



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
Kimberly H. Robinson, MUP, Secretary

Tuesday, July 5, 2011
6:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in regular session on Tuesday, July 5, 2011, 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

Commissioners absent: D.J. Whittemore

Staff present: Kimberly Robinson, Community Planning Services Manager, Community Development
Bob Webb, Community Support Services Manager, Community Development
Trevor Lloyd, Senior Planner, Community Development
Roger Pelham, Senior Planner, Community Development
Greg Salter, Esq., Deputy District Attorney
Dawn Spinola, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Commissioner Weber led the pledge to the flag.

ETHICS LAW ANNOUNCEMENT

Deputy District Attorney Salter provided the ethics procedure for disclosures.

APPEAL PROCEDURE

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

APPROVAL OF AGENDA

Commissioner Hartung moved to approve the agenda for the July 5, 2011, Planning Commission meeting as written. Commissioner Cobb seconded the motion which carried **by a vote of six in favor and none opposed** (Commissioner Whittemore absent).

APPROVAL OF MINUTES

Commissioner Hibdon moved to approve the minutes for the June 7, 2011, Planning Commission meeting as written. Commissioner Edwards seconded the motion which carried **by a vote of five in favor and none opposed (Commissioner Weber abstaining, Commissioner Whittemore absent)**.

PUBLIC COMMENT

As there was no one wishing to speak, Chair VanderWell closed the public comment period.

CONSENT ITEMS

- A. To consider and adopt a resolution initiating an amendment to the Washoe County Development Code at Article 306, Accessory Uses and Structures.

There was no interest in moving the item from the Consent agenda for discussion and no member of the public wishing to speak. Commissioner Hartung moved to adopt the consent item; Commissioner Edwards seconded the motion which carried **by a vote of six in favor and none opposed (Commissioner Whittemore absent)**.

PROJECT REVIEW ITEMS

ITEM ONE

PUBLIC HEARING: Abandonment Case No AB11-001 - Ronkos Family Trust - To abandon the 33-foot government patent easement on the south and east side of the property.

- Location: 4990 Mount Rose Hwy
- Assessor's Parcel No: 150-021-04
- Parcel Size: 2 acres
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements of Streets
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 25, T 18 N, R 19 E, MDM Washoe County, NV

Chair VanderWell opened the public hearing.

Ms. Krause reviewed the staff report dated June 14, 2011.

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

Commissioner Hibdon asked where in the motion the utility easements were specified and Ms. Krause replied the conditions clarified the easements would be established to the satisfaction of the agencies that require them.

Commissioner Hartung 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 AB11-001 for Ronkos Family Trust, having made all three findings in accordance with Washoe County Development Code Section 110.806.20. Commissioner Hibdon seconded the motion which carried which carried **by a vote of six in favor and none opposed** (Commissioner Whittemore absent).

The motion was based on the following findings:

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southwest Truckee Meadow Area Plan;
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 TWO

PUBLIC HEARING: Master Plan Amendment Case No. MPA11-005 - LUTE School Policy Amendment – To amend Land Use and Transportation Element policies LUT.15.10 and LUT.29.8 to add language required for conformance with the regional plan regarding the location and size of schools, and incorporate other beneficial changes as may be identified during the public input process and properly related to conformance with the regional plan.

- Location: Not location specific – county wide policy
- Assessor's Parcel Nos.: Not applicable – applies to every parcel in the county
- Parcel Size: Not applicable
- Anticipated Washoe County Regulatory Zone(s): Not applicable – zoning and master plan designations will not be affected by this amendment
- Area Plan: Affects all Area Plans
- Citizen Advisory Board: All
- Commission District: All
- Development Code: Authorized in Article 820, Amendment of Master Plan
- Section/Township/Range: Not applicable

Chair VanderWell opened the public hearing.

Mr. Webb reviewed the staff report prepared by Chad Giesinger dated June 21, 2011.

