



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney, Chair
Francine Donshick, Vice Chair
James Barnes
Thomas B. Bruce
Sarah Chvilicek
Philip Horan
Kate S. Nelson
Trevor Lloyd, Secretary

Tuesday, November 5, 2019
6:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Planning Commission met in a scheduled session on Tuesday, November 5, 2019, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Commissioners present: Larry Chesney, Chair
Francine Donshick, Vice Chair
James Barnes
Thomas B. Bruce
Sarah Chvilicek
Philip Horan
Kate S. Nelson

Staff present: Roger Pelham, Acting Secretary, Planning and Building
Sophia Kirschenman, Park Planner, Planning and Building
Roger Pelham, MPA, Senior Planner, Planning and Building
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Katy Stark, Recording Secretary, Planning and Building
Donna Fagan, Office Support Specialist, Planning and Building

2. *Pledge of Allegiance

Commissioner Nelson led the pledge to the flag.

3. *Ethics Law Announcement

Nathan Edwards, Deputy District Attorney, provided the ethics procedure for disclosures.

4. *Appeal Procedure

Secretary Roger Pelham recited the appeal procedure for items heard before the Planning Commission.

5. *General Public Comment and Discussion Thereof

Jeff Church, who runs renotaxrevolt.com, spoke about the ozone standards agenda item. He said there were some bills in the legislature that penalize people with cars such as Chevy Volts. He pointed out we aren't paying a fair share with the gas tax. He said he is paying twice as much sales tax as he did his Chevy Cruze. He said he paid twice as much MSRP. He said he paid the same sales tax and registration as those who own an F-250. He said don't tell me I don't pay my fair share. He said his insurance doubled. He said he wants to help with clean air, but gets penalized. He thanked Washoe County for the charging station. Reno charges too much. The Planning Commission can insist on installing charging station for future development. He said solar is on the agenda, and clean air is important.

With no further requests for public comment, Chair Chesney closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Vice Chair Donshick moved to approve the agenda for the November 5, 2019 meeting as written. Commissioner Chvilicek seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Possible Action to Approve October 1, 2019 Draft Minutes

Commissioner Chvilicek moved to approve the minutes for the October 1, 2019 Planning Commission meeting as written. Vice Chair Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Planning Items

***A. Ozone Advance presentation**, including background information about the ozone National Ambient Air Quality Standard (NAAQS), recent ozone trends, and sources of ozone precursors. Discussion of the Ozone Advance program, how it relies on voluntary support, April 12, 2016 BCC Resolution supporting Ozone Advance, the connections between development proposals and air quality, and the implications of not meeting the NAAQS. – Daniel K. Inouye, MS, Branch Chief, Air Quality Management Division, Washoe County Health District

Daniel K. Inouye, MS, Branch Chief, Air Quality Management Division, Washoe County Health District, provided a PowerPoint presentation.

Commissioner Horan asked how they measure ozone. Mr. Inouye spoke about specific site requirements with trip counts and population. There is an air monitoring network that has to conform and is audited by EPA annually. He said there are seven ozone monitoring sites. Each monitor is stand alone, and if one monitor violates air quality, EPA conducts a five-factor analysis. Ozone is a regional pollutant.

Commissioner Bruce asked how inversion layers trap ozone compare to other places in the nation. Mr. Inouye said weather is the biggest factor to pollution concentration, so we can have an emission, but with good dispersion, our levels would be good. He said inversions happen all year-round. He said it happens more often in winter, and they will trap particulates and carbon pollutions in the valley. He said the woodstove program in the winter helps the air quality in the winter. He said ozone is a summertime pollution and inversions aren't as strong. Commissioner Bruce asked how our inversions compared to other states who have more flat topography without deep valleys. Mr. Inouye said air quality standards are the same regardless of terrain. Our inversions because of the mountains are issues we must account for. He spoke about a three-year average to smooth out the numbers. Inversions are part of local climates. We have to

have our programs to accommodate geography. We don't get leniency because of our geography.

Commissioner Chvilicek asked about developers going for LEED Certifications. Mr. Inouye said he believes developers can get points for cool roofs and features that can add toward LEED points. He said a NetZero building in a location to which everyone must drive would counterbalance that. Location is important.

