



Community Development

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Adrian P. Freund, FAICP, Community Development Director
Nathan Edwards, Legal Counsel



Washoe County Planning Commission

Christy Magers, Chair
Dian A. VanderWell, Vice Chair
Neal Cobb

Roger M. Edwards
Roy H. Hibdon
Keith Lockard
William Weber

WASHOE COUNTY PLANNING COMMISSION MINUTES

February 4, 2009

The Washoe County Planning Commission met in regular session on Wednesday, February 4, 2009, in the Washoe County District Health Department Conference Room, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

Chair Magers called the meeting to order at 6:36 p.m. The following Commissioners and staff were present:

Commissioners present: Christy Magers, Chair
Neal Cobb
Roger M. Edwards
Roy Hibdon
Keith Lockard
Dian A. VanderWell
William Weber

Commissioners absent: None

Staff present: Adrian P. Freund, FAICP, Director, Community Development
Michael Harper, FAICP, Planning Manager, Community Development
Kimberly Robinson, Planning Manager, Community Development
Trevor Lloyd, Senior Planner, Community Development
Nathan Edwards, Deputy District Attorney
Sara DeLozier, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Commissioner Weber led the pledge to the flag.

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Commissioner Hibdon moved to approve the agenda for the February 4, 2009 meeting. Commissioner Cobb seconded the motion, which passed unanimously.

APPROVAL OF MINUTES

Commissioner VanderWell moved to approve the minutes of October 7, 2008 as written. Commissioner Weber seconded the motion which carried by a vote of six in favor, none opposed, one abstention (Commissioner Cobb).

Commissioner Edwards moved to approve the minutes of November 5, 2008 as written. Commissioner Cobb seconded the motion, which carried unanimously.

Commissioner Cobb moved to approve the minutes of January 6, 2009 as written. Commissioner Weber seconded the motion, which carried unanimously.

PUBLIC COMMENTS

There was no response to the call for public comment.

CONSENT ITEMS

TO CONSIDER AND ADOPT A RESOLUTION INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE RELATING TO ARTICLE 416, FLOOD HAZARDS, IN ORDER TO INCLUDE GUIDELINES FOR FLOODPLAIN STORAGE MITIGATION IN CRITICAL FLOOD ZONE ONE.

Commissioner Lockard moved to approve Consent Item A; Commissioner Weber seconded the motion which carried unanimously.

AGENDA ITEM 1

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SW08-008 (VIRGINIA PEAK WIND PROJECT) (Continued from January 6, 2009 meeting) – To allow for the construction, operation and maintenance of a 60- to 210-megawatt wind project as authorized in Article 810 of the Washoe County Development Code. The proposed wind project will include the phased construction of up to 70 wind turbines, a ±20-mile 120kV transmission line, an electrical substation, an operations and maintenance facility, and access and construction roads. The proposed project is located along the ridgeline of the Pah Rah Range east of Warm Springs and south of Pyramid Lake. The proposed transmission line will extend from Virginia Peak south along the eastern side of Warm Springs, through a portion of the East Truckee Canyon Area Plan to the Tracy Power Plant in the Truckee Canyon. The ±3,733-acre project is designated General Rural (GR) and General Rural Residential (GRR) in the Warm Springs Area Plan, and is situated in a portion of Sections 2, 3, 11, 14, 23, 25, 26, & 35 T22N, R22E, MDM, Washoe County, Nevada. The property is located in the Warm Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APNs 076-070-16 thru 19; 076-530-04; 076-540-05 thru 08; 076-550-01; 076-570-07; 076-580-01; 076-600-03 thru 06, 09, and 13; 076-610-01 thru 03; 077-440-08; 76-070-19 and 20; 76-080-21, 22; 76-080-27 thru 30 and 32; 76-600-08; 76-610-03 & 04; 77-410-27 & 28; 77-420-03 & 04; 77-420-08 thru 10 and 13; 77-430-01 thru 05; 77-440-04, 05, 09 and 10; 77-450-01 thru 04, 06, 07, 09, 10, 12 thru 16, and 18 thru 20; 77-460-01 thru 05; 77-470-05; 84-030-02, 10, 14 and 20; 84-110-05 and 84-212-06).

