



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Sarah Chvilicek, Vice Chair

Francine Donshick, Chair

R. Michael Flick

Daniel Lazzareschi

Kate S. Nelson

Rob Pierce

Patricia Phillips

Secretary

Trevor Lloyd

Tuesday, January 3, 2023

6:00 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 E 9th Street, Building A
Reno, Nevada 89512

and available via
Zoom Webinar

The Washoe County Planning Commission met in a scheduled session on Tuesday, January 3, 2023, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

The meeting will be televised live and replayed on the Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Donshick called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present: Sarah Chvilicek, Vice Chair
Francine Donshick, Chair
Daniel Lazzareschi
Kate S. Nelson
Rob Pierce
Pat Phillips
R. Michael Flick (arrived at 6:06 p.m.)

Commissioners absent: None

Staff present: Trevor Lloyd, Secretary, Planning and Building
Chris Bronczyk, Senior Planner, Planning and Building
Courtney Weiche (Zoom), Senior Planner, Planning and Building
Katherine Oakley, Planner, Planning and Building
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Office Support Specialist, Planning and Building
Brandon Roman, Recording Secretary, Planning and Building

2. Pledge of Allegiance

Commissioner Lazzareschi led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Gustafson 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

Chair Donshick opened the Public Comment period. There were no requests for public comment, she closed the public comment period.

6. Approval of January 3, 2023 Agenda

Commissioner Philips moved to approve the agenda for the January 3, 2023 meeting as written. Commissioner Lazzareschi seconded the motion, which passed unanimously with a vote of six for, none against. Commissioner Flick was absent for the vote of this item.

7. Approval of December 6, 2022 Draft Minutes

Chair Donshick noted she was absent and didn't open the Item 1 and 5 as indicated in the minutes. Commissioner Chvilicek moved to approve the minutes for the December 6, 2022, Planning Commission meeting as amended. Commissioner Phillips seconded the motion. Chair Donshick abstained. The motion carried in favor with a vote of six for, none against. Commissioner Flick was absent from the vote on this item.

8. Public Hearings

A. Amendment of Conditions Case Number WAC22-0010 (Ladera Ranch Phase 2 and 3) for WTM20-001 (Ladera Ranch Phase 2-6) [For possible action] – For hearing, discussion, and possible action to approve an amendment of conditions for Tentative Subdivision Map Case Number WTM20-001. The request is to amend condition of approval 1(w) to vary the setbacks to allow for greater flexibility. The current approved setbacks are: Front – 10 feet, Garage – 20 feet, Rear – 10 feet, and Side – 13 and 0 feet. The applicant is proposing the following setbacks as part of the amendment of conditions: Front – 10 feet, Garage – 20 feet, Rear – 10 feet, and Side – 8 feet and 5 feet, with 13 feet between dwellings.

- Applicant: Reno Sun, LLC
- Property Owner: 0 Quail Ridge Ct
- Location: 502-700-08
- APN: 43.8 Acres
- Parcel Size: Reno Sun, LLC
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: 5% Open Space (OS); 74% Medium Density Suburban (MDS); and 21% Low Density Suburban (LDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 608, Tentative Subdivision Maps
- Commission District: 5 – Commissioner Herman
- Staff: Chris Bronczyk, Senior Planner

Washoe County Community Services Department
Planning and Building

- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Commissioner Flick arrived at 6:06 p.m. There were no member Disclosures. Senior Planner Chris Bronczyk provided a presentation.

There were no requests for public comment. Chair Donshick closed the public comment period.

Discussion by Commission:

Commissioner Chvilicek said when this first came around with that zero-lot line, it caused her a lot of consternation, so she was very happy person this evening.

Commissioner Flick asked if you got 13 feet, does that mean there is a zero-lot line on the other side?

Senior Planner Bronczyk referenced the lot slide and pointed out that 13-foot was part of the original approval. That it was a 13-foot separation between dwellings. Senior Planner Bronczyk continued by stating the applicants are still going to maintain that 13 feet. Instead of having a zero-lot line, they will be adjusting it to five feet on one side, 8 foot on the other, but they're still maintaining that 13-foot separation. There will be no 13-foot specific setbacks, but there's still 13-foot separation between homes.

MOTION: Commissioner Pierce 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 WAC22-0010 for Reno Sun LLC, with the conditions included as Exhibit A to this matter, 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.

Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.

B. Regulatory Zone Amendment Case Number WRZA22-0009 (800 RZA) [For possible action] – For hearing, discussion, and possible action to approve a regulatory zone amendment to amend the Southwest Truckee Meadows Area Plan Regulatory Zone Map to change 19.2 acres of General Rural (GR) to Medium Density Rural (MDR) on a 22.34-acre parcel; and if approved, authorize the chair to sign a resolution to this effect.

