



Community Development

"Dedicated to Excellence in Public Service"

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



Washoe County Planning Commission

Dian A. VanderWell, Chair
Neal Cobb, Vice Chair
Roger M. Edwards

Vaughn Hartung
Roy H. Hibdon
William Weber
D.J. Whittemore

WASHOE COUNTY PLANNING COMMISSION MINUTES

April 6, 2010

The Washoe County Planning Commission met in regular session on Tuesday, April 6, 2010, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

Chair VanderWell called the meeting to order at 6:31 p.m. The following Commissioners and staff were present:

Commissioners present: Dian A. VanderWell, Chair
Neal Cobb
Roger M. Edwards
Vaughn Hartung
Roy Hibdon
William Weber

Commissioners absent: D.J. Whittemore

Staff present: Trevor Lloyd, Senior Planner, Community Development
Don Morehouse, Planner, Community Development
Nathan Edwards, Esq., Deputy District Attorney
Sara DeLozier, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Commissioner Hartung led the pledge to the flag.

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Commissioner Hartung moved to approve the agenda as written for the April 6, 2010 meeting. Commissioner Hibdon seconded the motion, which carried unanimously.

APPEAL LANGUAGE

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

APPROVAL OF MINUTES

Commissioner Hartung moved to approve the minutes for the March 11, 2010 Planning Commission meeting as written. Commissioner Hibdon seconded the motion which carried with a vote of five in favor, none opposed, Chair VanderWell abstaining having not been in attendance at the March 11, 2010 meeting.

PUBLIC COMMENT

Dan Herman, 11275 Campo Rico Lane, voiced concern with what he perceived to be an ongoing problem arising from cattle ranchers unloading and releasing livestock for grazing on private property in Palomino Valley. He surmised that a request to enact a livestock control area would likely come before the Commission in the future which he requested their support for.

With no others responding to the call for public comment, Chair VanderWell closed the public comment period.

CONSENT ITEMS

- A. RESOLUTION FOR ACCEPTING STREETS (COLD SPRINGS) - consider and possibly adopt NRS 278.390 resolution accepting streets or roads previously offered for dedication to Washoe County in connection with the final map known as Tract Map #4881, Document #3680303, Woodland Village, Phase 16, Section 9, 15, and 16, Range 18 east, Township 21 north (Teddy Bear Court, Panda Bear Court, Village Parkway, Polar Bear Court, and Grizzly Bear Court).adding approximately 0.91 miles of new street. (APN 556-532-15, APN 556-542-12, APN 556-541-11 and APN 556-552-10)
- B. TO CONSIDER AND ADOPT RESOLUTIONS INIATING AMENDMENTS TO THE WASHOE COUNTY COMPREHENSIVE PLAN AND THE WASHOE COUNTY DEVELOPMENT CODE IN ORDER TO IMPLEMENT THE CONVERSION FROM A ONE-MAP LAND USE PLANNING SYSTEM (PLANNED LAND USE MAP) – WHICH AMONG OTHER THINGS COMBINES THE COUNTY’S MASTER PLAN MAP WITH ITS ZONING MAP AND RULES – TO A TWO-MAP LAND USE AND PLANNING SYSTEM (MASTER PLAN MAP AND ZONING MAP)– WHICH AMONG OTHER THINGS SEPARATES THE ZONING MAP AND RULES FROM THE COUNTY’S MASTER PLAN MAP. THIS INCLUDES AMENDMENTS TO THE INTRODUCTION, EXECUTIVE SUMMARY AND LAND USE AND TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN AND TO DIVISIONS ONE, TWO, THREE, FOUR, EIGHT and NINE OF THE DEVELOPMENT CODE AND THOSE AMENDMENTS PROPERLY RELATED TO THE EFFICIENT ADMINISTRATION OF THE COUNTY’S LAND USE PLANNING SYSTEM.
- C. TO CONSIDER AND ADOPT A RESOLUTION INITIATING AN AMENDMENT TO THE SPANISH SPRINGS AREA PLAN, A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN TO DELETE POLICY SS.17.2.C, OTHERWISE KNOWN AS THE “COMMERCIAL CAP,” AND INCORPORATE OTHER BENEFICIAL CHANGES AS MAY BE IDENTIFIED DURING THE PUBLIC INPUT PROCESS AND PROPERLY RELATED TO THE ESTABLISHMENT OF COMMERCIAL AND INDUSTRIAL ZONING IN THE SPANISH SPRINGS PLANNING AREA.
- D. TO CONSIDER AND ADOPT A RESOLUTION INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE RELATING TO ARTICLE 302, ALLOWED USES; ARTICLE 304, USE CLASSIFICATION SYSTEM; ARTICLE 306, ACCESSORY USES AND