Chair Magers opened the public hearing.

Trevor Lloyd reviewed the staff report dated January 26, 2009. Staff provided the Planning Commission with several revised conditions.

Condition 19 was amended to prevent large construction equipment from using roads not identified in the proposed construction haul route and to assure that the transmission line would not result in any new temporary or permanent roads. The applicant would, however, be able to access existing roads for construction purposes and emergency situations.

Condition 56 was rewritten to provide for the decommissioning plan for the project. No amount was specified for decommissioning, but a third-party expert would be consulted to prepare the plan with a cost estimate, which would become the bond amount. Additionally, the applicant would be required to appear before the Planning Commission at various times to provide an update report and to adjust the bond accordingly.

Condition 60 was amended to provide that, if degradation of television, radio, cellular telephone or microwave reception occurs as the result of the wind machine, the owner/developer shall pay all reasonable costs to correct the television, radio, cellular telephone or microwave reception. Failure or inability to correct the problem within 30 days of notification shall require the wind machine remain inactive until the interference is remedied.

Conditions 61, 62, 64, 65 and 69 were recommended by the Palomino Valley General Improvement District (PVGID). Subsequent to a meeting with the applicant, PVGID further amended those conditions. Condition 61 was changed to provide the applicant with existing traffic count data. Condition 62 provided for a report addressing the need for and thickness of road section improvements in accordance with the Army Corps of Engineers Technical Manual TM5-822-12, "Design of Aggregate Surfaced Roads and Airfields," or an alternate design method to be approved by the Engineering Division and PVGID. Condition 64 was amended to change the requirement of the applicant to perform road maintenances activities from 15 to 45 days and to require agreement of PVGID and the Engineering Division of those activities. Condition 65 added the wording, "except with the permission of the PVGID," to the end of the first sentence. Condition 69 was changed to limit the days and hours of construction traffic from non-highway legal vehicles and vehicles with a gross vehicle weight of 20,000 pounds or more.

Two possible new conditions were proposed. One required an independent third-party inspector to ensure compliance of all conditions. Mr. Lloyd suggested that wording to include inspection of all phases of construction be added to existing Condition 15, or that this condition could be added.

Commissioner Cobb stated the intent of the condition was to require the applicant to bear the cost of the third-party inspector, but the hiring of the inspector would be done by Washoe County. This would separate the inspector from the applicant.

Commissioner Edwards advised that the Building Official indicated it may be possible to hire an inspector on a temporary basis solely for the purpose of overseeing this project.

Mr. Lloyd noted that the second proposed condition required adequate on-site water storage and trained personnel for fire suppression and emergency basic life support. Discussion ensued that would add the requirement of two such personnel per shift.

Mr. Lloyd responded to questions presented at the previous evening's caucus meeting. The question relating to the availability of staff to assure that all conditions were complied with was answered by referring to the condition requiring a third-party inspector. In regard to the decommissioning bond, it will not remain in perpetuity but will be reviewed by the Planning Commission, and the amount will be identified by the provisions of Condition 56. Site restoration was addressed in several conditions. The applicant was requested to address a wildlife study as well as the issue of sage grouse. Information regarding surges in wind power and whether loading on and off the grid would take away from the value of the project was also requested. These questions were deferred to the applicant. Concerns regarding bonding for the completion of the project were addressed in four different conditions: Conditions 16 for a performance bond, Condition 26 for a grading bond for each acre of disturbed area, Condition 44 for a bond of 120% of the cost estimate for revegetation, and Condition 56, previously discussed.

Staff reviewed all conditions and proposed amendments with the applicant, and the applicant was in substantial agreement therewith.

