
10 deviation is sought. And granting of the major
11 deviation does not constitute a special privilege
12 inconsistent with the limitations upon other properties
13 in the vicinity and land use district in which the
14 property is located. I don't see how it can be done
15 within your stated guidelines.

16 "For the record, I also attended February
17 2020's meeting at which discussion involved Washoe
18 County objecting to high density within the City of
19 Sparks sphere of influence. Granting the permit would
20 fly in the face of this, wouldn't it?

21 "Please deny the conditional use permit. Thank
22 you. Sincerely, Gregory M. Elley."

23 The next email I will read is from Bradley Paul
24 Elley:

1 "Members of the Sparks Planning Commission: As
2 the beneficial owner of an adjoining property" -- and he
3 lists his APN -- "in the legal name of my IRA account,
4 Equity Trust Company, I oppose the granting of the
5 conditional use permit being sought by PCN19-0040.

6 "The request is inconsistent with the stated
7 purposes of Title 20, Zoning and Land Use Controls of
8 the City of Sparks Municipal Code.

9 "The granting of the application would not be
10 consistent as applied to this development, which is
11 really spot zoning. Spot zoning such as this was
12 prohibited by the Nevada Supreme Court in Enterprise
13 Citizens vs. Clark County Commissioners, 112 Nevada 649,
14 918, page two, section 305, in 1996. It should be
15 undisputed that the added congestion would be injurious
16 to the public health, safety or welfare, or injurious to
17 property, including mine, or improvements in the
18 vicinity. If approved, the additional residences sought
19 would in all likelihood increase the amount of flooded
20 homes from the former rock quarry with poor drainage. I
21 do not believe that an study of this flooding potential
22 has been undertaken.

23 "It cannot be seriously argued that granting
24 the major deviation is unnecessary. It would

1 undoubtedly be antithetical to the preservation and
2 enjoyment of property rights possessed by other party
3 property owners in the same vicinity and land use
4 district. Denial of this application would not result
5 in property rights being denied to the property for
6 which the major deviation is deviation is sought because
7 they have already gamed the system by being allowed to
8 subdivide the property into 6,000-square-foot
9 micro-lots. Further increasing the traffic congestion,
10 pollution, and urban bedroom community sprawl so nor
11 equate to preservation and enjoyment by other property
12 owners.

13 "This is especially true when the adjoining
14 properties annexed to the City of Sparks, including
15 mine, have a maximum three residential units per acre,
16 14,250-square-foot per lot, subdivision rezoning
17 restriction instead of the much smaller
18 6,000-square-foot sliver lot limitation. Many adjoining
19 parcels, including mine, have even steeper slopes than
20 the applicant's.

21 "Finally, granting of the major deviation would
22 constitute a spot zoning special privilege inconsistent
23 with the limitations upon other properties in the
24 vicinity and land use district in which the property is

1 located.

2 "A planned unit development as an alternative
3 could assure maximum build-out of this parcel but on a
4 smaller impervious coverage footprint basis less
5 susceptible to the almost certain eventual flooding.

6 "It is no oversight that a variance is not
7 being sought because the applicant could not make
8 credible claim to economic hardship.

9 "Washoe County is in the process of, if it has
10 not already occurred, increasing the zoning for parcels
11 within the City of Sparks sphere of influence to provide
12 for multi-acre residential units rather than the
13 applicant's already approved shoebox 6,000-square-foot
14 lots.

15 "It is respectfully requested that the
16 application be denied outright.

17 "Thank you for your anticipated consideration
18 of this objective. Bradley Paul Elley."

19 My next email is from Cheryll and Steve
20 Glotfelty:

21 "Dear Sparks Planning Commission. Please share
22 my public comment for PCN19-0040.

23 "I am writing to voice my opinion of the
24 proposed development at 555 Highland Ranch Parkway be

1 prohibited from building on the ridge at the northern
2 boundary of their property.