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

Commissioner Edwards moved that the Washoe County Planning Commission, based upon the information presented in the staff report, written testimony and verbal testimony received during the public hearing, adopt the Master Plan Amendment proposed for the Land Use and Transportation Element and 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 on this Commission's recommendation to the Washoe County Commission within 60 days of today's date. Commissioner Cobb seconded the motion which carried by a vote of six in favor and none opposed (Commissioner Whitemore absent).

This action was based on having made at least three of the following findings in accordance with Washoe County Development Code Section 110.820.15.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment will not affect the location, purpose and mission of the military installation.

ITEM THREE

PUBLIC HEARING: Master Plan Amendment Case No. MPA11-006 – To amend the Truckee Canyon Area Plan, a component of the Washoe County Master Plan. The Master Plan amendment is necessary to support the detachment and sphere of influence rollback of 127 lots located within the Truckee Canyon from the City of Sparks jurisdiction back to Washoe County's jurisdiction and will be consistent with the Sparks land use designations and will closely reflect the previous Washoe County land use designations that existed prior to the annexation by the City of Sparks.

- Location: East Truckee Canyon
- Assessor's Parcel Nos.: 037-310-02 thru 05; 084-020-21; 084-030-20; 084-060-01, 11 thru 20, 32 thru 35; 084-070-01 thru 06, 11 thru 13, 19, 12 thru 23; 084-080-01, 15 thru 18, 20, 22, 26, 30; 084-090-03 thru 05, 10, 12 thru 16, 28 thru 3033, 34, 37, 38, 41 thru 44, 46, 47; 084-101-03 thru 05; 084-102-01, 03, 04, 06, 11; 084-110-05, 08, 20; 084-120-19, 24, 26 thru 29; 084-171-01 thru 03; 084-172-04 thru 07, 09 thru 11, 17 thru 20; 084-191-01, 03 thru 06;

- Anticipated Washoe County Master Plans
 - Anticipated Washoe County Regulatory Zone
 - Area Plan:
 - Citizen Advisory Board:
 - Commission District:
 - Development Code:
 - Section/Township/Range:
- 084-192-02, 11 thru 14, 16 thru 20; 084-211-01 thru 03; 084-212-01, 05, 06; 084-370-01 thru 04; 084-450-01, 02; 084-700-01; and 084-710-01 thru 03
 Industrial, Commercial, Rural, Rural Residential, Suburban Residential, Urban Residential.
 Open Space, General Rural, Medium Density Rural, Low Density Suburban, Low Density Urban, General Commercial, Tourist Commercial, Industrial, Public/Semi-Public Facilities, Parks and Recreation
 Truckee Canyon
 East Truckee Canyon
 4– Commissioner Larkin
 Authorized in Articles 820 and 821
 Within Sections 12 & 13, T19N, R20E, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17 & 18, T19N, R21E, Section 6, T19N, R22E, Sections 33, 35 & 36, T20N, R21E, and Sections 20, 26, 27, 28, 29, 30, 31, 32, 33 & 34 T20N, R22E MDM Washoe County, NV

and

ITEM FOUR

PUBLIC HEARING: Regulatory Zone Amendment Case No. RZA11-004 – To amend the Truckee Canyon Regulatory Zone Map. The Regulatory Zone Map amendment is necessary to support the detachment and sphere of influence rollback of 127 lots located within the Truckee Canyon from the City of Sparks jurisdiction back to Washoe County’s jurisdiction and will closely reflect the previous Washoe County land use designations that existed prior to the annexation by the City of Sparks.