Mr. Lloyd displayed a photograph of the proposed transmission line and the associated substation as of January 6, 2009. He advised that adjustments to the transmission line could not be presented at this meeting. The two options presented at the January 6, 2009 meeting would be voted upon at this meeting, and the Planning Commission could choose either, none or both options.

Another question presented at the caucus meeting was, if federal funding becomes available for this project, would a National Environmental Policy Act (NEPA) review be triggered. The response Mr. Lloyd received from the Bureau of Land Management (BLM) was inconclusive; however, it is not likely that federal funding would trigger NEPA review in this particular instance..

Several other questions presented at caucus will be addressed by the applicant.

Staff recommended approval with conditions of this project.

Tim Carlson, managing partner of Nevada Wind, LLC, the applicant, advised that Q&D Construction had been contracted to participate in this project. This was an affirmative answer to the question of whether local workers would be used.

Lance Semenko, Senior Vice President, Q&D Construction, stated his company teamed with Nevada Wind to determine constructability issues on the project. He visited the site and viewed the roads that need to be improved. In his opinion, the work required can be completed with minimal disruption to the community. He described his company's experience in the area.

Commissioner Edwards asked about the size of apron areas for switchbacks which would allow large equipment to access the site. Mr. Semenko replied that some slopes would have to be shaved off, but bonds for revegetation existed.

Steve Peterson, Environmental Stewardship and Planning, a consulting firm, stated his organization was involved in wind energy projects since 2001. He addressed the issue of noise. Adjacent property owners have expressed concern about noise and vibrations. The nearest turbine to a residence is 1.2 miles. Calculations indicated that the noise level at that residence

would be 45 decibels during the daytime and 51 decibels at night. These levels are much lower than Washoe County's requirements. Low-frequency pressure vibrations not audible to humans was calculated to be of no significant impact. The effects on wildlife would be minor to insignificant.

Commissioner Cobb asked what the effect would be when the winds came from the east as opposed to the predominantly westerly and southwesterly flows. Mr. Peterson stated the studies used static conditions and did not factor the wind conditions into the studies. Wind conditions would create ambient noise, which would attenuate some of the noise from the turbines.

Mr. Peterson addressed the impacts the wind project would have on wildlife. The movement of pelicans from California to Pyramid Lake is well documented. Conditions 70 and 71 require wildlife surveys pre-construction and post-construction, most importantly, avian surveys. This would provide a means of determining if the project produced any significant impacts on wildlife. Sage grouse are being monitored via satellite. Any impact on that species would also be addressed by Condition 70.

Harold Shotwell, Palomino Valley General Improvement District, stated he met with the applicant on January 27, 2009, regarding conditions proposed by PVGID. Those conditions were accepted by the applicant and are contained in Mr. Lloyd's presentation.

The following thirteen persons represented themselves as residents and/or landowner within Palomino Valley: Tim Sanders, Dan Herman, Juliana Kipps, Tricia Johnson, Melissa Gerlinger, Mitch Gerlinger, Tom Stewart, Pete Schmalzer, Larry Johnson, Jan Chako, Dennis Goodsell, Jody Christopherson, and John Glathar. Concerns expressed by this group included the fact that the applicant would receive tax credits and profit from the future sale of the facility; increased utility rates; lack of any Environmental Impact Statement; negative visual impacts on the neighboring properties; noise impacts from the turbines; decrease in property values; the impact of construction vehicles; the route of the transmission line; the creation of a utility corridor through a residential area, which can be used by other utilities in the future; the length and weight of equipment hauled to the construction site; air quality impacts from dust created by truck traffic; under-evaluation of water usage; liability and insurance concerns; the cost of fire protection; and purported lack of cooperation with the community by the applicant.

