



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

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

Tuesday, March 3, 2020
6:30 p.m.

**Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV**

The Washoe County Planning Commission met in a scheduled session on Tuesday, March 3, 2020, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Chesney called the meeting to order at 6:30 p.m. The following Commissioners and staff were present:

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

Commissioners absent: Kate S. Nelson

Staff present: Trevor Lloyd, Secretary, Planning and Building
Dan Cahalane, Planner, Planning and Building
Julee Olander, Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Chvilicek led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. *General Public Comment and Discussion Thereof

Alexandra Profant stated she is a candidate for the District 1 Planning Commission Seat. She said there will be a neighborhood watch program on March 6 at the Incline Village Library hosted by Teresa Aquila to address items in terms of Short-Term Rental issues and how to better utilize resources. She requested clarification regarding IVCB CAB authority to approve or recommend an item. She added she attended the CAB meeting last night, and their authority was uncertain. She showed the District 1 area map.

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

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Chvilicek moved to approve the agenda for the March 3, 2020 meeting as written. Vice Chair Donshick seconded the motion, which passed unanimously with a vote of five for, none against.

7. Approval of February 4, 2020 Draft Minutes

Vice Chair Donshick moved to approve the minutes for the February 4, 2020, Planning Commission meeting as written. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of five for, none against.

8. Planning Items

A. Possible action to approve a resolution of Appreciation of Service for Philip Horan and to authorize the Chair to sign the resolution on behalf of the Planning Commission.

Mr. Lloyd read a resolution. The individual Planning Commission members expressed their appreciation and gratitude towards Phil Horan.

Phil Horan thanked the Commission and expressed how he has enjoyed serving over the years and working with Staff and Commission Members.

DDA Edwards stated it's been a pleasure to work with Phil Horan.

Mr. Lloyd said he will miss Phil: his commitment to the County is second to none.

There were no requests for public comment.

MOTION: Commissioner Bruce moved to approve the resolution. Vice Chair Donshick seconded the motion, which passed unanimously with a vote five for, none against.

9. Public Hearings

A. Master Plan Amendment Case Number WMPA19-0008 (Sparks SOI Reversion) – For possible action, hearing, and discussion to approve a resolution initiating and adopting an amendment to the Washoe County Master Plan for the purpose of assigning Washoe County master plan land use designation on 1,180 parcels that have been removed from the City of Sparks' Sphere of Influence and returned to Washoe County's jurisdiction. The subject properties will be assigned the most closely related master plan land use designation in comparison with their previous city of Sparks master plan designation.

AND

Regulatory Zone Amendment Case Number WRZA19-0008 (Sparks SOI Reversion) –

For possible action, hearing, and discussion to approve a resolution initiating and adopting an amendment to the Washoe County Regulatory Zone Map for the purpose of assigning Washoe County regulatory zones on 1,180 parcels that have been removed from the City of Sparks' Sphere of Influence (SOI) and returned to Washoe County's jurisdiction. The subject properties will be assigned the most appropriate regulatory zone based on its previous Washoe County regulatory zone (if applicable) or based on its current land use and lot size.

The areas affected are generally described as follows:

- All parcels accessed via Ponderosa Drive,
- Generally, the parcels bound by Sullivan Ln to the east, Wedekind Rd to the south, Charolaise Cir to the west, and Isle of Skye Dr. to the north.
- Generally, parcels accessed by Anthony Pl, Weems Way, and via Moorpark Court from the north.
- Generally, parcels bound by Wildcreek Golf Course to the west; Federal land to the north; Orr Ditch, Skyridge Ln. North Mccarran Blvd, and Wedekind Rd. to the south and east.
- All parcels within the Sunset View Rancho Estates 2 subdivision at the terminus of East Prater Way.
- Generally, the parcels bound by Sparks Blvd. to the west, Shadow Ln. to the south, Country Cir. to the east and Satellite Dr. to the north
- Generally, parcels to the west of pyramid highway between Los Altos Pkwy. and Golden View Dr. that are not Federal lands.
- Generally, the parcels east of pyramid highway bound by Los Altos Pkwy to the south, Ebbet's Pass Dr. and Orr Ditch to the east, and Kiley Pkwy to the north.
- Lazy five park and Jesse Hall Elementary School
- Generally, the areas accessed via Dolores Dr. that are not already within Washoe County
- Generally, the parcels accessed via Baldwin Way
- Generally, parcels abutting the 2680 ft of Eaglenest Rd when accessed via La Posada Dr to the North.