- Location:
 - Assessor’s Parcel Nos.:
 - Anticipated Washoe County Master Plans
 - Anticipated Washoe County Regulatory Zone
 - Area Plan:
 - Citizen Advisory Board:
 - Commission District:
 - Development Code:
- East Truckee Canyon
 037-310-02 thru 05; 084-020-21; 084-030-20; 084-060-01, 11 thru 20, 32 thru 35; 084-070-01 thru 06, 11 thru 13, 19, 12 thru 23; 084-080-01, 15 thru 18, 20, 22, 26, 30; 084-090-03 thru 05, 10, 12 thru 16, 28 thru 3033, 34, 37, 38, 41 thru 44, 46, 47; 084-101-03 thru 05; 084-102-01, 03, 04, 06, 11; 084-110-05, 08, 20; 084-120-19, 24, 26 thru 29; 084-171-01 thru 03; 084-172-04 thru 07, 09 thru 11, 17 thru 20; 084-191-01, 03 thru 06; 084-192-02, 11 thru 14, 16 thru 20; 084-211-01 thru 03; 084-212-01, 05, 06; 084-370-01 thru 04; 084-450-01, 02; 084-700-01; and 084-710-01 thru 03
 Industrial, Commercial, Rural, Rural Residential, Suburban Residential, Urban Residential.
 Open Space, General Rural, Medium Density Rural, Low Density Suburban, Low Density Urban, General Commercial, Tourist Commercial, Industrial, Public/Semi-Public Facilities, Parks and Recreation
 Truckee Canyon
 East Truckee Canyon
 4– Commissioner Larkin
 Authorized in Articles 820 and 821

- Section/Township/Range: Within Sections 12 & 13, T19N, R20E, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17 & 18, T19N, R21E, Section 6, T19N, R22E, Sections 33, 35 & 36, T20N, R21E, and Sections 20, 26, 27, 28, 29, 30, 31, 32, 33 & 34 T20N, R22E MDM Washoe County, NV

Chair VanderWell opened the public hearing.

Mr. Lloyd explained to the Board he would be discussing MPA11-006 and RZA11-004 concurrently. He then reviewed the staff reports dated June 15, 2011, noting the rollback of the Sparks Sphere of Influence (SOI) had recently been approved by the Regional Planning Governing Board. A transitional master plan was in effect until an official master plan amendment was approved by the county.

Mr. Lloyd explained the master plan designations were put in place by Washoe County prior to 2003, and when the City of Sparks exerted its SOI, it designated a synonymous master plan for the parcels. Now that the parcels are once again governed by Washoe County the intent is to utilize a nearly identical master plan and regulatory zoning. The zoning on all parcels except one will remain as is.

Robbin Palmer noted an article in the Reno-Gazette Journal had implied the decision to approve the project had already been made. She asked that the Board consider public comment heard during the meeting when making their decision and a fiscal analysis of the costs to the county be completed and provided to the public.

Chair VanderWell closed the public hearing, indicating public comment would be heard for Item Four later in the meeting.

Commissioner Weber asked Mr. Lloyd why the case had been heard by Regional Planning prior to the Planning Commission (PC). Mr. Lloyd explained the rollback request had started with Sparks City Council and then gone on to the Regional Planning Governing Board (RPGB). What the PC was hearing was Washoe County's response to that action, which is the master plan and rezone.

Commissioner Hartung asked if the county had experienced a similar rollback, and Mr. Lloyd described two that had occurred within what had been the Reno SOI. Commissioner Hartung asked if those had also been due to a re-analysis of the fiscal capabilities of the city and Mr. Lloyd indicated he was not aware of that being the case. In this case, Sparks had determined they were unable to provide the municipal services to serve the properties. For that reason, they had given the jurisdiction back to the county.

Commissioner Hartung asked if there were a fiscal impact to the county either when the cities exerted an SOI or rolled it back. Mr. Lloyd stated he was not aware of a fiscal analysis for any of the properties that had been rolled back. The county would not be providing municipal services, but would be providing services that are standard for a rural development area. There is a mix of zoning on the parcels, but they are primarily General Rural (GR).

Commissioner Edwards asked if any of the parcels had services approved or guaranteed that the county must provide. Mr. Lloyd replied there were none that he was aware of and he did not feel there would be any.

Commissioner Edwards asked Deputy District Attorney (DDA) Salter if the zoning change necessary for the single parcel could be done as part of the actions they were taking and he replied it could.

Commissioner Hibdon asked Mr. Lloyd to state for the record the specific reason Sparks requested the rollback. Mr. Lloyd replied "Money...They could not provide services at a municipal level..." Commissioner Hibdon asked if all of the neighbors of the properties knew what was planned and had agreed to the project. Mr. Lloyd stated that although they had not all been surveyed, they had all been provided notice. He reiterated it was essentially a one-to-one transition.