John Adams, PO Box 4691, Incline Village; Bob Stadtmiller, 3765 Tree Farm Road; Mary Wilson, 5800 Quaking Aspen Road; Andrew Wright, 3983 South McCarran Boulevard; David W. Brinsko, 3525 Ironwood Road; Paul Knobel, 4165 Jay Bird Road; Jane Hollingsworth, National Weather Service; and William Chamberlain, Quaking Aspen Road, all spoke in opposition to the project. Concerns expressed included inconsistencies in statements to the press and the Planning Commission by the applicant regarding the amount of energy output and environmental impacts; degradation of roads owned by the Wilcox Ranch homeowners association; noise impacts; decreased property values; impacts on wildlife, including mustangs; safety of the existing residents; impacts on the radar equipment belonging to the National Weather Service, and the credibility of the applicant.

Ed Lord, XO, LLC; challenged Chair Magers' ability to make an impartial decision in this hearing based on the fact that her husband was instrumental in organizing a campaign to thwart this project. He stated his intent to file a complaint with the Nevada Ethics Commission if Chair Magers voted on the project.

Richard Daly, 2180 4th Street, Sparks; William Albee, 11892 Ander Street; Catherine Armstrong, 6355 Quaking Aspen Road; Daniel Costella, 110 Esmeralda; Kathleen Eagan, 6915 Matterhorn Boulevard; Paul McKenzie, 1819 Hymer Avenue, Sparks; Russ James, 1819 Hymer Avenue, Sparks; Bob Tregilus, 2805 West Pinenut Court; David Von Seggern, Sierra Club, 1555 Sky Valley Drive, #Y203; Hugh Ezzell; spoke in support of the project. Reasons included the fact that the project will produce "green" energy, reducing dependence upon foreign oil and fossil fuels; the creation of jobs for local unemployed Nevadans; the experience and commitment of Nevada Wind to support local companies; improvement of the economy; and promulgation of a cleaner environment.

[A recess was called at 8:37 p.m.; the meeting resumed at 8:48 p.m.]

Chair Magers closed the public hearing.

Commissioner Weber disclosed he responded to several emails for and against the project, toured the project with the applicant and drove through the valley.

Commissioner Cobb visited the site and briefly discussed the project with the applicant by telephone.

Chair Magers disclosed she owns property in the Palomino Valley area which is about five miles from the project site. She met with residents of the area as well as the applicant. She asked counsel to respond to Mr. Lord's assertion regarding her inability to make an impartial decision.

Deputy District Attorney Edwards stated his understanding that Chair Magers' husband, Dennis Magers, expressed an opinion on the project. Chair Magers acknowledged that he had attended several neighborhood meetings on the subject. She was not, however, aware of his position on the project. Neither she nor her husband was a member of the organization, Save Our Valley, that was opposed to the project. Her vote on this matter would not be influenced by her husband or his opinion. Deputy District Attorney Edwards made reference to Nevada Commission on Ethics Opinions 99-60, 03-05 and the Woodbury opinion 99-56, as well as Nevada Revised Statute 281.A.420. Chair Magers' replies to his questions indicated that her independence was not materially affected in this regard.

Mr. Lord interjected that the question was not Chair Magers' opinion, but that she had strong-armed the removal of two turbines from his property and was attempting to remove two more. He stated his intention to file a complaint with the Ethics Commission.

Commissioner VanderWell disclosed she visited the site with the applicant and read several emails.

Commissioner Edwards visited the site independently and drove both proposed routes for the transmission lines. He received and responded to several emails.

Commissioner Lockard disclosed he visited the site with a resident of Quaking Aspen Road.

Commissioner Hibdon asked staff if Conditions 15 and 20 were duplications of each other. Mr. Lloyd agreed they were closely related. Commissioner Hibdon suggested that

Condition 27 read, "Provide documentation by registered land surveyor of access and easements for all access roads and sites to the satisfaction of the County Engineer." He also suggested that Condition 44 be changed from "by a certified landscape contractor" to "by a licensed landscape architect." Additionally, he recommended that the following sentence be added to Condition 58: "The Department of Community Development shall determine compliance with this condition."

Commissioner Weber noted that, upon visiting the area, impacts on the views in the valley were quite minimal. He would therefore support the project.