STRUCTURES; AND ARTICLE 902, DEFINITIONS TO CHANGE THE USE TABLE FOR DETACHED ACCESSORY DWELLINGS WITHIN ARTICLE 302 (ALLOWED USES), TO AMEND THE RESIDENTIAL USE TYPE DEFINITIONS WITHIN ARTICLE 304 (USE CLASSIFICATION SYSTEM) FOR ATTACHED AND DETACHED ACCESSORY DWELLING UNITS AND DETACHED ACCESSORY STRUCTURES, TO AMEND ARTICLE 902 (DEFINITIONS) TO REFLECT POTENTIAL AMENDMENTS TO ARTICLE 304 AND TO ADD NEW DEFINITIONS RELATING TO POTENTIAL AMENDMENTS TO ARTICLE 306 (ACCESSORY USES AND STRUCTURES), AND TO INCORPORATE VARIOUS AMENDMENTS IDENTIFIED BY STAFF AND THE PLANNING COMMISSION TO THE FOLLOWING SECTIONS OF ARTICLE 306 (ACCESSORY USES AND STRUCTURES): SECTION 110.306.05, APPLICABILITY; SECTION 110.306.10, DETACHED ACCESSORY STRUCTURES; SECTION 110.306.15, MAIN STRUCTURES REQUIRED; SECTION 110.306.20, ATTACHED ACCESSORY DWELLINGS; SECTION 110.306.25, DETACHED ACCESSORY DWELLINGS; A NEW SECTION TITLED SECTION 110.306.30, HALLWAYS, BREEZEWAYS AND OTHER SIMILAR CONNECTIONS; SECTION 110.306.35, OUTDOOR STORAGE/OUTDOOR DISPLAY; AND OTHER BENEFICIAL CHANGES AS MAY BE IDENTIFIED DURING THE PUBLIC INPUT AND REVIEW PROCESS AND PROPERLY RELATED TO THE EFFICIENT ADMINISTRATION OF ARTICLES 302, 304, 306, AND 902 OF THE DEVELOPMENT CODE.

Chair VanderWell called for disclosures of which there were none.

Commissioner Hibdon moved to approve Consent Items A, B, C, and D. Commissioner Edwards seconded the motion which carried unanimously.

ITEM ONE

PUBLIC HEARING: ABANDONMENT CASE NUMBER AB10-001 (STEVENS/COTÉ RESIDENCES) – To abandon segments of Winters Creek Lane, Casey Ranch Road and associated public access as authorized in Article 806 of the Washoe County Development Code (Washoe County Code Chapter 110). The project is located at 100 Winters Creek/1453 Casey Ranch Road Lane near the Highway 395 Bowers Mansion off ramp in the West Washoe Valley. The two 5-acre parcels are designated Medium Density Rural (MDR) in the South Valleys Area Plan, and are situated in a portion of Section 27, T17N, R19E, MDM, Washoe County, Nevada. The properties are located in the West Washoe Valley Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 046-051-42 and APN 046-051-37)

Chair VanderWell opened the public hearing and called for disclosures of which there were none.

Don Morehouse reviewed his staff report dated March 23, 2010. He indicated he had received a phone call from a Mr. Mike Paszek on behalf of 101 Winters Creek Lane, requesting that the case be continued to allow for a compromise between him and the applicants on the abandonment request.