3 "I support the City of Sparks Development
4 Standard Section 20.04.011 for slopes, hilltops and
5 ridges, which regulates development on ridgelines to
6 preserve the scenic backdrop and to prevent aesthetic
7 degradation.

8 "There are many residents north of and
9 downslope from the proposed development whose views
10 would be aesthetically degraded if the ridge is rimmed
11 with houses. Most of these residents were not notified
12 of the Planning Commission meeting.

13 "My husband and I live two parcels north of the
14 notified properties. We would be negatively impacted if
15 houses are allowed to be built along the ridgeline. Our
16 view would be degraded and our privacy invaded.

17 "Please respect Section 20.04.011 of the
18 Development Standards and mandate that the proposed
19 development be limited to the parcels below and to the
20 south of the ridge.

21 "I have been told that when Sparks did its
22 ridges inventory, the property at 555 Highland Ranch
23 Parkway was Washoe County land. It was later annexed to
24 Sparks. I believe that ridges on annexations should be

1 added to the City's ridges list, and proposed
2 developments on annexations should comply with Sparks
3 Development Standards.

4 "Respectfully, Cheryll and Steve Glotfelty."

5 My next email is from Kyle and Lisa Zukoski:

6 "I, Kyle Zukoski, oppose a plan from S3
7 Development to add an additional 2,000 homes, up from
8 1,200 to 1,800 to 3,500, to their original plan. But
9 also, defying an ordinance, City of Sparks Development
10 Standards Section 20.04.011 for slopes, hillsides and
11 ridges, in an attempt to lambaste the southeastern ridge
12 of our valley skyline with high-density housing. The
13 original project should have never been considered in
14 the first place. There is no infrastructure,
15 engineering, or data collection and analysis for urban
16 studies that have been present to the public, or to the
17 City, for that matter. The possibility of funneling
18 another 6,000 vehicles onto an already stressed Pyramid
19 Highway would stifle the commute in and out of Spanish
20 Springs.

21 "My home at 7285 Patrina Way is most likely the
22 closest property to the project as I am the highest on
23 the hillside. Steep grades on the mountain beside me
24 produce rapid runoff and erosion during heavy rains and

1 snows. I recently invested thousands of dollars to
2 prevent water and soil from damaging my landscaping.
3 Disrupting the natural hilltop would only cause more
4 erosion.

5 "We are now in jeopardy of losing our view,
6 privacy, security, peace and quiet, as well as the very
7 reason we moved to this valley. Please do not allow
8 this project to move forward. And respect Section
9 20.04.011 of the Development Standards. Also consider
10 not only the nearby residents, but the impact this
11 project will have on Spanish Springs as a community.
12 Kyle and Lisa Zukoski."

13 My next email we actually received in two
14 parts. The Development Services Manager received an
15 email, as well as I received an email. I have put the
16 two together. So I will read the two. So it will sound
17 like two emails, because, in fact, that's what it was.
18 It is from, they were both are from Melinda Stillwell:

19 "Hello. Not okay with the meeting being held
20 without the ability to come in person. What are you all
21 thinking? Not all people have access to computer
22 skills, et cetera, to express their concerns. With a
23 major health crisis going on, are you thinking we do not
24 care about how our neighborhood will be impacted?

1 "As a 33-year property owner and a taxpayer, I
2 am very concerned about the way business is being
3 conducted in the City of Sparks.

4 "I am negative on the ridge development, the
5 impact on our quality of life and state and safety.
6 Melinda Stillwell."

7 Part two:

8 "Hello, City of Sparks. So what are you
9 thinking? Making a huge decision impacting a whole
10 community's way of life without considering a major
11 health crisis going on? Not okay. We cannot attend the
12 meeting in person to express our opinions.

13 "As a 33-year property owner and taxpaying
14 citizen in the neighborhood, you will be impacting
15 respectively say negative. And the meeting is not okay.
16 Melinda Stillwell."