- Applicant: Ray and Elaine York
- Property Owner: 800 Schellbourne St
- Location: 041-140-20
- APN: 22.34 acres
- Parcel Size: Rural Residential
- Master Plan: 86% General Rural and 14% Medium Density Rural
- Regulatory Zone: Southwest Truckee Meadows Area Plan
- Area Plan: Authorized in Article 821, Amendment of Regulatory Zone
- Development Code: 2 – Commissioner Lucey/Clark
- Commission District: Ray and Elaine York
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cwieche@washoecounty.gov

Senior Planner Weiche provided a presentation. Applicant Representative John Krmptotic provided a brief presentation.

Public Comment:

Shuman Moore (Zoom) is the property owner on the north boundary. He stated "I have some serious concerns about the expansion. I moved into this property in May of 2000. At the time, we were told that the spaces to the south of us were not going to be developed into anything smaller than 10-acre plots because of the topography challenges. Of course, since then, there's been quite a bit of development. I was comfortable with Mr. York's house being there because it was 22-acres, and I was concerned about the actual availability of my open space around the house. One of the reasons why we bought it was because it was very remote. Unfortunately, with the new development that's been going on there, including the 865 Shelbourne new home on the east side and Mr. York's home. It's been tough to have much quiet enjoyment. There's been basic construction going on there for the last several years. I'm more concerned about the availability of water. My well flow has been reducing over time since Arrow Creek, and their wells were put in by the county on the large wells. At this point,

I'm pulling up a lot of grit with the well. So, that's a serious concern that every time a new home goes in, my flow drops down as it did when 865 Shelbourne was built. That is a big concern of mine. The topography is a challenge. You get significant runoff when we have these large atmospheric rivers that come through. On top of that, it's also a concern whether the water availability by purchasing water rights as was suggested would be the solution for Mr. York, is going even to be possible over time here. I'm sure you all recall when the cost of an acre-foot of water went up to between \$25,000 and \$35,000 acre-foot in the mid-2000s. It is a scarce commodity. So, I'm very concerned about this proposal to subdivide the 22-acre parcel, which at the time, my understanding was that was what it was going to stay. Thank you very much for allowing me to comment."

Discussion by Commission:

Commissioner Phillips asked the representative why medium density instead of low density. Why didn't you go for low-density first?

Mr. Krmpotic referenced the zoning slide. He said everything around it is MDR. We are averaging 1 per 7.4 acres gross density for the 22-acre parcel.

Commissioner Phillips said if this parcel is amended, four houses would be allowed.

Mr. Krmpotic said four were allowed, but three are committed with a 5-acre minimum lot size.

Commissioner Phillips asked if you have had any discussion with the federal watermaster.

Mr. Krmpotic said they had not. They had to go through the Department of Water Resources.

Commissioner Phillips said this is adjacent to open space and adjacent to natural resources. It puts a different quality of expectations. Her concerns were that there is one road going in and out. She could appreciate they aren't subdividing this, but there is still only one road. It's adjacent to open land and trails and has quite a bit of wild animal activity. She was worried about fire danger. That was her concern with the low density versus medium density.

Mr. Krmpotic said staff pointed out in the compatibility matrix the high compatibility with this proposed to the adjacent uses. They also pointed out the six agencies that commented. It's not in a high-risk fire zone, and there's a lack of vegetation, good access, low density, no flood zone, and not in a stream zone. The Department of Water Resources didn't express any concerns regarding groundwater that would serve two additional parcels.

Commissioner Lazzareschi said the Washoe County Water Rights had a response. Before any parcel map split, they recommended that the applicant acquire water rights for the new houses. He didn't see that as a condition of approval in the recommendation. He asked if that was something that county staff would hold them to for a future parcel split.

Senior Planner Weiche stated you couldn't add conditions for a regulatory zone amendment. That was a standard that would be applied. It was not necessary for a condition. As part of the future a map, water rights are required to be secured.

Commissioner Lazzareschi said if you develop a parcel outside of a water system, you're allowed a domestic well with two-acre feet.

Ms. Weiche said they would have to comply with whatever is required to obtain the appropriate water rights.

Commissioner Lazzareschi asked if new domestic wells in that part of the county are required to be metered.

Senior Planner Weiche said she didn't know, as water was not her expertise and that Secretary Lloyd may know.

Secretary Lloyd said he didn't know if it was code. He had seen it conditioned from time to

time based on some unique circumstances. He didn't think that it was a specific county code requirement. He said planning could look into that.

Commissioner Lazzareschi asked whether or not that comes during the parcel split.

Secretary Lloyd said yes, that was when they would look at all the requirements, such as water and access. All of that would come out at the parcel map stage.

Commissioner Phillips asked whether the properties were above steamboat water ditch irrigation in elevation.

Mr. Krmpotic said it was at 5,150 elevation. He said he didn't know where that was in relation to the steamboat ditch elevation.

Commissioner Phillips asked if they had access to steamboat.

Mr. Krmpotic said no.

Commissioner Phillips asked if they would be fully dependent on wells.

Mr. Krmpotic confirmed they would be on wells and septic.