Chair VanderWell requested confirmation that the residents of the area would not be receiving improved services such as water or sewer and Mr. Lloyd stated there would not be water or sewer but there would be fire and police services.

Commissioner Edwards moved that the Washoe County Planning Commission, based upon the information presented in the staff report, written testimony and verbal testimony received during the public hearing, adopt Master Plan Amendment Case No. MPA11-006 for the Truckee Canyon Area Plan and further moved to authorize the staff to present a report on this Commission's recommendation to the Washoe County Commission within 60 days of today's date. Commissioner Weber seconded the motion which carried by a vote of six in favor and none opposed (Commissioner Whittemore absent)

This action was based on having made at least three of the following findings in accordance with Washoe County Development Code Section 110.820.15.

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan;
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare;
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land;
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation;
5. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services; and
6. The proposed amendment will not affect the location, purpose and mission of the military installation.

Chair VanderWell opened the public hearing for Item Four. Robbin Palmer had submitted a Request to Speak on the item but declined the opportunity.

Chair VanderWell closed the public hearing

Commissioner Hartung moved that the Washoe County Planning Commission, based upon the information presented in the staff report, written testimony and verbal testimony received during the public hearing, recommends adoption of the proposed Regulatory Zone Amendment Case No. RZA11-004 having made all of the following findings in accordance with Washoe County Development Code Section 110.821.15: Commissioner Cobb seconded the motion which carried by a vote of six in favor and none opposed (Commissioner Whittemore absent)

1. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.
5. The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
7. The proposed amendment will not affect the location, purpose and mission of the military installation.

ITEM FIVE

PUBLIC HEARING: Special Use Permit Case No. SW11-001 - Sparks Energy Park – To construct a 360 megawatt combined cycle natural gas power plant, substation, transmission line and associated grading to support the construction of a technology park. The project constitutes a project of regional significance per Nevada Revised Statutes (NRS) 278.026(5)(d)(5) and NRS 278.026(6)(a) through (e). Additionally, this project falls under the Hazardous Materials provision of Washoe County Development Code (110.810.42).

and

Special Use Permit Case No. SW11-002 for Water Storage Tanks - the Reno Technology Park and Sparks Energy Park – To construct two new one-million gallon water tanks and related piping to serve the future energy facility and information center.

and

Special Use Permit Case No. SW11-003 - Reno Technology Park – To establish a data center and related facilities to include buildings, grading, private roads and utilities within a gated technology park.

- Location: East Truckee Canyon directly north of I-80 north of the Tracy Power Plant
- Assessor's Parcel Nos.: 084-030-20; 084-110-08; 084-110-05; 084-110-20; 084-211-01; 084-191-01; 084-191-03; 084-191-06; 084-191-05
- Parcel Size: ±2,226 acres
- Anticipated Washoe County Regulatory Zone(s): Industrial, Tourist Commercial & General Rural (The subject property shall be rolled back from the City of Sparks sphere of influence and into Washoe County prior to the Washoe County Planning Commission meeting)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Commission District: 4 – Commissioner Larkin
- Development Code: Authorized in Article 810, Special Use Permits
- Section/Township/Range: Within Sections 29, 30, 31 & 32 T20N R22E MDM Washoe County, NV

Chair VanderWell opened the public hearing, verifying with Mr. Lloyd the cases would be heard together and motioned upon separately.

Mr. Lloyd reviewed the staff reports dated June 20, 2011. He pointed out two transmission lines that would be relocated, requiring an amendment to the regional plan. He noted there were hills along the freeway that provided a visual buffer for most of the length of the project.

Mr. Lloyd explained Washoe County had provided a Director's Interpretation to establish transitional zoning so the applicant's request to move forward could be accommodated. He explained the project had triggered a Hazardous Materials review and would be required to meet all conditions imposed by local and state agencies. The project would require 4,000 acre feet of water, of which the applicant currently held 1,125 feet, allowing them to complete the first phase of the project.