- Applicant: Washoe County
- Property Owner: See Exhibit A - Noticing
- Location: Former Sparks Sphere of Influence
- Assessor's Parcel Numbers: See Exhibit A - Noticing
- Parcel Size: Varies
- Existing Master Plan Categories: Commercial (C), Community Facilities (CF), Intermediate Density Rural (IDR), Low Density Residential (LDR), (Large Lot Residential (LLR), Multi-Family Residential (MF14)
- Proposed Master Plan Categories: Open Space (OS), Rural Residential (OS), Suburban Residential (SR), Urban Residential (UR), Commercial (C)
- Existing Regulatory Zones: Third Rural Conservation Agricultural District (A7), First Rural Conservation District (A5), Second Agricultural District (A2), First Agricultural District (A1), Second Estates District (E2), First Estates District (E1), General Commercial Non Residential District (C2), General Rural (GR), Medium Density Suburban (MDS), High Density Suburban (HDS), Low Density Urban (LDU)

- Proposed Regulatory Zones: LDS/2), Medium Density Suburban/4, (MDS/4), High Density Suburban (HDS), Low Density Urban (LDU), General Commercial (GC), Public and Semi-Public Facilities (PSP), Parks and Recreation (PR)
- Area Plans: Spanish Springs, Sun Valley
- Citizen Advisory Board: Neighborhood Meeting
- Development Code: Authorized in Article 820, 821
- Commission District: 3 – Commissioner Jung; 4 – Commissioner Hartung; 5 – Commissioner Herman
- Prepared by: Dan Cahalane, Planner; Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3628 (Dan); 775.328.3612 (Chris)
- E-Mail: dcahalane@washoecounty.us;
cbronczyk@washoecounty.us

Chair Chesney opened the public hearing and called for any member disclosures. There were no disclosures.

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

Public Comment:

J. Edward Parker he said he lives on Pah Ra Drive. He said he has lived in trepidation for many years as Sparks had tried to annex his community. He said they were designated in their SOI. He requested the Commission to pass this and move on.

Katie Knepper said she lives on Ponderosa Drive. She read from a prepared statement. She wanted to speak about 1995 Ponderosa Drive zoning which was inappropriately rezoned. She said a new structure was approved by Sparks that was in conflict with code. Sparks denied there was an issue. Safe Embrace was the owner of the group home that was in violation with the code. A group care facility is not allowed in a residential area. It's a private dead-end drive. She said she attended subsequent meetings where the city admitted their mistakes but was not willing to fix it.

Alfred Knepper stated Safe Embrace is the owner of the property; the owner is the vice president on the City Council who should have known this wasn't allowed. They should have known they couldn't lawfully proceed against code. No administrator had authority to make changes to code or use. It was not a mistake, but a disregard to the law. Due to SOI, only Washoe County could take action. He said they filed a complaint and followed up for an update. Safe Embrace had been in place for a long time and shouldn't be penalized. Safe Embrace is not being penalized. To remain as-is would award bad behavior. It should be rewound and should be a single-family use as the other homes on the Drive. He said he has documentation, including admission of the errors. He said he is in contact with Dave Solaro.

Susan Fisher said she owns on Isle of Sky. She supports staff recommendation of this SOI.

Jed S., President of Safe Embrace on Ponderosa Ave., said this has been an ongoing contentious issue. He said we have done our best over the 18 years we have served this community. He said we do transitional housing for domestic violence. He said there were 100 emails with approval with City of Sparks. Unfortunately, the neighbors haven't been properly informed. The builder

went out to bid and had nothing to do with City of Sparks. He said they just renewed the business license with City of Sparks. He supports reverting it back and zoning changes.

