



# PLANNING COMMISSION MEETING MINUTES

## Planning Commission Members

Dian A. VanderWell, Chair  
Neal Cobb, Vice Chair  
Roger Edwards  
Vaughn Hartung  
Roy H. Hibdon  
William Weber  
D.J. Whittemore  
Adrian P. Freund, FAICP, Secretary

Tuesday, October 5, 2010  
6:30 p.m.

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

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The Washoe County Planning Commission met in regular session on Tuesday, October 5, 2010, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

## DETERMINATION OF QUORUM

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

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

Commissioners absent: None

Staff present: Adrian Freund, Director, Community Development  
Kimberly Robinson, Planning Manager, Community Development  
Trevor Lloyd, Senior Planner, Community Development  
Sandra Monsalve, AICP, Senior Planner, Community Development  
Don Morehouse, Planner, Community Development  
David Creekman, Esq., Chief Deputy District Attorney  
Sara DeLozier, Recording Secretary, Community Development

## PLEDGE OF ALLEGIANCE

Commissioner Hibdon led the pledge to the flag.

## ETHICS LAW ANNOUNCEMENT

Chair VanderWell 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 October 5, 2010 meeting. Commissioner Hibdon seconded the motion, which carried unanimously.

## **APPROVAL OF MINUTES**

Commissioner Hibdon moved to approve the minutes for the May 20, 2010, Planning Commission meeting as written. Commissioner Whittemore seconded the motion which carried unanimously.

Commissioner Cobb moved to approve the minutes for the June 15, 2010, joint meeting of the Washoe County Planning Commission and City of Reno Planning Commission meeting as written. The motion was seconded by Commissioner Weber. Upon a call for a vote, the motion carried with a vote of six in favor, none opposed and one abstention (Commissioner Whittemore who was not present at the June 15, 2010 meeting).

Commissioner Hartung moved to approve the minutes for the September 7, 2010, Planning Commission meeting as written. Commissioner Hibdon seconded the motion which carried unanimously.

## **PUBLIC COMMENT**

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

## **CONSENT ITEMS**

None

## **ITEM ONE**

**PUBLIC HEARING: AMENDMENT OF CONDITIONS CASE NUMBER AC10-008 (VIRGINIA PEAK WIND PROJECT)** – To amend conditions 1, 2, 8, 9, 15, 16,17, 20, 23, 56, 59, 61, 62, 63, 64, 65, 66, 68, 69, 70 and 76 of the approved Special Use Permit case number SW08-008. The amendment request will specify the proposed wind turbine layout and corresponding access roadways, identify water usage and dust control activities to reduce truck trips, clarify the parcels included within the project boundary and will comply with the recently adopted Wind Machines Article 326 of the Washoe County Development Code. The project is located along the ridge east of the Warm Springs Valley. The ±3,733-acre project area is designated General Rural (GR) in the Warm Springs Area Plan, and is situated in a portion of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36 T22N, R22E, MDM, and Sections 27, 28, 33, 34 and 35 T23N, R22E, MDM, Washoe County, Nevada. The property is located in the Warm Springs and East Truckee Canyon Citizen Advisory Board boundaries and Washoe County Commission District No. 4. (APNs: 76-530-03, 76-530-04, 76-540-05, 76-540-06, 76-540-07, 76-540-08, 76-550-01, 76-570-07, 76-580-01, 76-580-02, 76-590-04, 76-600-03, 76-600-04, 76-600-05, 76-600-06, 76-600-07,

76-600-08, 76-600-09, 76-600-10, 76-610-01, 76-610-02, 76-610-03, 76-610-05, 76-070-03 and 76-070-17)

Chair VanderWell opened the public hearing and called for disclosures. Commissioner Hibdon indicated he would not participate in the hearing for Case Number AC10-008 as his firm had been retained to provide consultation on the project; Commissioner Hibdon left the dais.