Mr. Lloyd noted the applicant had submitted plans for a new interchange to Nevada Department of Transportation (NDOT). It was not required for commencement of construction of the project. He noted an error in the staff report; the plans had been submitted to NDOT, but they had not yet been approved.

Mr. Lloyd pointed out anticipated significant positive financial and employment impacts to the county.

He went on to note two amendments to conditions as stated below:

1(L) The applicant shall ensure that no structures associated with the technology park are located within the Tourist Commercial or Open Space regulatory zones.

3(i) No Certificates of Occupancy will be issued until necessary potable water facilities necessary to serve the development, have been completed and ~~accepted~~ approved by the DWR for operation and maintenance ~~by the DWR~~.

Mr. Lloyd said the East Truckee Canyon Citizen Advisory Board (CAB) had heard the item and not submitted a recommendation because they needed more time to absorb all of the information. Their concerns included the amount of water needed to support the operation, the possible impacts to wildlife, whether the Paiute Tribe had been notified and provided an opportunity to comment, whether or not offsite power would be used, why renewable energy

was not being utilized and the use of septic as the disposal method for the project. The CAB had requested the applicant and staff attend a follow-up meeting and understood the date of that meeting would occur after the PC meeting. He pointed out the project would have to be heard by other agencies after the PC, including the Board of County Commissioners (BCC) and Regional Planning.

Applicant's Representative Cynthia Albright further outlined details of the plan and provided photos and displays. She explained the mitigation issues that had been added to the plan to address the CABs concerns.

Applicant Nick Pavich pointed out he had no control over what the newspaper prints and was not consulted regarding the article noted by the earlier speaker. He expounded on Ms. Albright's discussion regarding the merits of the project.

Austin Osborn, Senior Planner for Storey County, thanked staff for keeping them informed through the process to date and requested that continue going forward. Juanita Cox expressed concern about impacts to the water table, the possibility of hazardous waste finding its way into the holding pond, challenges to vehicular access prior to the construction of the interchange, emission control, wildlife and noise.

Ed Depaoli explained he owned adjacent private land and held grazing right permits on the property itself. Originally he was in favor of the proposal but as he learned more about it he became confused. 24 years ago a portion of the property was public land where his family's livestock grazed. That portion included a well for watering livestock, corrals and related facilities.

Mr. Depaoli said at that time the operators had the option to reject the exchange of public land for private use but did not take that approach. Instead, they reached an agreement with the developer, Tracy Development Company, whose president was John Ting. That agreement would allow the company to acquire the public lands they sought and go ahead with their development. In exchange, the company agreed to replace the well and improvements that were located on Section 28. A written agreement to these terms was signed by all involved parties in 1987. Since 1987, the private land has exchanged ownership several times with several proposals discussed, though none came to fruition. If the Energy Park becomes a reality, then the Agreement also becomes a reality, because it was binding on successors.

Mr. Depaoli stated they intend to work with the developers to resolve the issues, primarily the access to grazing lands, fencing locations and water. He noted the livestock use on the area was also valuable in terms of fuel reduction that benefits everybody.

Steve Felton, also a neighboring rancher and permittee for the area, explained how they use the area and water for the cattle. He pointed out one of the buildings intended to be constructed was right where the well and corrals were located. He agreed with Mr. Depaoli regarding welcoming the project but reiterated there were issues regarding access and fuel reduction. The proposed changes to the land restricted their access to the well and the ability to water the cattle that grazes in that area during the winter.

Robbin Palmer reiterated her belief that a complete fiscal analysis of costs to the county and an environmental impact statement should be compiled and made available for public scrutiny prior to approval of the project.

At 8:00 p.m., Chair VanderWell closed the public hearing and called for a 10-minute recess.

The meeting was called back to order at 8:12 p.m.

Commissioner Hibdon stated for the record he was very familiar with the property, has worked on projects proposed to be located there, has no association with the current applicant and was capable of making an objective decision. DDA Salter asked clarifying questions, opined there did not seem to be any reason for abstention and thanked Commissioner Hibdon for his disclosure.