Chris Crabtree said he is in support of this motion. He spoke about a County island. He wants to note a specific parcel split in half on Satellite Drive and Sparks Blvd. It's zoned as an unbuildable splinter. The other side of the hill is permitted use development. It should remain open space. It's only remaining open air. There is wildlife and ecology there. City of Sparks built over land that he owns. Sparks Blvd. intersects with his property, and he is in communication with them and wasn't sure if it will become under Washoe County purview. He said he wanted to bring it to their attention.

Brian Bunin said this is the first notice he received. He doesn't know if he is affected or not. He asked if he should have been notified. He asked if he is impacted.

Commissioner Chvilicek said three members of the Washoe County Planning Commission also serve on Regional Planning Commission. It went through the Regional Planning update. She said we have dealt with this for a long time and are well informed of the process and have no questions.

Chair Chesney had questions in regard to particular parcels and how staff will address them. He said it's a good idea; however, it's a big roller and smaller acorns will get crushed. Mr. Lloyd said it's long overdue. In many regards, property owners have been passed back and forth between Washoe County and Sparks for the last 15 years. It's under the planning jurisdiction of City of Sparks. It will clear up jurisdictions. Identical use will be established.

Dan Cahalane stated we are trying to maintain what has been in existence. There are some properties able to subdivide. If you have specific questions regarding public comment, then he can address them. Commissioner Bruce asked about the group home situation. Mr. Cahalane spoke to the issues. They were Washoe County but had to go through Sparks for planning. We had a valid City of Sparks land use that we had to enforce.

DDA Edwards stated if City of Sparks had jurisdiction and the owner had a land use approval granted and use established, then the County won't be able to come back after the fact and cancel that use. He said he doesn't have enough information about Safe Embrace. He advised the Commission that they have no authority to give direction about taking away use on any property tonight. He said he understands the comment, but this agenda item won't address that issue tonight.

Mr. Cahalane clarified the gentleman's concern during public comment regarding noticing and any impact to his property.

Master Plan Amendment Case Number WMPA19-0008 (Sparks SOI Reversion)

MOTION: Vice Chair Donshick moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission initiate the master plan amendment and adopt the resolution contained at Exhibit H of this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA19-0008 having made the following five findings in accordance with Washoe County Code Section 110.820.15(d). She further moved to certify the resolution and the proposed Master Plan Amendments in WMPA19-0008 as set forth in this staff report for submission to the Washoe County Board of County Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

AND

Regulatory Zone Amendment Case Number WRZA19-0008 (Sparks SOI Reversion):

MOTION: Vice Chair Donshick moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission initiate the regulatory zone amendment and adopt the resolution included as Exhibit I, recommending adoption of Regulatory Zone Amendment Case Number WRZA19-0008 having made all of the following findings in accordance with Washoe County Code Section 110.821.15. She further moved to certify the resolution and the proposed Regulatory Zone Amendment in WRZA19-0008 as set forth in this staff report for submission to the Washoe County Board of Commissioners and authorize the chair to sign the resolution on behalf of the Washoe County Planning Commission.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth

with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

7. The proposed amendment will not affect the location, purpose and mission of the military installation.

Mr. Lloyd stated this item requires a super majority in order to pass.

The motion was seconded by Commissioner Chvilicek and passed unanimously, with a vote of five in favor, none against.

B. Regulatory Zone Amendment Case Number WRZA19-0010 (Highland Village) – For possible action, hearing, and discussion to approve a regulatory zone amendment for 2 parcels totaling 54.5 acres from Low Density Suburban (LDS) (1 dwelling unit/acre maximum) and General Rural (GR) to High Density Suburban (HDS) (7 dwelling units/acre maximum) and the 3 acres that are currently GR will remain GR for Regal Holdings of Nevada LLC and Charles J. Fornaro, et al and, if approved, authorize the chair to sign a resolution to this effect.