Commissioner Cobb stated he would support the project if the full-time independent inspector condition were added. He recommended relocating two turbines that were visually prominent.

Commissioner Lockard asked Mr. Lloyd to demonstrate the location of those two turbines. Mr. Lloyd indicated they were on the southernmost property, and they were approximately 1.2 miles from the nearest residence.

Commissioner Lockard asked the applicant if it was reasonable to move those two turbines to the other side of the property. Mr. Carlson explained that the issue was complicated by the fact that the property owner would be harmed by the loss of income from removing the turbines. His company had signed a lease with that property owner for the use of the land. There was no other reason the turbines could not be relocated.

Commissioner Edwards asked if the two turbines would be removed from the project or placed on the northerly portion of the property, thereby not impacting the property owner. Mr. Peterson stated there were spacing issues: as the primary wind direction was west southwest, the side-by-side spacing was the north to south spacing between turbines. Distances are determined by the manufacturers of the turbines, and warranties are affected by the prescribed distances. Investigation revealed no other sites were available on the property.

Commissioner Hibdon asked why the southern two turbines were being removed. Mr. Carlson explained that it was requested by a nearby resident and was placed as a condition. Mr. Lloyd stated the applicant was amenable to removing two of the four turbines and, therefore, the condition. The southernmost turbines were within one mile of several residences.

Commissioner Edwards observed that several residents alleged the turbines were much closer than a mile to residences. Mr. Lloyd explained that sophisticated software was used to measure the distances. He would welcome the residents who were interested in seeing how the measurements were calculated.

Commissioner VanderWell asked if the conditions of the special use permit could be continued to run with the land in the event Nevada Winds sold the project after it was developed. Mr. Lloyd stated the special use permit did run with the land, no matter who owned it.

Commissioner Weber asked the purpose of having a third-party inspector. He speculated that there were qualified inspectors in the Engineering Department or in the Building & Safety Department working for the county. Commissioner Cobb stated he wanted the applicant to pay for the third-party inspector.

Director Freund stated the County Building Official contracts out all commercial plan review, and the county does not have inspectors with the expertise to oversee a project of this type.

In reply to Commissioner Lockard, Mr. Carlson stated the turbine blades would rotate in orientation to the wind. It would be possible to rotate a full 360 degrees except for the electric cord that ties them together. The turbines would operate even when the wind was coming from the east.

Discussion ensued regarding the legal ramifications of removing the two turbines and the exacerbation of those contractual problems if two more were required to be removed. The applicant has signed options on the various parcels of land which will run for a specified period of time. In the event approval of the special use permit is not granted, those options would run their course and expire.

Commissioner Edwards asked if the public utility corridors were available to Nevada Wind. Mr. Carlson explained that easements for transmission lines are not garnered until the corridor is established. Agreements have been acquired for approximately a third of the corridor on private land. It is possible that some of the project will occur within the public utility corridors. As the project ends at NV Energy's Tracy power plant, it is anticipated that eventually that utility will own the entire transmission line.

Commissioner Edwards referred to the decommissioning conditions proposed. He asked if a turbine was decommissioned because it failed, would it be upgraded to the latest technology or just replaced. Mr. Johansen advised that none of the many turbines he installed over the years were ever depleted. The turbines and towers may be replaced, but the wind resource remains.

Chair Magers asked how much concrete would be needed to build the towers. Mr. Semenko estimated about 100 yards, which could change based on the site soil investigation. Mr. Carlson noted Q&D Construction's expertise in this type of construction.

Commissioner Edwards expressed concern for the impact on the roads created by the size of trucks anticipated to be used. Mr. Semenko explained they had run 100-ton trucks on dirt roads with no appreciable issues. If the roads were deteriorated to the point residents could not get through, the construction vehicles would not be able to get through.

Chair Magers questioned whether the residents would have any liability in the event of an accident on their roads over which they had granted easements. Mr. Lloyd replied that the applicant would be liable if they were responsible for the damage.