9. Public Hearings

A. Abandonment Case Number WAB19-0001 (Jaliscos Abandonment) – For possible action, hearing, and discussion to abandon Washoe County's interest in a roadway and utility easement between Deli Street and Lemmon Drive on APNs 080-191-26 and 080-191-13 to the property owner of the subject parcels, Rigoberto Uribe; and to reconfigure a portion of the remaining easement on APN 080-191-14.

- Applicant: Robison Engineering
- Property Owner: Rigoberto Uribe
- Location: 9105 Lemmon Drive to Deli Street
- Assessor's Parcel Numbers/Sizes: 080-191-13 (17,947 sq. ft.); 080-191-14 (20,038 sq. ft.); 080-191-26 (36,067 sq. ft.)
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 806, *Vacations and Abandonments of Easements or Streets*
- Commission District: 5 – Commissioner Herman
- Prepared by: Chris Bronczyk, Planner, and Sophia Kirschenman, Park Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612 (Chris) and 775.328.3623 (Sophia)
- E-Mail: cbronczyk@washoecounty.us and skirschenman@washoecounty.us

Chair Chesney opened the public hearing and asked for Commissioner disclosures. There were no disclosures.

Sophia Kirschenman, Washoe County Park Planner, provided a staff presentation.

Commissioner Horan asked about the illegal grading. Ms. Kirschenman said she wasn't sure but thought they might have been eager to get started.

There were no requests for public comment.

Commissioner Horan said we have had issues with grading problems historically. He asked if we just forgive and forget and nobody has any problem. Vice Chair Donshick asked if there were no fines or penalties. Commissioner Chvilicek said we are approving the abandonment, not the grading. Mr. Pelham said under certain circumstances we make them come into compliance. He said he understands the frustration. He said there have been stringent steps in

some cases. He provided examples of other illegal grading situations. DDA Edwards said in one case the special use permit was denied retroactively. He said it's about each situation and level of issue.

Commissioner Bruce asked about map of current abandonment and proposed. He spoke about the 20-foot easement goes nowhere. Ms. Kirschenman spoke about portion of easement on the owner's property and tried to contact the other property owner. They could abandon that 20-foot easement as well because they have access from Lemmon Drive.

MOTION: Vice Chair Donschick moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve, with the conditions included as Exhibit A in the staff report, Abandonment Case Number WAB19-0001 for Rigoberto Uribe, having made all three findings in accordance with Washoe County Code Section 110.806.20.

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the North Valleys 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.

The motion was seconded by Commissioner Chvilicek. The motion carried unanimously, with a vote of seven for, none against.

B. Amendment of Conditions Case Number WAC19-0004 (Dodge Flat Solar) for amendment of Special Use Permit WSUP17-0021 – For possible action, hearing, and discussion to approve an amendment of Special Use Permit WSUP17-0021, which permitted a 200 megawatt (MW) solar energy center with associated grading. The project site consists of four parcels totaling ±1,616-acres and is classified as a Renewable Energy Production industrial use type. Approximately 1,200-acres was approved in June of 2018 to be developed to include a photovoltaic solar field, substation, switchyard, 200 MW energy storage system, and ancillary facilities, including two 90-foot-tall private communication antennas. The project was approved to connect to an existing 345 kilovolt (kV) transmission line that crosses the subject property. Proposed grading included ±307,000 cubic yards of cut, ±264,000 cubic yards of fill, and disturbing an area of approximately 1,200-acres in size. The approval also varied all parking and landscaping standards by waiving them. The applicant now seeks amendments to include: 1) Expansion of the Substation/switchyard to meet recent direction from NV Energy; 2) Addition of CONEX boxes (aka cargo containers) for materials storage; 3) Addition of a southern auxiliary access route; 4) Parcel Map Application to convey switch station parcel to NV Energy, in the future; 5) Additional Property Access Road; 6) Extension of construction period from 12 to 16 months; 7) Connection to a second source of electricity for backup power; 8) Connection to a second source of electricity for power during construction; 9) Extension of special use permit deadline from October, 2019 to November 1, 2022.

