



# 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

August 3, 2010

The Washoe County Planning Commission met in regular session on Tuesday, August 3, 2010, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### DETERMINATION OF QUORUM

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

Commissioners present: Neal Cobb, Acting Chair  
Roger M. Edwards  
Vaughn Hartung  
Roy Hibdon  
William Weber  
D.J. Whittemore

Commissioners absent: Dian A. VanderWell

Staff present: Adrian Freund, Director, Community Development  
Kimberly Robinson, Planning Manager, Community Development  
Chad Giesinger, 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 Whittemore led the pledge to the flag.

### ETHICS LAW ANNOUNCEMENT

Deputy District Attorney Edwards provided the ethics procedure for disclosures.

### APPEAL PROCEDURE

Ms. Robinson recited the appeal procedure for items heard before the Planning Commission.

## **APPROVAL OF AGENDA**

In accordance with the Open Meeting Law, Commissioner Edwards moved to approve the agenda as written for the August 3, 2010 meeting. Commissioner Hartung seconded the motion, which carried unanimously.

## **APPROVAL OF MINUTES**

Commissioner Weber moved to approve the minutes for the June 1, 2010 Planning Commission meeting as written. Commissioner Hibdon seconded the motion which carried unanimously.

Commissioner Weber moved to approve the minutes for the July 6, 2010 Planning Commission meeting as written. Commissioner Hibdon seconded the motion which carried unanimously.

## **PUBLIC COMMENT**

There was no response to the call for public comment; Acting Chair Cobb closed the public comment period.

## **CONSENT ITEMS**

None

## **ITEM ONE**

**PUBLIC HEARING: SPECIAL USE PERMIT CASE NUMBER SW10-002 (SAN EMIDIO GEOTHERMAL REPOWER)** – To allow for the replacement of four geothermal energy converters with a new geothermal heat exchanger, turbines, generators and a new cooling system at an existing geothermal plant pursuant to Article 328 of the Development Code (Washoe County Code Chapter 110). The ±40.01 acre parcel is designated General Rural (GR) in the High Desert Area Plan, is located within the jurisdiction of the Gerlach/Empire Citizen Advisory Board, and is in Washoe County Commission District No. 5. The properties are within portions of Section 16, T29N, R23E, MDM, Washoe County, Nevada. (APN 071-070-19)

Acting Chair Cobb opened the public hearing.

Don Morehouse reviewed his staff report dated July 27, 2010. Scott Nichols and Donna Stammers spoke on behalf of US Geothermal. Ms. Stammers, environmental coordinator, indicated she had provided a tour to the Gerlach/Empire Citizen Advisory Board Chair. Mr. Nichols, manager of permitting and lands, provided an overview of the company history and organization and provided the history of and the project description for the San Emidio site.

The site, identified as under-developed, was acquired by US Geothermal in 2008. The 23-year old facility originally intended to be a four megawatt facility now produces one and half to two megawatts and has effectively reached the end of its useful life. The proposed new facility will combine new technology, working fluids (closed-loop system), turbine and air cooling systems with existing reinjection wells. The new facility is planned as an eight to nine megawatt facility, will be built on privately-owned land rather than on BLM right-of-way, and will not require drilling for new

hot water. Mr. Nichols spoke to the project of regional significance classification and process for review before the Regional Planning Commission and the foreseen need for a Regional Plan amendment. He acknowledged the staff recommended conditions for approval of the special use permit application and indicated all were acceptable.

Hearing no response to the call for public testimony, Acting Chair Cobb closed the public hearing.

Commissioner Weber inquired as to the process for a Director's Modification for landscaping and parking. He suggested that the landscaping and parking ordinance be revisited as it applies to very rural properties such as this one. Director Freund indicated project scope, size and location were taken into consideration when reviewing requests to modify standards.

In response to Commissioner Hartung, Mr. Nichols indicated the power created is transmitted to the Purgatory substation for sale and use in the NV Energy grid. He spoke to the extensive nature of the monitoring system for projecting project longevity, stated a 25-year power purchase agreement was in place and research was underway to determine the viability of a second facility.

Commissioner Hibdon moved that after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Planning Commission approve with conditions Special Use Permit Case No. SW10-002 for San Emidio Geothermal Repower, having made all findings in accordance with Washoe County Development Code Sections 110.810.30 and 110.810.35. The motion was seconded by Commissioner Edwards and carried unanimously.

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

- c. That the proposed development will reclaim the site and all affected areas at the conclusion of the operation.

## ITEM TWO

**PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NUMBER DCA10-001 (ARTICLES 302, 304, 306, 902) – To amend Washoe County Code Chapter 110, *Development Code*, to change the use table for detached accessory dwellings within Article 302 (Allowed Uses) by eliminating inconsistencies regarding required minimum lot size and uses allowed by regulatory zone, allowing by right a detached accessory dwelling in the General Rural regulatory zone, and introducing a new administrative review procedure for establishing a detached accessory dwelling in certain regulatory zones; to amend the residential use type definitions and standards within Article 304 (Use Classification System) for attached and detached accessory dwelling units and detached accessory structures; to amend Article 902 (Definitions) to reflect the above amendments to Article 304 (Use Classification System) and to add new definitions relating to the below 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 to add clarifying language that a main use must exist and to add heavy equipment; Section 110.306.10, Detached Accessory Structures to amend buildable area regulations and create lot coverage thresholds by regulatory zone, eliminate restrictions on 2-story accessory structures, require a deed restriction for connection to water and sewer, and to require an Administrative Permit (pursuant to Article 808) for accessory structures larger than the main dwelling; Section 110.306.15, Main Structures Required to clarify a main structure or use must exist prior to establishing accessory uses; Section 110.306.20, Attached Accessory Dwellings to amend the definition and size standards of attached accessory dwellings; Section 110.306.25, Detached Accessory Dwellings to amend the definition and size standards of detached accessory dwellings, reduce the minimum lot size required, and create a new staff level administrative review permit process; a new section titled Section 110.306.30, Hallways, Breezeways and Other Similar Connections to establish definitions and standards for such connections; Section 110.306.35, Outdoor Storage/Outdoor Display to define and regulate commercial vehicles and heavy equipment, clarify language defining outdoor storage versus temporary storage, and to incorporate changes necessitated by approval of the nuisance codes (WCC Sections 50.300 to 50.310, inclusive); and other minor semantic changes that have been identified during revision of the article.**