Trevor Lloyd reviewed his staff report dated September 20, 2010, addressing the requested amendments and modifications to the site plan, along with the related staff recommendations. Staff recommended denial of proposed amendments to Conditions 16, 20 and 70; the approval or approval with modification to the remaining requested amendments, and the addition of two new conditions. Pursuant to the applicant's request for a new access road across Bureau of Land Management land, a new Condition 77 was provided for in the staff report requiring the "applicant shall obtain permission/approval by the Bureau of Land Management (BLM) for the use of the new roadway access that crosses the BLM property on assessor's parcel number 076-070-03."

A revised affidavit had been received from the owners of parcel number 076-600-08, indicating it was *not* involved with the project and voiced concern with undesirable impacts. The property owner agreed to Washoe County adding Condition 78, requiring that "Prior to the issuance of any grading or building permits on parcel APN: 076-600-08, the applicant shall obtain all necessary approvals by the owner(s) of this property. The Department of Community Development shall determine compliance with this condition."

An affidavit of protest had been received from Mr. Daniel Poppers, property owner of parcel number 076-610-04, voicing concern with potential disturbance (dust, traffic, noise, ice throw) to his property and from potential activity on newly identified parcels next to his property. The applicant agreed to remove Mr. Popper's property from the potential area of impact.

Mr. Lloyd indicated the request had been scheduled for presentation in front of both the Warm Springs and the East Truckee Canyon Citizen Advisory Boards (CABs). The Warm Springs CAB did not have a quorum of members but a presentation was still provided for those in attendance. The East Truckee Canyon CAB voiced concern with not having received the paper application in the mail prior to the meeting, availability of sufficient water supply and potential visual impacts of the wind machines.

Cynthia Albright, AICP, Stantec, speaking on behalf of the applicant, expressed appreciation to staff for their participation in the review process and stated agreement with the staff recommendations, including those for denial. She indicated the applicant was pursuing the requested amendments as a final measure of compliance and to provide process clarity. Work to address the concerns of the Palomino Valley GID had resulted in the amended conditions as recommended for approval by staff. In response to the concerns of Mr. Poppers, the applicant had removed any potential development that may have occurred on his property. In response to a concern from Lily Investment Holding, LLC, Ms. Albright indicated a property survey had been conducted four years prior resulting in the parcel lines provided on the site plan which are the legitimate parcel lines and those accepted by the BLM, though they do not align with the Washoe County parcel base.

At a meeting with the East Truckee Canyon Citizen Advisory Board, it was clarified that water would be provided through private wells on site and the placement of the turbines was discussed as related to visibility concerns from Interstate 80 and Pyramid Highway. In meeting with the Warm Springs Citizen Advisory Board, though there was not a quorum, 11 citizens remained to hear the presentation and ask questions; no concern was voiced with the proposed amendments.

Dan Poppers, Rancho Mirage, California, owner of APN 076-610-04, indicated that the special use permit process should provide a method of review for *any* potential harmful impacts on adjacent parcels. He stated disagreement with the staff report's indication that the applicant had removed all potential areas of disturbance on his property, and with the applicant's indication that the "potential area of disturbance" was simply for a future road connection." He indicated he had identified eight points of potential harmful impact, none of which had been addressed by the applicant. He voiced concern with the potential for his parcel to become "land-locked" due to road privatization. He requested additional condition language be added requiring written correspondence clarifying that the eight points of potential harmful disturbances had been addressed and mitigated by the applicant and that he will never be denied access to his property through the privatization of roads or similar action.

Peter Schmelzer, 6055 Quaking Aspen Road, voiced concern that the applicant still had not acquired all the necessary components to enact the project. Specifically, he voiced concern that lay-down areas had not yet been identified and with the apparent disorganization of the project. He spoke in opposition to the restart of the time period for completion and the potential repetitive nature of that request with anticipated future requests to amend the conditions.

Hearing not further requests to speak, Chair VanderWell closed the public hearing.

Counsel clarified there was no apparent reason, absent a conflict of interest, that any Commissioner not participate in the consideration of this amendment, even if he or she had not participated in the original review.