- Applicant: Jesse Marshall
- Property Owner: Dodge Flat Solar LLC
- Location: 2505 State Route 447
- Assessor's Parcel Numbers/Sizes: 079-150-29 (±600-ac.), 079-150-11 (±480-ac.), 079-180-16 (±499-ac.), 079-180-14 (±38-ac.)

- Master Plan Category: Rural
- Regulatory Zone: General Rural
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Articles 808, 810 and 812
- Commission District: 4 – Commissioner Hartung
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services
Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Chesney opened the public hearing. He asked for disclosures, and there were no Commission disclosures.

Chair Chesney said the planning packet is missing page 63. DDA Edwards said it's on the website, and no one has a printed copy. Commissioner Bruce said he couldn't bring it up online. DDA Edwards said NRS states that supporting material must be made available to the public. He said only one Planning Commissioner has looked at it. He doesn't believe this prevents it from going forward. It is available on the website. He asked the clerks to make a copy for the back of the room for the public. Commissioner Nelson said her copy was digital. DDA Edwards said there isn't a printed version, but this doesn't prevent them from moving forward.

Roger Pelham, Washoe County Senior Planner, provided a staff presentation and said the applicant was available to answer questions.

DDA Edwards said we are trying to project missing page 63 on the overhead to be viewed by the Commission and the public.

Commissioner Chvilicek said she was able to download the page.

Mr. Pelham projected the missing page and provided a summary of the page 'site electrical plan.' Chair Chesney asked the relevance. Mr. Pelham said it will be expanded from the original proposal.

Commissioner Bruce asked if the CAB received the entire packet. Mr. Pelham said the CAB board received the packet electronically or hard copy.

Chair Chesney asked if the storage containers are temporary for construction. Mr. Pelham confirmed they were just for construction purposes.

There were no requests for public comment.

DDA Edwards noted the missing page that was projected on the overhead is being copied and copies will be available in the back of the room for public members.

MOTION: Commissioner Chvilicek moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission provisionally approve, with the conditions included as Exhibit A to this matter, Special Use Permit Case Number WSUP17-0021 for Dodge Flat Solar LLC, having made all five findings in accordance with Washoe County Code Section 110.810.30:

Findings from Section 110.810.30

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 type of development 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.

The following findings from Section 110.324.30 (b), were included with the original approval, but are not necessary for the requested amendment as no changes to the private communications antennas are requested with this amendment.

6. Necessary Height. The height of the private communication antenna support structure is necessary to receive or transmit a signal that meets the applicant's needs; and
7. Federal Compliance. The height of the private communication antenna support structure shall be in compliance with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.

Vice Chair Donshick seconded the motion. DDA Edwards asked a question. Having heard the motion, he heard 'provisionally' approve. He would like clarification. Mr. Pelham said it's left over from the previous request and apologized that it shouldn't be included. Commissioner Chvilicek amended her motion to remove the word provisionally and Vice Chair Donshick seconded the amended motion. The motion carried, six yes and one nay. Commissioner Bruce opposed.

C. Master Plan Amendment Case Number WMPA19-0005 (Continuum of Care Facilities, Spanish Springs Area Plan) – For possible action, hearing, and discussion to approve an amendment to Table C-3 of the Spanish Springs Area Plan, a component of the Washoe County Master Plan, by adding the Continuum of Care Facilities, Seniors use type to that table. The result would be to allow that use in the Neighborhood Commercial (NC) and Medium Density Suburban (MDS) regulatory zones with the approval of a special use permit by the Board of Adjustment. The Continuum of Care Facilities, Seniors use type is a commercial use type that involves the provision of housing, activities, and health services by establishments in order to allow older individuals to age in place; associated facilities may include independent living, assisted living, nursing care, and hospice care as well as accessory housing for staff, and medical facilities and services for residents. And, if approved, authorize the chair to sign a resolution to this effect. Final approval is subject to a finding of conformance with the Truckee Meadows Regional Plan.

- Applicant: Spanish Springs Associates, L.P.

- Location: Spanish Springs Area Plan
- Master Plan Categories: Commercial (C) and Suburban Residential (SR)
- Regulatory Zones: Neighborhood Commercial (NC) and Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 820, Amendment of Master Plan
- Commission District: 4 – Commissioner Hartung
- Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Chesney opened the public hearing and asked for Commissioner disclosures. There were no disclosures.