Jim Stevens, applicant, indicated he did not understand the assertion of illegality stated by the resident of 101 Winters Creek.

Mike Paszek stated Winters Creek Lane was a private road developed on the 50 foot easement on the 101 Winters Creek Lane side. He indicated several attempts had been made to reach an agreement with Mr. Stevens on the use of the private driveway without success. Mr.

Paszek asserted that despite the lack of an agreement, Mr. Stevens had continued to use Winters Creek as a primary ingress/egress until recently.

Susan Hannah, 101 Winters Creek Lane, stated she and her husband had paid for the development of Winters Creek Lane in 1998 at which time it was renamed from 1201 US 395. She asserted that despite Mr. Stevens' legal address being 1458 Casey Ranch Drive, he continues to use 100 Winters Creek Lane. She indicated the Nevada Department of Transportation had confirmed that Mr. Stevens had received permitted access to another road through that entity.

Mr. Morehouse clarified that the properties requested for the abandonment were the 50 feet width along Winters Creek Lane on the Stevens and Cote properties and the section of Kasey Ranch Drive between the two applicant properties. He clarified the easement and property lines and indicated the site plan seemed to indicate the portions requested for abandonment are no longer used as access easements.

Chair VanderWell closed the public hearing.

Commissioner Edwards asked if it was possible or would be helpful to request a current to determine if the actual use is different from the site plan.

Commissioner Weber stated discomfort with making a decision with the information currently available and asked if there was a time constraint preventing the item from being continued in order to allow time for a site visit. Mr. Morehouse indicated staff did not have a concern with a continuance but invited consulting the applicant.

Commissioner Hartung questioned the repercussions and the potential liability in making a decision and then later a determination was made that there was a boundary encroachment.

Deputy District Attorney Edwards offered that a decision would need to be made on substantial evidence with a finding that there was no material injury to the public. He added that the confines of the easement would need to be accurate and that upon appeal or later judicial review, if an error were to be discovered or if it was determined that the decision was arbitrary or capricious, the decision could be reversed.

Commissioner Weber moved to continue the item to time certain, June 1, 2010, 6:30 p.m.; Commissioner Hibdon seconded the motion.

There was some discussion of the value of a current survey and the ability to require a survey. Mr. Morehouse indicated the site plan provided was considered to be the legal site plan and had been reviewed by the Department of Public Works.

Commissioner Hibdon questioned how Item Four of Exhibit D, the Engineering letter dated March 10, 2010, had been addressed. Mr. Morehouse indicated the reciprocal access and emergency access easement were not shown on the site plan.

Deputy District Attorney Edwards recommended asking the applicant if he would agree to a continuance to, and if not, then the Commission could take action on the item. Upon consultation, the applicant agreed to the continuance but expressed it would be a bit of hardship further delaying installation of a fence and landscaping and the ability to have his dog. He indicated he had additional information that might clarify the Winters Creek concerns raised by Mr. Paszek and Ms.

Hannah. He indicated the fire turnaround condition would be his responsibility upon a granting of the abandonment.

Commissioner Hartung noted the Sierra Fire Protection District and the County Engineer would be responsible for determining compliance with that condition.

Commissioner Weber amended his motion to continue the item to the next agenda, time certain, May 4, 2010, 6:30 p.m.; Commissioner Hibdon stated agreement with the amended motion which carried with a unanimous vote.

ITEM TWO

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NUMBER DCA08-009 (WIND MACHINES) (continued from March 11, 2010 agenda) - To amend Washoe County Code Chapter 110, Development Code, Article 302, Allowed Uses, Article 304, Use Classification System, and Article 326, Wind Machines. The amendments will include the revision to the table of allowed uses to include the addition of new renewable energy use types and the amendments to the standards for wind machines. The proposed amendments would revise all aspects of Article 326 (Wind Machines) including but not limited to setbacks, noise, electromagnetic interference, wildlife impacts, meteorological towers, repair and removal of wind machines and submittal requirements for commercial wind machines.