Commissioner Edwards asked Mr. Pavich to clarify the status of the 1,125 acre-feet of water rights regarding if they were surface or groundwater rights. Mr. Pavich replied they were permitted groundwater rights that had already been transferred to the county for the project's use. He noted there were several wells on the property and tests had been performed on the aquifer for up to 4,000 acre feet for stress, quality and quantity.

Commissioner Edwards asked Mr. Pavich if the power generated was just for the plant or also for sale. Mr. Pavich replied it was not for sale. He went on to clarify the park and power plant would be expanded in phases according to demand.

Commissioner Edwards referenced the agreement described by Mr. Paoli and Mr. Pavich stated he had not been aware of it. The property was vested to Stonefield, Inc. The owner held title insurance and an American Land Title Association survey had been conducted but the agreement had never come to light. No one had approached the owners regarding a right or lease for grazing or water. Mr. Pavich noted there were no other water rights appurtenant to the property other than the 1,125 acre feet. Commissioner Edwards and Mr. Pavich then discussed the anticipated number of employees.

Commissioner Hartung asked what they would do if they were unable to obtain the remaining water rights anticipated to be necessary to complete the project. Mr. Pavich replied he had been in the water business for some time and there were opportunities to aggregate water. He was confident there would be ways to develop water capacity at the site and was currently pursuing other groundwater permits.

Commissioner Hartung noted the security would be substantial and opined it would be necessary to employ more people than what was anticipated so that there would be enough for both operations and security issues. Mr. Pavich explained the project would be gated and have 24/7 security, and each building would have individual security measures in place as well.

Commissioner Hartung then asked Mr. Pavich, for the record, if the applicant would be covering all costs for modifying and upgrading the Patrick Interchange and asked how long it would take to complete. Mr. Pavich stated they would, and to the best of their ability using local and regional contractors and suppliers. It would take approximately 14 months to complete.

Commissioner Hartung asked if they would be contributing financially to fire protection. Mr. Pavich explained they had submitted a Development Agreement (DA) that proposed a dedicated site and a built-out fire station at any point in the project that Fire deemed necessary.

Commissioner Hartung asked why a de-nitrifying septic system had been chosen instead of something more high tech. Ms. Albright replied that the Nevada Department of Environmental Protection (NDEP) was of the opinion that that type of system was the most beneficial and the goal of the project engineers was to protect the environment. They were open to other options but were required to utilize methods that would satisfy the NDEP.

Commissioner Hartung expressed his hope that they would be able to work with the ranchers regarding the agreement brought up by Mr. Depaoli, pointing out the family had been in business for 100 years and ranching was part of Nevada's heritage.

Mr. Pavich reiterated it was the first he had heard of it and told the Board he had invited Mr. Depaoli to come to his office to discuss the matter. He added it was possible for anybody to come in and say they had something, be it a lease with a rancher or a TelCom provider, but it was something to be dealt with as a civil matter. He hoped the Board would agree that regulation of such a document would be left to the parties to deal with.

Chair VanderWell asked Mr. Depaoli if the agreement had ever been recorded for public record and he replied it had not. She pointed out the agreement stated the ranchers may record the document to provide notice of its existence, terms and provisions.

DDA Salter noted a portion of the agreement dealt with perfecting water rights and asked if that had been done. Mr. Depaoli replied it had not and acknowledged the gentleman was correct; they had all the water rights. He pointed out the Stetlemyer well had been drilled for ranchers in 1953, so they never felt a need to perfect the rights until now. DDA Salter asked if he knew who owned the other wells and he replied they were owned by Stonefield.

Mr. Depaoli asked that they work together so they would know where they fencing was to be placed so they could be sure a cow could get around and perhaps have access to water. He acknowledged again the agreement had not been recorded but the intent was exactly as it was described in the document.

Chair VanderWell asked if there had been any interruptions in their operations during the numerous times ownership of the land had changed and he replied there had not. She asked if any of the new owners had received a copy of the agreement and he stated he did not believe so, as it would be up to the former owner to pass on the knowledge.

Commissioner Hibdon asked Ms. Albright if it was known how much wastewater would be generated and would need to be treated. Ms. Albright did not know, but through conversation with Commissioner Hibdon, was able to clarify it was primarily normal domestic wastewater. The power facility would also generate some, but overall it would not be a tremendous amount.