In response to Commissioner Edwards, Mr. Lloyd stated the setback of the turbines from the property lines would be three times the height of the turbines. He also replied that the County was not financially liable for the completion of this project.

Commissioner Hibdon complimented Mr. Lloyd and staff for their efforts in providing conditions to mitigate concerns regarding this special use permit.

Commissioner Hibdon moved to approve with conditions Special Use Permit Case No. SW08-008, including the conditions in the staff report, the two sets of proposed conditions, and the conditions amended in this meeting. Commissioner Weber seconded the motion.

Mr. Lloyd asked if the motion included the amendments to Conditions 27, 44 and 58, and the proposed new Condition 72 that states, "The applicant shall retain an independent third-party inspector acceptable to Washoe County to ensure compliance of conditions during all phases of construction. The inspector shall report to the Washoe County Community Development and the Washoe County Building Official concerning any violations of conditions or County Code regulations. The Department of Community Development and the Washoe County Building Official shall determine compliance with this condition."

Commissioner Cobb was not comfortable with having the applicant hire the inspector, as then the inspector would have more loyalty to his employer than to the County. Commissioner Hibdon felt the applicant and its contractors were reliable enough to be trusted in this situation.

Commissioner Cobb noted that this project would set a precedent for future wind projects in the state, and he wanted to assure this project was done properly. Mr. Carlson agreed with Commissioner Cobb, and he pointed out that the County would approve any individual or entity hired as inspector. Director Freund stated that the proposed condition provided that both the Department of Community Development and the Building Official would be involved in the hiring of such inspector.

Ms. Robinson noted amendments to Conditions 27, 44 and 58 were suggested. Commissioner Hibdon stated these amendments were included in his motion. Commissioner Weber seconded this amendment to the motion.

Commissioner Lockard clarified that the motion included the conditions in the January 26, 2009 staff report, the three-page amendments including the edited language of the last two conditions, together with those amendments to Conditions 27, 44 and 58. He asked if any of the conditions offered by the Save Our Valley group were included. Mr. Lloyd replied that those conditions were not included in the motion.

Commissioner Lockard moved to amend Commissioner Hibdon's motion to include new Conditions 74, 75 and 76, as follows:

74. The applicant shall be required to submit a mining plan, which should include, but is not limited to: location and layout of crushing, screening, batch plants, and stockpiles; erosion control; storm water control; and a revegetation plan.
75. The applicant shall be required to "stain" the road cuts and other landscape scars to minimize the visual impact.
76. Per BLM-PEIS guidelines, all riparian and wetland areas will be protected by guardrails AND erosion mitigation procedures to ensure there will be no off road vehicle traffic in any riparian/wetland area along the proposed construction haul route and/or any new roads constructed for this project.

Commissioner Edwards seconded the motion. The motion to amend was passed by a vote of four to three (Commissioners Hibdon, VanderWell and Weber opposed).

Commissioner Edwards moved to amend Condition 11 to read, "The applicant shall remove the three southernmost wind turbines located on parcel number 076-070-18." Commissioner Cobb seconded the motion. The motion failed to pass by a vote of three to four (Commissioners Hibdon, Magers, VanderWell and Weber opposed).

Upon vote, the amended motion, as proffered by Commissioner Hibdon and amended by Commissioner Lockard, passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Warm Springs 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 the type of development and for the intensity of the 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; and
6. Development of Natural Resources:
 - a. That the proposed development is not unduly detrimental to surrounding properties, land uses and the environment in general;
 - b. That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources;
 - c. That the proposed development will reclaim the site and all affected areas at the conclusion of the operation; and
7. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AGENDA ITEM 2

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT CASE NUMBER CP08-011 (OPEN SPACE AND NATURAL RESOURCE MANAGEMENT PLAN) - To adopt the 2008 Open Space and Natural Resource Management Plan, which responds to stipulations approved as part of the conformance finding for the Washoe County Comprehensive Plan by the Regional

Planning Commission, as an Element of the Washoe County Comprehensive Plan; and other matters properly relating thereto.