Chair VanderWell opened the public hearing and called for disclosures. Commissioner Hartung indicated he had attended a community meeting where the item had been discussed. Commissioner Edwards indicated he had had a phone conversation with a developer. No other disclosures were provided and all Commissioners indicated there would be no material impact that would prevent his or her ability to be impartial in considering this item.

Trevor Lloyd recognized the considerable community and staff effort exerted in drafting the proposed amendments to Article 326. He reviewed his staff report dated March 25, 2010 providing background on the amendment request and the proposed changes to Development Code Article 302, Allowed Uses; Article 304, Use Classification System; and Article 326, Wind Machines.

Mr. Lloyd provided the following corrections: the inclusion of the word *existing* before *residence* in the proposed language for option one concerning audible noise limit; the inclusion of white as an authorized color; and a corrected table of contents for Article 326.

Chair VanderWell indicated two groups had requested and been granted fifteen minutes additional time prior to the hearing and that the remainder of those requesting to speak would be limited to two minutes.

Randy Walter, Places Consulting; Jim Brennan, JC & Brennan & Associates; and Rich Hamilton; spoke on behalf of Great Basin Wind, to address commercial wind machine concerns. The working group meetings had allowed for considerable public participation in the drafting of the proposed ordinance and subsequently the remedy of issues concerning utility notification, meteorological towers, shadow flicker, wildlife, and repair and removal. Concern was raised with the internet availability of *pseudo-scientific* information that members of the community may be working from. The group provided additional suggestions concerning setbacks, noise, height restrictions, and duplicative bonding requirements that would provide balance to the comprehensive ordinance proposed. The use of high frequency, A-weighted, sound measurement

was suggested to be more appropriate than C-weighted which is more appropriate for low frequency and impulsive noise sources or infrasound which includes those sounds which occur in the natural environment. Concrete sound standards would help with some of the financing concerns affiliated with a project. With the tools available for evaluating noise which take into consideration the many factors necessary to determine accurate noise contours, and a set standard, a 2500 foot setback would be acceptable. An increased height-limit of 600 feet was suggested to better address the industry's movement toward taller towers. The addition of language expressly indicating performance bonding already required for work on public lands wouldn't also be required by Washoe County. The group addressed the long-term economic outlook and potential for renewable energy in Washoe County and Nevada.

Cathy Glatthar and Brian DiMambro, spoke on behalf of Save Our Valley. Ms. Glatthar indicated the group had formed in response to the Virginia Wind project proposed in Palomino Valley. She spoke to the long term effects of the proposed ordinance with the limited ability to rectify any oversights that may occur with the adoption. She reviewed the legislative history of NRS 278.0208 calling attention to its focus on private and small scale wind machines and thus allowing for reasonable restrictions for wind systems in regards to hazard to air navigation, height, safety, noise. She proposed alternatives to the use types and the use table to provide for further sub-categories and increased restrictions for wind energy within the Low-Density, Medium-Density and High-Density Rural designations. She further requested setbacks of at least two miles from residential and General Rural Residential property lines. She spoke in favor of protecting the public's interest through the proper siting of the wind turbines. Mr. DiMambro spoke in favor of preserving the open space being jeopardized by commercial enterprise. Particular concern was voiced with the low frequency noise as a health hazard to the majority of the population thus far subject to it, referencing Altamont. He provided a description of the unseen vibrations creating a physical disturbance within the body and mind and the stressful impact on quality of life. He spoke in favor of focusing wind energy project siting in non-populated areas of Washoe County rather than the least expensive alternatives such as along the Pah-Rah Range.

Juliana Kipps, Palomino Valley; and Jan Chako, Palomino Valley spoke in favor of option one as the preferred noise option essential to health and safety in the rural areas and encouraged using the standards identified by the World Health Organization and the International Organization for Standardization rather than allowing for sounds up to 55 decibels.