MOTION: Commissioner Nelson moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Planning Commission adopt the resolution included as Exhibit A, recommending adoption of Regulatory Zone Amendment Case Number WRZA22-0009, having made all of the following findings in accordance with Washoe County Code Section 110.821.15(d) and having made the findings in accordance with the Southwest Truckee Meadows Area Plan. I further move to certify the resolution and the proposed Regulatory Zone Amendment in WRZA22-0009, 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. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.**
- 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; more desirable use. 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 amendment.**
- 5. No Adverse Effects. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.**
- 6. 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.

7. Effect on a Military Installation. The proposed amendment will not affect the location, purpose and mission of the military installation.

Commissioner Pierce seconded the motion, which passed with a vote of six for, one opposed. Commissioner Phillips voted nay.

C. Special Use Permit Case Number WSUP22-0035 (North Valley Solar) [For possible action] - For hearing, discussion, and possible action to approve a special use permit for: (a) energy production, renewable use type for a photovoltaic facility with a capacity of 5.5 MW, which surpasses the 5 MW threshold for a project of regional significance; and thus, will require conformance review by the Truckee Meadows Regional Planning Commission; (b) associated grading resulting in a disturbed area of 4.65 acres including 4,200 cubic yards of fill; and (c) requests to vary setbacks, landscaping, and parking requirements.

- Applicant: Orni 36, LLC
- Property Owner: Kosmos Company
- Location: Approximately 10 miles north of Pyramid Lake
- APN: 071-070-12 & 071-070-13
- Parcel Size: 163 acres & 160 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Kat Oakley provided a presentation. Applicant Representative Stacy Huggins with Wood Rogers provided a presentation.

Daniel Lazzareschi disclosed that he previously worked for Ormat but didn't have a business relationship or a conflict. Per county council advice, he said he would like to clarify that the last time he worked for Ormat was 17 years ago.

There were no requests for public comment.

Discussion by Commission:

Commissioner Flick said I'm concerned about the Paiute Tribe and how close their lands were to this project.

Ms. Oakley said it is 10 miles north of Pyramid Lake. The reservation does go around the lake. They were part of the agency review process and didn't indicate any concerns.

Commissioner Flick said he had driven up there quite a few times and has gone past the solar

panel facilities in other parts of the country. He couldn't go along with the fact that it wasn't having any impact. He went on to say it was certainly different than the rest of the landscape around it and he was wondering if they were getting the benefit. He asked how much power does the thermal plant generate when operational and was it going to generate from the 5.5-megawatt from solar panels.

Ms. Huggins said the geothermal plant was approved for 20 megawatts, and the solar project will provide 5.5 megawatts of power to the geothermal plant when it's operational.

Commissioner Flick asked if it takes 5.5 megawatts to generate 20 megawatts of power for the thermal plant.

Ms. Huggins said yes, on average, that was correct.

Commissioner Flick said visually, he didn't like what he saw, but in reality where else would they put it and they would have to sort of bite the bullet. He stated the presentations were very well done from staff as well as the applicant, but that was just his social concern.

Commissioner Lazzareschi asked if they were utilizing the geothermal plant space for the laydown yard for solar and where was the staging for construction going to be? He didn't see it on the map of the grading plan.

Ms. Huggins said it would be within the geothermal plant footprint.

Commissioner Lazzareschi asked if NV Line from the solar plant to the substation would be underground.

Ms. Huggins said she didn't know the answer to that question.

Chair Donshick said the commission didn't have all of that formal approval information. That they're just considering the basic zoning amendment. Then they would have to go get approvals for everything they want to do.

Commissioner Flick asked when this was all done, the panels were all built, and the thermal power is generating electricity, who gets the electricity.

Ms. Huggins said it would go to the geothermal plant and from the geothermal plant will connect to the long transmission line associated with that geothermal plant. That was all approved at the same time. So ultimately, that line connects all the way back down into Fernley substation, which connects to a major power grid providing power along the entire I-80 365 Energy Corridor. Washoe County will get some of it. That was part of the effort of the state to reach its goal for renewable energy.

MOTION: Commissioner Pierce 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 Special Use Permit Case Number WSUP22-0035 for Orni 36, LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and having made the additional findings per 110.810.35, which are listed below. I further move to vary the development code standards found in Washoe County Code sections 110.410.25(e), 110.412.50, 110.406.05.1 as explained in pages 6-8 of this staff report.

Washoe County Code 110.810.30:

(a) 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;

- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for an energy production, renewable use and major grading, and for the intensity of such a development;
- (d) **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;
- (e) **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.

WCC 110.810.35:

- (a) **Environment.** That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
- (b) **Impact on Scenic Resources.** That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
- (c) **Reclamation.** That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of seven for, none against.

9. Chair and Commission Items

- A. Future agenda items – Commissioner Chvilicek requested a Master Plan update presentation. Mr. Lloyd noted February was the likely meeting to receive an update.
- B. Requests for information from staff – The Commissioners thanked Mr. Lloyd for the report of the decision reversals by the Board of County Commissioners.

10. Director's and Legal Counsel's Items

- A. Report on previous Planning Commission items – None
- B. Legal information and updates – None

11. *General Public Comment and Discussion Thereof

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

12. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:05 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on February 7, 2023

Trevor Lloyd

Trevor Lloyd

Secretary to the Planning Commission