- Applicant: Regal Holdings of Nevada LLC
- Property Owner: Charles J. Fornaro et al
- Location: North of Highland Ranch Pkwy. & North of Midnight Drive
- Assessor's Parcel Numbers: 508-020-41 & 43
- Parcel Sizes: 21.0 & 33.5 acres
- Master Plan Categories: Suburban Residential (SR) & Rural (R)
- Regulatory Zones: Low Density Suburban (LDS) & General Rural (GR)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 821, Amendments of Regulatory Zone
- Commission District: 5 – Commissioner Herman
- Prepared by: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- E-Mail: jolander@washoecounty.us

Chair Chesney opened the public hearing. He called for member disclosures; there were none.

Julee Olander, Washoe County Planner, provided a staff presentation.

The applicant was available for questions.

Public Comment:

Judy Hillulash said she lives off of Apple Blossom. She said she has lived there for 30 years. She said she has experienced faults. She is concerned with the change in zoning that people are susceptible to earthquake damage. Traffic will be impacted. Access to the area will put an undue burden on the residents in Sun Valley. We have to wait 20 years for new access roads on Highland Ranch road.

Mark Newmann said he lives on Cloudy Court and will look onto the new housing complex. He said he doesn't have an issue with low density, but high density will add more traffic in the area. He said you have to wait six lights to get through the traffic signal. It's an added burden. Please stay with the original plan.

Alan Nichols said he lives on Leonardo in Highland Ranch. He said he has had the pleasure to meet Francine and Chuck Allen. He said his job is to build projects in 20 countries for people who have a lot of money and who don't ask a lot of questions. He said he reviewed this project and reviewed resources, and when will it happen. He said he looked at water, wells, and faults. He said he looked at buildings for earthquake issues. He said to our dismay, we found many cracked foundations. He said when they moved here, they looked for a place with good schools, well-constructed homes, low traffic, and easy access. He said in the small print, it mentioned low density. High density will provide problems. He said he wants more physical data on soil and sewer system, so people know what it takes to make it happen. He spoke about traffic and resources. He asked if they would have to dig the wells deeper to make it happen.

Carmen Ortiz, chair of the CAB, stated her comments are included the staff report. She said we need affordable housing in the area. There are great concerns. She asked how the children are going to walk to school around Highland Ranch and cross the street. According to WCSD, elementary school students can ride the school bus if they live more than 2.25 miles away. The kids will walk 1.9 miles. For high school, the walking distance is 3 miles which means they can take the bus, but what happens if they miss the bus. It's not safe for them to walk. There is a park nearby on the opposite side of Highland Ranch. Those who purchase in this project need to be safe. She asked what the plans are for stop sign or stop light. RTC had planned for an expansion 20 years ago. We are still waiting for that. It won't drop from the projections that were included in the report.

J. Parker said he was an appraiser for 32 years. He said he is aware of the land uses. He looked at this area during potential subdivisions. In order to make this work, it will take extensive cuts and fills that weren't included in this. He said you will over burden the services. There are not the services to support the area. He suggests limiting to 4-units per acre with handbook for developer in this area.

Sherry Fairchild said she doesn't encourage this. We see terrible things happening in our neighborhood, including graffiti. There is more since the new middle school went in. There is a lot of traffic cutting through Highland Ranch. People aren't stopping at the stop signs. We are concerned someone will get killed. We have to call police all the time. We are trying to do our best as an HOA community to alert neighbors. It's a burden. If you bring in more people, RTC won't put in a new road for another 20 years. The new school had to bring in a mobile building already. They are already over capacity. Look ahead and don't over burden even more. She said pedestrians are being hit. Our community is hurting. We don't have the services we need.

Tom Courson said he had a question regarding hilly areas. This is a large parcel. There is a lot of zoning that can happen in General Rural. Don't allow three parcels to be general rural. Make it open space or something compatible with high density.