Dennis Goodsell, Palomino Valley, spoke in favor of using the c-weighted noise standard to better resident protection from potential sleep and health problems, setbacks of a mile and a half, one mile setback for sound limits, and option one not to exceed ambient plus 5 decibels or 20 decibels. He recommended adding language disallowing averaging of non-functional periods be added to the commercial standards.

Mitch Gerlinger, Sparks, recommended tying the setback distance to property lines rather than the location of an existing residence; he indicated the one-mile setback to be acceptable with the option to acquire waivers for closer setbacks.

Teresa and Summer Acerson, 1815 Sierra Highlands Drive, spoke in favor of wind energy; Summer Acerson recommended taking local valley resident's noise concerns into consideration.

Ric Licata, AIA, 4170 Powderkeg Circle, spoke to the merits of wind energy in the creation of both jobs and energy. He urged Washoe County to be a leader in the industry in favor of public safety when based on proven evidence and science but be mindful of being overly restrictive with setbacks, noise and height allowances.

Dan Herman, 11275 Campo Rico Lane, echoed the comments of Ms. Glatthar, spoke in opposition to the 500 foot height maximum proposed noting the height of several local casinos to be 300 feet and stated concern with the physical impacts of low frequency noise, the high explicit cost of the power and the additional facilities necessary. He spoke in favor of noise standard option one.

Peter F. Laubscher, 4765 Rio Pinar Drive, spoke to the value of wind energy in job creation, economic development, environmental incentive to look for alternatives to traditional energy; he noted a typical range for the use of earplug use began at 75 decibels. He spoke in favor of option two rather than a variable standard.

Susan Moore, 5350 Iroquois Circle, indicated her research as a nurse had found that more rigorous studies of the health impacts had provided no evidence that there are poor health effects from wind turbines.

Brain Logan, 839 Vine Street; and Bradyn Rada, 1070 Washington Street; spoke in favor of the commercial and residential wind energy projects. Mr. Logan asked that the Commission consider those community members who are in favor of the projects and find a way to streamline the process in order to realize the benefits sooner. Mr. Rada indicated he had benefited from the job creation of wind energy and the boost it can create in our community and asked that setbacks not become an issue to delay the proposed code language.

Bob Primeau, 850 Broadway Boulevard, spoke in favor of preserving the existing code language.

Paul Davies, 3429 Ridgecrest Drive, spoke in favor of wind energy and its job creation; he spoke in opposition to too stringent of conditions to realize those economic benefits.

Frances Farley, 1788 Kodiak Circle, voiced support of wind projects, renewable energy and the betterment of the economy.

Monica Mildrum, 255 Mountain Ridge Road, expressed that she was pro-renewable energy and recognized it was necessary to find the right balance between development and community desires.

Daniel Herr, 596 Rockrose Court, urged Washoe County look at moving forward with renewable energy alternatives, wind energy in particular.

Jason Schultz, Sparks, encouraged the Commission to take into consideration the job creation potential associated with renewable energy along with safety and the scientific information provided.

Jeneane Harter, 1690 Wesley Drive, US Department of Energy's Wind Power in America representative for Nevada, indicated she had been contacted by staff and had provided a number of model codes and various state and federal scientific studies for staff to review. She complemented staff on the thoroughness of the project, stated support for and echoed the comments of Great Basin Wind.

Patrick Baldwin, 1435 O'Farrell Street, stated support for the proposed wind ordinance from both an engineering and economic development perspective including the proposed setback and noise levels.

Krista Gordon spoke to the standards for commercial wind turbines indicated excellent work had been done on the draft. She stated the one mile setback to excessive and not based on any safety standard preferring a half mile and the 500 foot height limit to be restrictive considering five years ago 300 feet was considered high. She recommended selecting noise option two given the variable noise sources to consider with option one. She suggested operational changes would allow compliance with whatever standards were determined.