17 My next email is from Linda Davis:

18 "I am a resident in the Dolores, slash,
19 Patrina, slash, Marie 5-acre parcels north and adjacent
20 to the proposed Five Ridges development. Please
21 postpone your approval of this development until we, the
22 impacted residents, can personally appear at a planning
23 meeting.

24 "I will not repeat the many concerns of my

1 neighbors that have already commented to you. But, in
2 addition to the complaints I have read, I want to know
3 where the secondary access to this development is. The
4 plans show one access leaving north, which may connect
5 to the area of Starhill, dumping an unmanageable amount
6 of traffic into our small roadways and rural
7 neighborhoods.

8 "As always, we are concerned about groundwater
9 in the area, impact on our wells and disruption of the
10 natural aquifer.

11 "Again, please postpone. Pyramid Highway can't
12 absorb the impact of increased traffic. Our skyline
13 does not need to be destroyed with future multi-family
14 units consuming the hillside. Best regards, Linda
15 Davis."

16 And the next email is from Deborah Walker:

17 "I fully agree with Nancy Danner and also wish
18 to go on record opposing this project.

19 "I feel it is truly a disservice to the
20 community in which you serve to proceed without allowing
21 community participation. I have had to attend Zoom
22 meetings and I am sure you are well aware they are not
23 the best way for public comments to be heard.

24 "Due to the stay at home regulations and social

1 distancing, we have not been permitted to have a
2 community meeting or go door-to-door to gather
3 signatures of neighbors that re in opposition of this.

4 "When so many are fighting for life and
5 livelihood is this really a time to be hearing this
6 proposal?

7 "A very disappointed community member. Deborah
8 Walker."

9 Next is from Lisa Zukoski:

10 "I, Lisa Zukoski, oppose a plan from
11 S3 Development to add an additional 2,000 homes to their
12 original plan defying an ordinance, City of Sparks
13 Development Standards Section 20.04.011 for slopes,
14 hillsides and ridges. There is no infrastructure in
15 place to handle the amount of traffic that will be
16 generated by these additional homes. The initial
17 project should never have been approved in the first
18 place without any infrastructure in place.

19 "I moved to 7285 Patrina Way for privacy, peace
20 and quiet and the view. These additional 2,000 homes
21 will destroy all that is important to me. I have gone
22 it great lengths to prevent water and soil damage to my
23 landscape due to runoff and erosion during heavy snow
24 and rain. These additional hilltop homes would only

1 increase erosion and damage the hillside.

2 "I respectfully ask that you do not allow the
3 additional housing to be approved. Please respect
4 Section 20.04.011 of the Development Standards.

5 "Thank you for your time and consideration.
6 Lisa Zukoski."

7 That concludes the emails that were received as
8 public comment for this item. I will now -- we will now
9 move to callers who wish to speak live on this item.

10 Ms. Martinez, would you please enable the first
11 caller.

12 MS. MARTINEZ: The first caller is able to
13 speak.

14 MR. BRANDON PARTAIN: Okay. Hi. This is
15 Brandon Partain.

16 And, conditionally, I have two questions. But
17 looking at the ordinances here, Appendix A4, item 47, it
18 talks about significant hilltops or ridgelines
19 identified by the City. And it wasn't clear in the
20 presentation if any of these have been identified as
21 significant by the City. If they are, then what are the
22 setbacks mentioned in the proposal?

23 And if those ridgelines have not been
24 considered significant by the City, maybe it would be a

1 good compromise for those that are so engendered to
2 their skyline and their rural view to identify some of
3 those as significant.

4 Thank you.

5 MS. MARTINEZ: We have no additional requests
6 to speak at this time.

7 MS. SMITH: Thank you.

8 CHAIRMAN READ: All right. Thank you.

9 Let's go ahead and close the public hearing and
10 bring back to the Commission. Do any of the
11 Commissioners have any additional questions for staff or
12 the applicant, or any comments?