Commissioner Chvilicek asked if the designated areas left GR are slope restricted. Ms. Olander said yes, designated GR. It was discussed if the areas that are GR should be changed to be designated open space. There is a possibility someone could build a single-family residence on the GR areas, but they would have to address the slope. Commissioner Chvilicek said 30% or above means no building can take place. Ms. Olander said Washoe County code has requirements to build on 30%, and Regional Planning also has restrictions. Ms. Olander said they have to address access, and that would be challenging. Commissioner Chvilicek said the request

is to go from LDS to HDS, but the CAB recommended MDS which isn't before us tonight. Mr. Lloyd said the request is from LDS to HDS, and the motion has to be based on the application.

Commissioner Bruce said there are issues with transportation. Sun Valley Blvd. needs to be four lanes with sidewalks up to Highland Ranch. There are safety issues that will be exacerbated with one outlet. He questioned the high density. He said he can settle for medium density. Chair Chesney reminded him that isn't the motion tonight. Chair Chesney agreed and said Highland Ranch isn't much of a corridor. He stated we are reviewing the zoning, not a project.

Commissioner Chvilicek reviewed agency comments in regard to the school district. She said it's to capacity but doesn't address safe routes.

MOTION: Commissioner Chvilicek moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission deny Regulatory Zone Amendment Case Number WRZA19-0010, not being able to make all of the following findings in accordance with Washoe County Code Section 110.821.15 including compatibility, safety, and transportation.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
7. The proposed amendment will not affect the location, purpose and mission of the military installation.

Vice Chair Donshick seconded the motion to deny, which was passed unanimously, five in favor, none against.

Mr. Lloyd read the appeal process.

C. Special Use Permit Case Number WSUP20-0001 (Fish Springs Solar) – For possible action, hearing, and discussion to approve:

(1) A special use permit for:

- (a) A 300 megawatt (MW) solar energy center, renewable energy use type, on 2,191 noncontiguous acres and

(b) Major grading, consisting of 1,490 acres of grading with cuts of 351,000 cubic yards (cy) and fills of 337,000cy; and

(2) A variance for a reduction of minimum landscaping standards and parking requirements.

This is a project of regional significance which will also require approval by the regional planning authorities in addition to the county.

- Applicant/Property Owner: Fish Springs Ranch, LLC
- Location: 45 miles north of Reno in southeastern Honey Lake Valley
- Assessor's Parcel Numbers: 074-040-15, 23, 24, 56, 57, 58, 61; 074-420-07, 11, 14, 15, 16; 074-070-16, 28, 72, 73, 74
- Parcel Size: 2191 acres total
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire
- Development Code: Authorized in Article 302, 438, 810, 812
- Commission District: 5 – Commissioner Herman
- Prepared by: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3628
- E-Mail: dcahalane@washoecounty.us

Chair Chesney opened the public hearing. He called for member disclosures. There were no member disclosures.

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

The applicant and representative of the Fish Springs Solar project, Alyssa Kruger, provided an applicant presentation.

Commissioner Bruce asked why they need two parcels. She explained there is BLM land between the two parcels. Commissioner Bruce stated he is concerned about fire. He asked how they plan to mow. Ms. Kruger addressed his concerns regarding fire and stated they will utilize the local volunteer fire station. The project engineer, Dwyane McCloud, spoke about mowing down to six inches. Commissioner Bruce said it looks like a good sheep pasture. Mr. McCloud stated they have used sheep in the past, but it takes a lot of sheep.

Chair Chesney asked about adjoining landowners. He asked if they feel they are land locked. Mr. Cahalane stated the neighboring property owner, Robert Thomsen, is working with them regarding the drainage. Robert Thomsen will provide input regarding drainage.

Commissioner Chvilicek asked about the conex storage. Mr. Cahalane said it's permanent. Ms. Kruger stated they store operation equipment. Commissioner Chvilicek asked about water for onsite wells. She asked if those have been drilled. Ms. Kruger stated the wells are already existing. Commissioner Chvilicek asked staff regarding conditions with Native American grave and historical land disturbance. She asked that the tribe be notified of any grave disturbance. Mr. Cahalane stated he can add that.

DDA Edwards noted the conditions regarding Native American graves; it's from statutory scheme. He said it triggers staff to notify the tribe. That addition to the condition could be problematic.