Christy Magers, Palomino Valley, echoed the comments of Ms. Glatthar and Save Our Valley, voicing concern that the intentions of NRS 278.0208 and AB 236 had been misinterpreted and that in accordance with the Warm Springs Area Plan, and that the best utilization of lands with a General Rural Residential zoning was residences, not commercial wind projects.

Hugh Ezzell, 10000 Road Runner Road, spoke to the constant presence of low frequency noise in all environments; he was taken aback that staff had declined a site visit to experience the wind turbines. He suggested modifying the special use permit requirements to 50 kilowatts machines to avoid excessive permitting requirements for private landowners. He further requested the provisions for power line setbacks, temporary roads, and repair and removal be reexamined to better distinguish between private and commercial requirements. He requested either better definition or removal of the temporary roads language stating there was no such thing and that it was possible use periods could be potentially impacted by pending litigation.

John Johansen, Virginia Peak Wind, provided examples and maps referencing resident reports and studies pertaining to noise concerns in existing projects. He indicated residents within one half mile of existing sites were the most impacted and that a one mile setback was not warranted. He commended staff on the proposed ordinance and thought a 50-55 decibel standard would be acceptable with a reasonable noise ordinance.

Scott Gerz, Sparks, compared the progress and technology of renewable energy projects to the development of the national highway system and suggested that had the "not in my backyard" mentality prevailed, the national system would not have been realized. He voiced support for the recommendations of Great Basin Wind working group.

Larry Johnson, 5900 Quaking Aspen Road, spoke in opposition to renewable energy placement in the General Rural Residential designations and the measuring setbacks from existing residence placement rather than property lines. He suggested setbacks be from property lines to prevent concerns with taking of private property rights and that noise option one was the only appropriate option for a rural setting.

Peter Schmalzer, 6055 Quaking Aspen Road, spoke of the significant differences between the proposed draft and the working group draft to which community members provided comments. He indicated the changes violated the spirit of the working group and unfair to those who took the time to provide comments. He voiced concern with the change to option one to reference residences rather than property lines, the lack of protection to houses more than one and a half mile from proposed location, and changes to setback and shadow flicker provisions. He suggested the development community's participation in the process was due to the lack of a sustainable business model and having worn out their welcome in locations more suitable than Nevada. He spoke in support of sensible regulations which include the disallowance of commercial wind structures on residentially zoned properties and requiring preconstruction ambient noise studies regardless of the distance to the nearest residence.

Dan Mountsier, Reno, spoke in favor of option two finding option one to provide challenges and ambiguity that would create a bottleneck for development. He indicated a 45 decibel standard was common in industrial areas and that the standard proposed is more restrictive than the current code. He pointed out that wind energy required no water use and that the bottom line cost was about ten cents rather than the twenty cents per kilowatt aforementioned. He stated that Nevada was a prime location with the convergence of wind, transmission lines and access.

Donna Stammers, PO Box 124, Gerlach, spoke on behalf of Ridgeline Energy, stated agreement with the comments provided by colleagues, and noted that the proposed standards came close to being the most restrictive in the country. She recommended reducing the setbacks to 2500 feet, selecting the fixed option two for noise, the allowance of a maximum height of 600 feet, and the acceptance of Bureau of Land Management required securities in order to provide for projects the community could be proud of. Mike Draper, 615 Riverside Drive, also on behalf of Ridgeline Energy read a letter from Jim Voorhees proposing General Rural Residential parcel review for commercial projects be done on a case by case basis to allow for the unique circumstances of each project and area to be evaluated.

As there was no further response to the call for public comment, Chair VanderWell closed the public hearing.

[A recess was called at 9:01 p.m.; the meeting resumed at 9:08 p.m.]

Commissioner Hibdon congratulated staff and the working group on their progress in developing the proposed standards. He questioned why setbacks were set from the location of a residence rather than property line. Mr. Lloyd indicated that staff had considered both and determined large parcel sizes, ranging from 40 to 60 acres for a typical General Rural Residential parcel, might provide exorbitant setbacks that might eliminate viable placement.