Acting Chair Cobb opened the public hearing.

Chad Giesinger reviewed his staff report dated July 22, 2010. He provided the follow three changes to the proposed amendments to the staff administrative review process for detached accessory dwellings: 1) to add the citizen advisory board(s) as “affected property owners” eligible to receive notice; 2) to add a requirement that a minimum of ten properties be noticed; and 3) to add the Board of County Commission as the final decision make on appeal (rather than the Board of Adjustment).

Gary Houk, 1345 Guffey Drive, voiced concern with the requirement for the addition of a water meter for an detached accessory dwelling if connected to a well as its source of water and suggested that the Commission exclude that requirement. Mr. Giesinger indicated the provision was existing and was created at the request of the State Water Engineer to address concerns with water rights dedication.

Hearing no further response to the call for public testimony, Acting Chair Cobb closed the public hearing

Commissioner Weber questioned the clarity of the proposed heavy equipment definition. Staff suggested possibly adding a weight or vehicle maximum. Considerable discussion ensued concerning the accuracy of the heavy equipment definition, and the requirements for screening or storing equipment and commercial vehicles.

Director Freund indicated the proposed amendments were more permissive and respond to an effort to "square up" Development Code provisions with the newly adopted nuisance ordinance. He invited the Commission to provide alternative language or remove the proposed definition from the recommendation to allow time for further clarification. It was noted that the definition for commercial vehicles was acceptable to all departments and asked that any motion to exclude heavy equipment references not include commercial vehicle references.

Commissioner Hartung indicated a desire to have building height, in addition to footprint size, considered when determining the applicability of the proposed administrative permit review process. He was in favor of neighbors being noticed and being given the opportunity to provide comment on structures proposed to be higher than the primary structure. Discussion ensued concerning the noticing process including the intent, outcome and the need for a uniform process to ensure equal treatment of property owners and consideration of neighbor input. After further discussion it was agreed that surrounding property owners should be noticed, at a minimum, for any proposal to erect a detached accessory structure taller than the surrounding main dwellings. Staff agreed height should also be considered when the proposal is subject to a discretionary review process but not for processes that require only a building permit. Staff proposed adding language to Section 110.306.10(d) specifically requiring consideration of architectural element compatibility and height as part of the Administrative Permit review process.

Commissioner Weber moved that the Washoe County Planning Commission, after considering the information and findings contained within the staff report and the information received during the public hearing, recommend approval of the proposed amendments to Article 302, Allowed Uses, Article 304, Use Classification System, Article 306, Accessory Uses and Structures, and Article 902, Definitions as contained in Exhibit C, Proposed Article 302, Exhibit D, Proposed Article 304, Exhibit E, Proposed Article 306, & Exhibit F, Proposed Article 902, with the following modifications: removing the definition of heavy equipment and adding the following three staff recommended changes to Section 110.306.25(i) Administrative Review Process: 1) to add the citizen advisory board(s) as "affected property owners" eligible to receive notice; 2) to add a requirement that a minimum of ten properties be noticed; and 3) providing for the Board of County Commission to be the final decision maker on appeal.

The movant 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. Commissioner Edwards seconded the motion which carried unanimously.

The recommendation for approval was based on the following findings in accordance with Washoe County Code Section 110.818.15(e),

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 amendments 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, Housing Element, or the Population Element of the Washoe County Comprehensive Plan.

**CHAIR AND COMMISSION ITEMS**

- a. Report on Previous Planning Commission Items

Ms. Robinson indicated the Board of County Commissioners had provided their approval and adoption of the proposed two-map system in July and that review by the Regional Planning Commission was pending.

- b. Legal Information and Updates

None

- c. Selection of Alternate Regional Planning Commission Members

Ms. Robinson indicated Commissioner VanderWell had been reappointed to the Regional Planning Commission. Alternates to the Regional Planning Commission were determined to be Commissioner Weber (first alternate), Commissioner Hartung (second alternate), Commissioner Whittemore (third alternate), and Commissioner Cobb (fourth alternate).

**DIRECTOR'S ITEMS**

Director Freund expressed appreciation to the Planning Commission and Board of County Commission for their participation in the review of the proposed two-map system and attributed the smooth process to the team's dedication to the established guiding principles, creating a simple product and not changing any land use designations.

**ADJOURNMENT**

Since there was no further business to come before the Planning Commission, the meeting adjourned at 8:27 p.m.

Respectfully submitted,

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Sara DeLozier, Recording Secretary

Approved by Commission in session on September 7, 2010.

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Adrian P. Freund, FAICP  
Secretary to the Planning Commission