Commissioner Bruce said he attended the CAB and listened to comments, but made no comments about this application.

Roger Pelham, Washoe County Senior Planner, provided a staff presentation. Mr. Pelham and the applicant representative were available to answer any questions.

Commissioner Horan asked what brought about the recognition of the oversight. Mr. Pelham said Spanish Springs Associates brought it to their attention.

Robert Sader, Applicant Representative, said he agreed with the staff report. Commissioner Horan asked if there is an application to open such a facility. Mr. Sader said the application is by Spanish Springs Associates to correct the oversight, but there is no specific project. They will come back with a special use permit application if such plans are considered. Commissioner Bruce asked if the parcel that they own is adjacent to a similar use. Mr. Sader said they sold the property to a developer for Cascades Assisted Living which is a good example of a continuum of care facility with independent living and Alzheimer care.

There were no requests for public comment.

Commissioner Chvilicek applauded staff for correcting the oversight and bringing the plan into compliance.

Chair Chesney said these types of facilities are in high demand. He appreciated the applicant for bringing correction of this oversight to our attention.

Commissioner Horan said he doesn't object to this; it's important to recognize the process and application. He said he agreed with the comments about aging in place.

MOTION: Commissioner Bruce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission adopt the resolution contained at Exhibit A of this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA19-0005 having made the following five findings in accordance with Washoe County Code Section 110.820.15(d), and the following three findings in accordance with the Spanish Springs Area Plan. He further moved to certify the resolution and the proposed Master Plan

Amendments in WMPA19-0005 as set forth in this staff report for submission to the Washoe County Board of County Commissioners and authorize the chair to sign the resolution on behalf of the Planning Commission.

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. 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. Response to Change Conditions. 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. Availability of Facilities. 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. Desired Pattern of Growth. 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. SS.17.1 (a) The amendment will further implement and preserve the Vision and Character Statement.
7. SS.17.1 (b) The amendment conforms to all applicable policies of the Spanish Springs Area Plan and the Washoe County Master Plan.
8. SS.17.1 (c) The amendment will not conflict with the public's health, safety or welfare.

Commissioner Horan seconded the motion. The motion carried unanimously, with a vote of seven for, none against.

10. Chair and Commission Items

***A.** Future agenda items – None

***B.** Requests for information from staff – Chair Chesney requested a flowchart for the process to revise the area plans now that the Regional Plan is updated. He requested a schedule of what area plans will be revised or asked if they will be done concurrently. Mr. Pelham said he will pass those requests along to the Planning Manager.

11. Director's and Legal Counsel's Items

***A.** Report on previous Planning Commission items – Mr. Pelham said planning staff will go before the Board of County Commissioners (BCC) on November 12, 2019 regarding short term rentals. There will be a draft of code presented. He advised where they can review the draft online. He said the BCC and Reno Council met this morning and amended the Reno-Stead Corridor joint plan. He advised this board saw the Buck Drive Plan which was approved by the BCC and Reno City Council. He said the applicant for Silver Hills appealed

this Commission's decision, and the BCC approved and transmitted it to Regional Planning Commission. No date has been set.

***B.** Legal information and updates – DDA Edwards spoke about the short-term rental ordinance. He said there are three pieces to it in its current form. He said Chapter 50 is amendments to the nuisance code, Chapter 125 is enforcement, and Chapter 110 is development code. That portion will come through this body before it goes through the entire process.

12. *General Public Comment and Discussion Thereof

Commissioner Chvilicek read a written statement. She said she wanted to clarify the record in regards to Silver Hills. It's been said that this Commission didn't sufficiently debate Silver Hills. She said she wants the public to know that this board was supposed to hear Silver Hills on three separate occasions, and it was withdrawn twice. Each time the Commission reviewed the entire packet prior to the meetings. This Commission reviewed the submitted project three times; we did perform our duties as Commissioners.

Chair Chesney supported that comment whole heartedly and wished everyone a happy Thanksgiving.

There were no further requests for public comment. Chair Chesney closed the public comment period.

13. Adjournment – The meeting adjourned at 7:46 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Commission in session on December 3, 2019.

Trevor Lloyd, Secretary to the Planning Commission