Chair Magers opened the public hearing.

Michael Harper introduced the item explaining the three Comprehensive Plan Amendment Cases on this agenda respond to stipulations approved as part of the Conformance finding for the Washoe County Comprehensive Plan by the Regional Planning Commission. Adoption of the recently updated Regional Open Space and Natural Resource Management Plan as an Element addresses many of the 2007 Truckee Meadows Regional Plan policies identified by the Truckee Meadows Regional Planning Agency staff as needing to be better addressed in the County's Comprehensive Plan.

As there was no answer to the call for public testimony, Chair Magers closed the public hearing.

Commissioner Edwards moved to adopt Comprehensive Plan Amendment Case No. CP08-011 (Open Space and Natural Resource Management Plan) in order to adopt the Open Space and Natural Resource Management Plan as an Element of the Washoe County Comprehensive Plan and authorize the Chair to sign a resolution to this effect. Commissioner Weber seconded the motion which carried unanimously.

The motion was based on the following findings:

1. The proposed addition of the Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed addition of the Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan responds to changed conditions, specifically the stipulations of the Truckee Meadows Regional Planning Commission required as part of a finding of conformance of the Washoe County Comprehensive Plan with the adopted Regional Plan.
3. The proposed addition of the Open Space and Natural Resource Management Plan as an element of the Washoe County Comprehensive Plan will promote the desired pattern for orderly physical growth of the County and guide 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.
4. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

AGENDA ITEM 3

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT CASE NUMBER CP08-012 (LAND USE AND TRANSPORTATION ELEMENT) - To amend the Land Use and Transportation Element to address military installation noticing; density transfers from Rural Development Areas; density limitations on single family detached residential development; and cooperative planning that respond to stipulations approved as part of the conformance finding

for the Washoe County Comprehensive Plan by the Regional Planning Commission; and other matters properly relating thereto.

Chair Magers opened the public hearing.

Michael Harper introduced the item explaining this is one of three Comprehensive Plan Amendment Cases on this agenda which respond to stipulations approved as part of the Conformance finding for the Washoe County Comprehensive Plan.

As there was no answer to the call for public testimony, Chair Magers closed the public hearing.

Commissioner VanderWell moved to adopt Comprehensive Plan Amendment Case No. CP08-012 (Land Use and Transportation Element) and to authorize the Chair to sign a resolution to this effect. Commissioner Cobb seconded the motion which carried unanimously.

The motion was based on the following findings:

1. The proposed amendments to the Land Use and Transportation Element are in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed amendments to the Land Use and Transportation Element respond to changed conditions that have occurred since the Board of County Commissioners adopted the element, specifically the stipulations of the Truckee Meadows Regional Planning Commission required as part of a finding of conformance of the Land Use and Transportation Element with the adopted Regional Plan.
3. The proposed amendments to the Land Use and Transportation Element will promote the desired pattern for orderly physical growth of the County and guide 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.
4. The proposed amendment to the Land Use and Transportation Element is the first amendment to the Land Use and Transportation Element in 2009, and therefore does not exceed the four permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
5. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

AGENDA ITEM 4

PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT CASE NUMBER CP08-010 (SPECIFIC PLANS) - To delete the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan, while retaining the land uses identified on the adopted Land Use Plan maps. This amendment responds to stipulations approved as part of the conformance finding for the Washoe County Comprehensive Plan by the Regional Planning Commission; and other matters properly relating thereto.

Chair Magers opened the public hearing.

Michael Harper introduced the item explaining this is one of three Comprehensive Plan Amendment Cases on this agenda which respond to stipulations approved as part of the Conformance finding for the Washoe County Comprehensive Plan.