Commissioner Edwards questioned the potential privatization of roads to which Mr. Lloyd indicated the current public access roads would remain public but that the applicant was negotiating with property owners to create additional points of private access.

In response to Commissioner Cobb, John Johansen, Nevada Wind, indicated Nevada Wind had purchased a project from Western Wind who had an agreement with Mr. Poppers. An agreement for lease had been sent to Mr. Poppers indicating the parcel was too steep for wind turbines but a road could be placed across his property for which he would be paid.

Commissioner Cobb asked if there were any legal concerns that the Commission was stepping into with the agreement between Mr. Popper and the applicant. Chief Deputy District Attorney Creekman spoke to the potential for some deed restrictions, easements or grants of rights-of-way transferred between the two wind companies that did not involve Washoe County.

Commissioner Hartung asked what mitigation was in place to address concerns that there are 11 nesting golden eagles in area. Tim Carlson, Nevada Wind, stated they were in full cooperation with United States Fish and Wildlife Service. An avian survey was underway and would be completed before any turbine erection or construction disturbance. He indicated that no wind companies had been cited for killing a golden eagle.

Commissioner Weber 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 Amendment of Condition Case No. AC10-008 for Virginia Peak Wind Facility with the modifications as recommended by staff and with the addition of condition 78 not included in the staff report, having made all seven findings in accordance with Washoe County Development Code Section 110.810.30. Commissioner Edwards seconded the motion.

Chief Deputy District Attorney Creekman asked that it be clarified for the record that all the existing conditions previously placed on the application not being modified would remain in effect and would also be extended for the new life of the special use permit. The movant and

second agreed that was the intent. Upon a call for a vote, the motion carried by a vote of five in favor, none opposed, Commissioner Hibdon absent having recused himself.

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 wind turbine facility, 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;
  - 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.

[Commissioner Hibdon returned to the dais.]

## ITEM TWO

PUBLIC HEARING: ABANDONMENT CASE NUMBER AB10-005 (MURRAY) - To abandon 33-foot wide government patent easements along the eastern edge of three parcels and two 33-foot wide government patent easements adjacent to each other along an interior property line between two of the subject parcels as authorized in Article 806 of the Washoe County Development Code. The project is located between Melarkey Way and Mountain Daisy Road, just west of Stephens Road. Each of the parcels are 2.5-acres in size and are designated High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and are situated in a portion of Section 26, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN: 150-250-16, 27 &28)

Chair VanderWell opened the public hearing. Don Morehouse reviewed his staff report dated September 15, 2010. He indicated the subject easements are not paved and currently overgrown with vegetation. No access would be lost to surrounding parcels through the granting of this request. The remaining government patent easement for each of the three parcels would remain.

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

Commissioner Cobb 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 Abandonment Case No. AB10-005, having made all four findings in accordance with Washoe County Development Code Section 110.806.20. Commissioner Edwards seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Comprehensive Plan. The abandonment is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the Southwest Truckee Meadows Area Plan; and
2. No Detriment. The abandonment does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service; and
4. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

### ITEM THREE

PUBLIC HEARING: ABANDONMENT CASE NUMBER AB10-006 (STANLEY) - To abandon a 25-foot easement along the perimeter of two contiguous parcels. The amount of easement to be abandoned is approximately  $\pm 4.64$  acres, as shown on Record of Survey Map 5171, as authorized by Article 806 of the Washoe County Development Code. The two (2) subject parcels which include the easement are within the Medium Density Suburban (MDS), Medium Density Rural (MDR), and General Rural (GR) regulatory zones in the Southeast Truckee Meadows Area Plan, and are situated in portions of Section 14 & 23, T18N, R20E, MDM, Washoe County, Nevada. The property is located in the Southeast Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APNs: 145-010-10 & 145-010-11)

Chair VanderWell opened the public hearing. Sandra Monsalve reviewed her staff report dated September 20, 2010, requesting the abandonment of 25 of 50 feet along two subject parcels owned by the applicant. She indicated she had received phone calls from adjacent neighbors that use the portion of the easement not proposed for abandonment.