Commissioner Hartung indicated a refrigerator was approximately 50 decibels, a toilet flushing 75-80 and a shotgun, 175. It was clarified that commercial wind projects would require a special use permit and if deviation from the adopted code was requested, then a variance would also be required.

Commissioner Cobb spoke in favor of a greater than one and half mile setback and suggested that the industry will find a way to work within the standards set.

Commissioner Edwards questioned the outcome if post-construction it was determined that a wind turbine exceeded the noise allowances to which Mr. Lloyd indicated considerable work would be done in the design phase of a project to prevent that but should it happen, remedies other than immediate removal would be investigated. In further response to Commissioner Edwards, Mr. Lloyd stated several studies were examined by staff in search of consistencies within the industry but were not brought into the working group meetings.

In response to Commissioner Hartung, Mr. Lloyd stated the turbine color would be addressed in the design phase of a project and that other aesthetics issues could be addressed through Code Compliance efforts. He indicated it was staff's intention to work with the Bureau of Land Management to prevent redundancy in the securities/bonding requirements.

Commissioner Hartung voiced concern with a 600 foot height maximum and questioned whether increased heights should result in increased setbacks.

Chair VanderWell asked if would be possible to relate the setback to the noise level set and if taller turbines would equal fewer turbines. Rich Hamilton, Great Basin Wind, stated newer, taller turbines allow for more power to be generated with fewer turbines due to design and the ability to better place the rotors where the wind is; the sound decibel would remain unchanged by the height.

Commissioner Hibdon move to recommend approval of the proposed amendments with the staff proposed corrections and an increased maximum height of 600 feet. Commissioner Weber provided the second.

Commissioner Edwards suggested 50 decibels for both day and night and a reduction in the setback from a mile and a half to one mile. Discussion of the appropriate maximum turbine height and setback distances ensued.

Commissioner Hibdon amended his motion to include noise option number two and a one mile setback. Commissioner Weber affirmed his second of the motion. The final motion was as follows: to recommend approval of the proposed amendments to Article 302, Allowed Uses, Article 304, Use Classification System and Article 326, Wind Machines, as contained in Exhibit B, Proposed Article 302, Exhibit C, Proposed Article 304, & Exhibit D, Proposed Article 326 based upon the information presented in the staff report, written testimony and verbal testimony received during this meeting. Included in the motion were the following additions and modifications: a maximum structure height of 600 feet, selection of commercial wind machine noise standard option two with a setback distance of one mile, and the three staff requested modification providing a complete Table of Contents; the color white be added as a wind machine color option; and the inclusion of the word "existing" before "residence" in the commercial wind noise standard option.

Commissioner Hibdon further moved to authorize the Chair to sign the resolution contained at Exhibit A, Resolution, on behalf of the Planning Commission and direct staff to present a report of this Commission's recommendation to the Washoe County Commission within 60 days of today's date.

Upon a call for the vote, the motion carried with a vote of four to two. Commissioners Hibdon, Weber, Edwards and VanderWell were in favor; Commissioners Cobb and Hartung were opposed.

The recommendation for approval was based on the following findings in accordance with WCC Section 110.818.15(e), Findings:

1. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, *Adoption of Development Code*.
3. The proposed Development Code amendments respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

4. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.

CHAIR AND COMMISSION ITEMS

- a. Report on Previous Planning Commission Items

None

- b. Legal Information and Updates.

None

Commissioner Cobb requested a workshop reviewing the details of a scenic corridor designation. Chair VanderWell requested a presentation by the Community Emergency Response Team (CERT) be coordinated and agendaized for a future meeting.

DIRECTOR'S ITEMS

Mr. Lloyd reported Director Freund had presented the Community Development Department's budget proposal for the coming fiscal year having met the \$111, 000 reduction target without reduction in staff. The Commission was reminded of the May 6, 2010, joint Planning Commission meeting to be hosted by the City of Sparks.

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Sara DeLozier, Recording Secretary

Approved by Commission in session on June 1, 2010.

Adrian P. Freund, FAICP
Secretary to the Planning Commission