The area identified in the three specific plan areas are fully within the City of Reno's Sphere of Influence (SOI) and while not all parcels have been annexed into the City at this point in time, Washoe County no longer maintains planning authority. While the proposed amendment deletes the policy, the land use maps for each will be retained until such time as all land has been annexed and provided a City of Reno land use designation.

Commissioner Hibdon questioned whether all specific plans within the County were planned for elimination to which Mr. Harper indicated it was only those for areas which the County no longer has any planning authority and therefore cannot be implemented or administered.

As there was no answer to the call for public testimony, Chair Magers closed the public hearing.

Commissioner VanderWell moved to adopt Comprehensive Plan Amendment Case No. CP08-010 (Specific Plans) and to authorize the Chair to sign a resolution to this effect. Commissioner Cobb seconded the motion which carried unanimously.

The motion was based on the following findings:

1. The proposed deletion of the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan of the Open Space and Natural Resource Management Plan from the Washoe County Comprehensive Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan.
2. The proposed deletion of the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan of the Open Space and Natural Resource Management Plan from the Washoe County Comprehensive Plan responds to changed conditions, specifically the stipulations of the Truckee Meadows Regional Planning Commission required as part of a finding of conformance of the Washoe County Comprehensive Plan with the adopted Regional Plan.
3. The proposed deletion of the South Virginia Corridor Specific Plan, the Steamboat Specific Plan, and the Southeast Truckee Meadows Specific Plan of the Open Space and Natural Resource Management Plan from the Washoe County Comprehensive Plan will promote the desired pattern for orderly physical growth of the County and guide 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.
4. The retention of the adopted land use maps are necessary to meet the requirements of the adopted protocols between the county and the two cities which provides for the

issuance of business licenses for property within a sphere of influence that has not be annexed by a city.

5. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

OTHER ITEMS

None

CHAIR AND COMMISSION ITEMS

- a. Report on Previous Planning Commission Items

Mr. Harper reported both the High Desert Area Plan and the Population Element updates were adopted by the Board of County Commissioners and will next be reviewed by the Regional Planning Commission for conformance with the Regional Plan.

The Forest Area Plan update had been heard by the Board of County Commissioners and was continued for a period of 60 days to allow staff and citizens time to define what where planning items could be referred back to the Planning Commission and which issues were more Development Code related. The offers made by Matera Ridge project at the hearing were project specific and therefore inappropriate to refer to Planning Commission to review at this time. A set of recommended amendments to the Planning Commission adopted Area Plan would be presented for consideration. Mr. Harper indicated the Board was very complementary of the Planning Commission's work on the Forest Area Plan update.

- b. 2009 Legislative Session

Mr. Harper indicated the 2009 Legislative Session had begun and staff would be presenting updates on significant items being considered. There were several budget related bills. Washoe County has authorized a bill concerning tentative map recordation time periods to be presented on its behalf and Director Freund would be testifying on that particular bill Thursday, February 5, 2009. The bill would change the timeframe for recording the first map from two years to four years with a provision that should county code change, there would be an opportunity to review the conditions crafted under the previous code.

Commissioner Weber questioned the status of a rumored lawsuit concerning South Valleys Area Plan and the status of a public records request received last year.

Deputy District Attorney Edwards indicated a petition for judicial review had been received and suggested that item and the subpoena request item could be agendized for further discussion if the Commission desired.

Commissioners expressed a desire to have internet access and separate email accounts for the role as Planning Commissioners. Staff indicated internet access for the Commission's laptops would be looked into.

The next Planning Commission meeting will be March 10, 2009 in order to accommodate the Board of County Commissioner's change in meeting dates.

Commission Lockard noted meetings were in progress for the update of Parks and Recreation District One facilities plans.

Chair Magers extended appreciation to staff for their excellent work.

DIRECTOR'S ITEMS

None

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 10:21 p.m.

Respectfully submitted,

Sara DeLozier, Recording Secretary

Approved by Commission in session on March 10, 2009.

Adrian P. Freund, FAICP
Secretary to the Planning Commission