Public Comment:

Robert Thomsen stated he lives at 500 Indian Lane. He said he is a 23-year resident. He said his experience in the valley is unbelievable. He said he notices everything: wind, water, rain, roads. He said there will be two laborers left to work on the roads. He said we need more County people working on the roads, widening roads. There needs to be a water truck to keep the dust down during construction. The dust will create a dust bowl. He said he wanted to address solar being installed on the parcels which adjoin his parcel. He said he is concerned with the heat effect with the southern wind. He said he is planting drought resistant plants. He said he looks forward to working with the project manager on drainage. He said our road needs widening, and gravel needs to be put down. He said more potholes came up. We need people to work on the roads. He said we need housing in Gerlach.

Thomas J. Hall said he owns 360 acres of land east of this project. He said the roads need maintenance. He said there was a landing strip. He said we want to protect the area. He said we are concerned about fugitive dust with all the vegetation being removed. He said his land is to the east and will be the depository of dust. It's a massive grading project. He asked if there will be conditions to manage the dust. He said there should be vegetation planted around the parking lot. He said conex boxes will be placed. Nevada is not a wasteland. We need some landscaping to make it look nice. He said aviation is a concern. He said the solar flare is blinding. He is concerned with interruption with flight plans. It's a major problem. He said Robert is the fire crew for Fish Springs, and he has one dilapidated truck. He said he doesn't have an issue with economic development, but they need to spend time to make it beautiful.

Alexandra Profant stated she had concerns, especially with the conex boxes. She said when you are designing an alternative energy, off-grid system, the direct current collection systems need deep cycle battery systems. She said to Mr. Hall's comment 'Nevada isn't a waste land,' anytime a public utility is going in, or when it involves FAA and interrupts flight patterns, there is a historical survey to be done. She hadn't seen that was done with this project and recommended it. In regard to triggering any Native American feedback, she noted they are a monarchy and won't respond to plans just being sent to them, but prefer a formal invitation sent to the colony chairman if you want a response. She said it's come to her attention that in the residential disclosure guide of Nevada real estate, there is no net regarding disclosures. She said with ground water or underground storage tanks, they need to address any direct current or energy storage and where it will be located and how it will impact BLM right-of-way. Carefully consider because it could be a liability to the County.

Tom Courson said he would be concerned about fire. With this being a special use permit, you could require them to put in a fire buffer between the setbacks. He said we saw all the fires in California last year. It's a remote area with volunteer fire fighters. He encouraged the commission to require a fire buffer and said it should be maintained. He encouraged the commission to be specific with the drainage requirements. Things need to be put in place that trigger enforcement. Once you grant the project, they won't work with your people. He asked if they are pounding posts into the ground, then how do they know they aren't hitting graves.

Ragnar Kuehnert asked if they have done an overall environmental impact statement. He asked who will maintain ownership of the land. He asked if it will be owned by the energy company or Fish Springs. He asked what the impact will be to utility rates.

Alan Nichols said he has experience with Steamboat 212 going up Mt. Rose with NV Energy, and there are vaults that are faulty. He said he hasn't heard about the construction of the vaults. He said if they are leaking, there is a problem.

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

In response to what Counsel advised, Commissioner Chvilicek withdrew her statement regarding a condition to notify tribal councils.

Commissioner Bruce asked if it's appropriate to ask FAA regarding take off and landings. Mr. Cahalane stated the application has been sent to Reno/Tahoe Airport Authority and staff has received no comments.

Chair Chesney said he heard the public comments. He said the staff report addresses the concerns about dust and fire, and he hopes that puts them to ease.

MOTION: Vice Chair Donshick moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve with conditions Special Use Permit Case Number WSUP20-0001 for Fish Springs Ranch, LLC, having made all five findings in accordance with Washoe County Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a renewable energy production use and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Commissioner Chvilicek seconded the motion which passed unanimously, with a vote of five in favor, none against.