13 Okay. With that, I would consider a motion.
14 Would anybody like to make a motion on --

15 COMMISSIONER VANDERWELL: Madam Chair,
16 Commissioner VanderWell.

17 CHAIRMAN READ: Thank you.

18 COMMISSIONER VANDERWELL: I move to approve the
19 conditional use permit CU20-0005 associated with
20 PCN19-0040, adopting Findings C1 through C5 and the
21 facts supporting these findings as set forth in the
22 staff report, subject to the seven Conditions of
23 Approval as listed in the staff report.

24 CHAIRMAN READ: Thank you.

1 Do we have a second?

2 COMMISSIONER BLACO: I'll go ahead and make a
3 second. Commissioner Blaco.

4 CHAIRMAN READ: Thank you.

5 We have a first and a second. Madam secretary,
6 can we please do a roll call vote?

7 COMMISSIONER CAREY: Madam Chair, point of
8 order, if I may.

9 CHAIRMAN READ: Oh.

10 COMMISSIONER CAREY: May we have discussion
11 before or, and comments before?

12 CHAIRMAN READ: Yeah. I apologize. Go ahead.

13 COMMISSIONER CAREY: Thank you very much.
14 Again, my hand keeps -- sorry about it. It keeps
15 blending in with Pyramid Lake behind me.

16 I just wanted to point out a couple things
17 before the vote. I believe that the applicants did a
18 pretty good job of designing this project to reduce the
19 visual impacts. And I concur with staff's
20 recommendations and can make the required findings of
21 approval.

22 Just a couple things that I wanted to point
23 out. You know, it was mentioned in the staff report and
24 tonight that there weren't any significant ridgelines or

1 protected hillsides in this area under our code. I
2 think the reason why those weren't, there's nothing in
3 there included in this area is because the hillside
4 ordinance was developed before this area was intended to
5 be annexed into the City.

6 And so I would encourage, you know, our staff,
7 if we can, to maybe take a look at our hillside
8 ordinance and look at other areas of the City that we
9 have annexed and added to our plan to grow into, to look
10 at protecting hillside areas.

11 I also wanted just really quickly, for the
12 record, if the conditional use permit's approved
13 tonight, we're going to look at amending it every time
14 there's a tentative map. I want to make a request for
15 staff to make sure that they provide us with an analysis
16 and a progress report of the applicant's revegetation
17 plan and the efforts of that revegetation on this site
18 as we see amendments to this conditional use permit.

19 Thank you very much, Madam Chair.

20 CHAIRMAN READ: Thank you.

21 Any of the other Commissioners have any
22 comments they'd like to make before the vote?

23 Okay. Madam secretary, would you please do a
24 roll call vote.

1 MS. SMITH: Commissioner Read?
2 CHAIRMAN READ: Aye.
3 MS. SMITH: Commissioner Petersen?
4 COMMISSIONER PETERSEN: Aye.
5 MS. SMITH: Commissioner Blaco?
6 COMMISSIONER BLACO: Aye.
7 MS. SMITH: Commissioner Carey?
8 COMMISSIONER CAREY: Yea.
9 MS. SMITH: Commissioner Pritsos?
10 COMMISSIONER PRITSOS: Yea.
11 MS. SMITH: Commissioner Rawson?
12 COMMISSIONER RAWSON: Yea.
13 MS. SMITH: Commissioner VanderWell?
14 COMMISSIONER VANDERWELL: Aye.
15 CHAIRMAN READ: Thank you. Motion carries
16 unanimously.

17 Next, we're going to move on to general
18 business with PCN19-0040, consideration of and possible
19 action on a request for a tentative map for a 460-lot
20 single-family residential subdivision on a site
21 approximately 386.87 acres in size located at
22 555 Highland Ranch Parkway, Sparks, Nevada, in the
23 single-family residential 6,000-square-foot minimum lot
24 area zoning district.