Commissioner Hibdon noted Mr. Lloyd's report did not contain any reference to the relocation of the utility corridor, although the transmission lines would be moved. Mr. Lloyd explained that was a requirement of the Regional Plan which supersedes the county's documents. The county is obligated to comply with all of the criteria of the Regional Plan and this item will be heard by Regional on July 13th.

Commissioner Hibdon pointed out one of the conditions from Water Resources (DWR) indicated that department would be responsible for the design of a portion of the project and opined that was not DWR's business; that responsibility should fall to the developer. He stated he would like to see the Planning Commission initiate a request, through staff, that eliminated that requirement for all projects.

Commissioner Cobb noted he believed in being a good neighbor and he hoped the applicant would consider the spirit and intent of the agreement.

Chair VanderWell asked council if the PC could request that the Development Agreement be heard before the CAB and the PC before going to the BCC. DDA Salter opined the DA may need to be in place before the Board could make some of the findings required to

approve it. He went on to suggest the DA should perhaps be finalized and brought back before the board. If the Commission voted at this meeting, they were taking a leap of faith that the DA will alleviate some of the concerns discussed.

Chair VanderWell asked the applicant if the DDAs proposal was acceptable. Ms. Albright stated they had already submitted the DA and it addressed all of the items discussed with the exception of the ranching agreement. Ms. Robinson acknowledged the DA had been submitted but her understanding was that it would require a little more work.

DDA Salter posed, as an example of the need for the DA, the discussion regarding fire facilities and the fact he had not seen anything in the conditions covering that topic.

Commissioner Hibdon stated he did not agree with counsel. Since the DA had been submitted, he would be opposed to a deferral to wait for it to be approved prior to making the decision regarding the special use permit (SUP). Commissioners Weber and Edwards agreed.

Commissioner Cobb asked if it could be conditioned that issues such as the agreement and the fire facilities be handled prior to the BCC hearing.

DDA Salter noted he may have misspoken earlier and explained it was not necessary to hold off on approving the SUP pending the DA, because it is a condition of approval that the DA be completed and approved.

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 Special Use Permit Case No. SW11-001 for the Sparks Energy Park, having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Commissioner Cobb seconded the motion which carried **by a vote of six in favor and none opposed** (Commissioner Whittemore absent).

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon 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 an energy park., 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; and
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.

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 Special Use Permit Case No. SW11-002 for two 1-million gallon water storage tanks, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

Ms. Robinson asked counsel if it was necessary for Commissioner Weber to modify his motion to include the proposed amendments to the conditions Mr. Lloyd had presented. Commissioner Weber amended his motion for SW11-001 to include the amendments and Commissioner Cobb stated he concurred.

Commissioner Weber stated he modified his second motion for SW11-002 to include the amendments. Commissioner Cobb seconded the motion which carried 6-0 (Commissioner Whittemore absent).

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon 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 two water storage tanks, 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; and
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.

Commissioner Hartung 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 Special Use Permit Case No. SW11-003 for the Reno Technology Park, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 to include the changes to conditions presented by Mr. Lloyd: Commissioner Edwards seconded the motion which carried 6-0 (Commissioner Whittemore absent).

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the East Truckee Canyon 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 a technology park, 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; and
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.

CHAIR AND COMMISSION ITEMS

Election of Officers: Planning Commission Chair and Vice Chair. Commissioner Weber moved to postpone the vote until all members of the Board were present. Commissioner Hibdon seconded the motion which carried 6-0 (Commissioner Whittemore absent).

DIRECTOR'S ITEMS

Ms. Robinson let the Board know a discussion would be agendized for the next meeting regarding cargo containers, focusing on their potential use as a required garage, but open to a wider range of topic matter.

Chair Vanderwell welcomed DDA Salter to the PC.

ADJOURNMENT

Since there was no further business to come before the Planning Commission, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Commission in session on August 2, 2011.

Kimberly H. Robinson, MUP
Secretary to the Planning Commission