D. Amendment of Conditions Case Number WAC20-0001 (Falcon Ridge) for Tentative Subdivision Map Case Number TM14-003 (Falcon Ridge) – For possible action, hearing, and discussion to approve an amendment of conditions to amend condition number 1(r) of Tentative Subdivision Map Case Number TM14-003 (Falcon Ridge) to allow for 0-ft front and rear setbacks in lieu of the 10ft setbacks within the Falcon Ridge Development. This modification would be pursuant to WCC 110.406.05 and Article 408, which allows variances of lot standards in a common open space subdivision in certain instances.

- Applicant: Desert Wind Homes
- Property Owner: Falcon Ridge, by Desert Wind LP

- Location: East of the junction of El Rancho Dr. and Falcon Rock Ln.
- Assessor's Parcel Numbers: 035-731-(01-37), 035-741-(01-59), 035-751-(01-47)
- Parcel Size: 16 acres in total
- Master Plan Category: Urban Residential
- Regulatory Zone: Low Density Urban
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 608, 610, 616
- Commission District: 5 - Commissioner Herman
- Prepared by: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3628
- E-Mail: dcahalane@washoecounty.us

Chair Chesney opened the public hearing. Chair Chesney called for disclosures. There were no disclosures.

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

The applicant and project representative, Derek Wilson, provided a project presentation.

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

There was no Commissioner discussion.

MOTION: Commissioner Chvilicek moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve Amendment of Conditions Case Number WAC20-0001 for Falcon Ridge by Desert Wind LP, having made all ten findings in accordance with Washoe County Code Section 110.608.25:

1. Plan Consistency. That the proposed map is consistent with the Master Plan and any specific plan;
2. Design or Improvement. That the design or improvement of the proposed subdivision is consistent with the Master Plan and any specific plan;
3. Type of Development. That the site is physically suited for the type of development proposed;
4. Availability of Services. That the subdivision will meet the requirements of Article 702, Adequate Public Facilities Management System;
5. Fish or Wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantial and avoidable injury to any endangered plant, wildlife or their habitat;
6. Public Health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;

7. Easements. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision;
8. Access. That the design of the subdivision provides any necessary access to surrounding, adjacent lands and provides appropriate secondary access for emergency vehicles;
9. Dedications. That any land or improvements to be dedicated to the County is consistent with the Master Plan; and
10. Energy. That the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Vice Chair Donshick seconded the motion which passed, four in favor, one against. Commissioner Bruce was opposed.

10. Chair and Commission Items

- *A. Future agenda items – none
- *B. Requests for information from staff – none

11. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items – Mr. Lloyd reported Silver Hills went back to Regional Planning and failed. It was then appealed and approved by the governing board. He said the Short-Term Rental topic was heard by the County Commission, who provided direction to staff.

- *B. Legal information and updates – none

12. *General Public Comment and Discussion Thereof

Alexandra Profant provided a private activity bond program pamphlet and highlighted a few items for the Commission to review. She said she picked up the State Historic Preservation plan update. She didn't think the governor has signed it yet. She said if we don't consider preservation planning, others will define it for us. She said there are incentives to promote projects relative to historic, and State incentives in commercial projects in development of rental housing. Please consider protection of property with natural persons right to protect their property relative to owner occupancy and due process with eviction. She said effective in 2019, Senate Bill 151, removes provisions governing an eviction procedure for any tenant of a commercial premise. It's a conflict between natural persons' right to due process before being removed from a property versus a corporate person right. Please review during the review during the short-term rental process.

Mark Newmann stated he is a Highland Ranch community resident in Sun Valley. He thanked the Commission for keeping it low density. He spoke about access points and traffic in Highland Ranch. He asked how he can get speed bumps through his neighborhood or stop signs to slow people down. There are a lot of kids that are still out playing in the neighborhood.

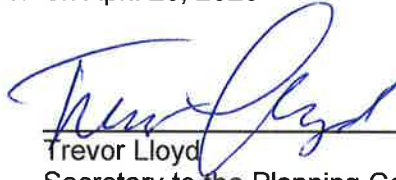
There were no further requests for public comment, Chair Chesney closed the public comment period.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 8:47 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on April 20, 2020



Trevor Lloyd
Secretary to the Planning Commission