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

Commissioner Whittemore 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 Abandonment Case No. AB10-006 for Sharon and Brad Stanley, having made all three findings in accordance with Washoe County Development Code Section 110.806.20. Commissioner Cobb seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Comprehensive Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the Southeast Truckee Meadows Area Plan; and
2. No Detriment. The abandonment or vacation does not result in a material injury to the

public; and

3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

#### ITEM FOUR

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NUMBER DCA10-006 (ARTICLE 406) – To amend the Washoe County Code, Chapter 110, *Development Code*, Article 406, *Building Placement Standards*, to increase the density for Manufactured Home Parks within the Medium Density Suburban (MDS) and Medium Density Suburban 4 (MDS 4) regulatory zones for all areas within Washoe County previously designated Trailer Overlay (TR) zoning).

Chair VanderWell opened the public hearing. Sandra Monsalve reviewed her staff report dated October 1, 2010, addressing a private party application to amend Article 406, *Building Placement Standards*, of the Washoe County Development Code.

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

Commissioner Edwards stated that though he did not have an issue with the proposed amendment, he did disagree with the staff finding that increased density helped to implement Washoe County Strategic Objective One: Safe, Secure, and Healthy Communities.

Commissioner Hartung moved to recommend approval of the proposed amendments to Article 406, *Building Placement Standards, Part One: Density/Intensity Standards*, to increase the density for single-family attached and manufactured home parks within the Medium Density Suburban (MDS) and Medium Density Suburban 4 (MDS 4) regulatory zones, for all areas within Washoe County previously designated Trailer (TR) Overlay zoning, as contained in Exhibit B, based upon the information presented in the staff report, written testimony and verbal testimony received during this meeting. He further moved to authorize the Chair to sign the resolution contained at Exhibit A 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 Cobb seconded the motion which carried unanimously.

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

1. Consistency with Comprehensive Plan. The proposed Development code amendment is in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
2. Promotes the Purpose of the Development Code. 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. Response to Change Conditions. The proposed Development Code amendment responds 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 will allow for a more desirable utilization of land within the regulatory zones.

4. No Adverse Affects. 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  
Deputy District Attorney Nathan Edwards, Esq.

Chair VanderWell acknowledged Deputy District Attorney Nathan Edwards had been recognized as one of the 25 Northern Nevada lawyers who had earned the trust and endorsement of his peers. Director Freund added he was the only public sector attorney to make the list and noted his upcoming appearance before the Ninth Circuit Court of Appeals.

- c. Approval of Alternate Meeting Date in November

Ms. Robinson provided November 1, 3 and 8 as alternate meeting dates. Commissioner Hartung moved to approve rescheduling the November Planning Commission meeting to Wednesday, November 3, 2010. Commissioner Edwards seconded the motion which carried unanimously.

- d. Planning Commission and Board of Adjustment Workshop Series

Chair VanderWell announced a year-long series of informational workshops to be hosted quarterly by the Planning Commission focusing on types of permits, how the Planning Commission works and other related topics. She looked forward to the opportunity to interact with the public and encouraged the members of the Commission to attend.

Commissioner Weber asked if it would be appropriate to place uncontested abandonment cases on the Consent Item portion of the agenda. Counsel cautioned that a public hearing was required and that it may not be known ahead of time whether or not a request may have opponents.

#### **DIRECTOR'S ITEMS**

- a. National Community Planning Month, October 2010

Director Freund announced that the Board of County Commission had proclaimed October as National Community Planning Month and that the Community Development Department joined departments across the nation in celebrating.

## **ADJOURNMENT**

Since there was no further business to come before the Planning Commission, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

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Sara DeLozier, Recording Secretary

Approved by Commission in session on November 3, 2010.

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Adrian P. Freund, FAICP  
Secretary to the Planning Commission