



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, October 21, 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, October 21, 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
Philip Horan
Kate S. Nelson

Commissioners absent: Sarah Chvilicek

Staff present: Trevor Lloyd, Secretary, Planning and Building
Eric Young, Senior 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
Hannah Sugui, Office Support Specialist, Community Services Department

2. *Pledge of Allegiance

Commissioner Barnes 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 Trevor Lloyd recited the appeal procedure for items heard before the Planning Commission.

5. *General Public Comment and Discussion Thereof

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

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donshick moved to approve the agenda for the October 21, 2019 meeting as written. Commissioner Bruce seconded the motion, which passed unanimously with a vote of six for, none against.

7. Public Hearings

A. Special Use Permit Case Number SW15-002 (Turquoise Nevada, LLC) – Hearing, discussion, and possible action to approve an extension of time for the approval of a special use permit for a 60MW Solar Energy project. The project includes a 585 acre photovoltaic field, a 60MW sub-station, and a 120Kv transmission line connecting the proposed new sub-station to the NV Energy Pah Rah sub-station. The project also includes up to 7,200 cubic yards of grading. The proposed extension will grant the applicant two additional years until September 30, 2021 to complete construction plans and obtain building permits for the project.

- Applicant: Turquoise Nevada, LLC
- Property Owner: Turquoise Nevada, LLC
- Location: 21575 Interstate 80, Reno Technology Park
- Assessor's Parcel Numbers: 084-110-31, 084-110-32
- Parcel Size: ± 560 acres
- Master Plan Categories: Industrial (I) and Rural (R)
- Regulatory Zones: Industrial (I) and General Rural (GR)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 810, Special Use Permit and Article 812, Projects of Regional Significance
- 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.

Roger Pelham, Washoe County Planner, and the applicant representative were available to answer any questions.

There was no public comment.

There was no discussion.

MOTION: Special Use Permit Case Number SW15-002 (Turquoise Nevada, LLC): Commissioner Donshick 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 an extension of time of two additional years until September 30, 2021 to complete construction plans and obtain building permits for Special Use Permit Case Number SW15-002 (Turquoise Nevada, LLC), subject to the previous conditions of approval, having affirmed all five findings in accordance with Washoe County Code 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;
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 60MW solar facility and sub-station, 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.

Commissioner Barnes seconded the motion to approve an extension of time for Special Use Permit Case Number SW15-002 (Turquoise Nevada, LLC). The motion carried unanimously, with a vote of six for, none against.

B. Resolution to initiate development code, master plan, and regulatory zone amendments (Tahoe Area) – Possible action to adopt a resolution initiating amendments to the following:

- 1) The Washoe County Code (WCC) at Chapter 110, Development Code, Article 220, Tahoe Area, commonly referred to as the Tahoe Area Modifiers;
- 2) The Washoe County Code (WCC) at Chapter 110, Development Code, adding Article 220.1 Tahoe Area Design Standards;
- 3) The Washoe County Master Plan, Volume 2, Tahoe Area Plan, including changes to the Master Plan map; and
- 4) The Tahoe area Regulatory Zone map.

These amendments are meant to ensure the conformance of Washoe County's plans with the 2012 Regional Plan adopted by the Tahoe Regional Planning Agency (TRPA), by including but not limited to the following:

- A. Adopting the TRPA's permissible uses set forth in TRPA chapter 21 in lieu of Washoe County's allowed uses set forth in article 302 of the Washoe County Development Code;
- B. Adopting TRPA's Master Plan land use categories in lieu of Washoe County's Master Plan land use categories set forth in article 106 of the Washoe County Development Code;

- C. Adopting neighborhood plans utilizing the boundaries and allowed uses of TRPA's plan area statements in lieu of Washoe County's regulatory zones set forth in article 106 of the Washoe County Development Code;
 - D. Adopting TRPA's implementing plans by reference when necessary, including but not limited to portions of the TRPA Code of Ordinances and the Shore Zone plan;
 - E. Adopting other matters necessarily connected therewith and pertaining thereto.
- Prepared by: Eric Young, Senior Planner
Washoe County Community Services Department
Planning and Building Division
 - Phone: 775.328.3613
 - E-Mail: eyoung@washoecounty.us

Chair Chesney opened the public hearing and called for disclosures by Commissioners. There were none.

Eric Young, Washoe County Planner, provided a staff presentation.

Michael Conger, TRPA Representative, was available to answer questions.

Commissioner Horan asked how the work we are doing with TRPA compares with other communities. Mr. Conger said it can be vastly different. The geographies are different. He spoke about the Placer County Area Plan approach in the Tahoe Basin. There is a variety in terms of the scope. If there are a lot of changes, there are environmental consequences. Commissioner Horan asked about our coordination with TRPA compared to other agencies. Mr. Conger said there are large gaps in El Dorado and South Lake who don't have area plans.

Public Comment:

Wayne Ford, Residential Designer and Incline Village Resident, spoke about building codes conflicts with uses. He spoke about short-term rentals (STRs). They were built with exemptions under those codes. He said when the use is changed and special use isn't revoked, liability will occur. People are not being protected. We have a conflict. People are using older homes that have old electrical that motels have to upgrade. Somewhere down the line where there will be loss of life because the codes for that use are not in place. He said he is concerned for Washoe County's exposure and those who rent these places. This hasn't been looked at in depth like it should be. Special uses need to be included to protect the people.

Carol Black read from a Regional Planning document in TRPA. She spoke about harmonizing of zoning. She spoke about short-term rentals. She said the balance is out of whack with short-term rental and impacts. She left a presentation for the record. There are many impacts that are interrupting our communities. It's a special use permit to allow business in residential neighborhoods. She spoke about health requirements of hotels but not in these properties.

Mike Hess, Incline Village Resident, spoke about TRPA rules, and said STRs are not in the best interest for Incline Village residents. He said declaration of restrictions of such uses are not allowed in some residential neighborhoods. Neighbors will sue neighbors. It's hard to talk about it without knowing what will be adopted. It requires Special Use permits. 20% of the properties are becoming STRs. He said Washoe County has waited too long to implement rules for STRs.

Commissioner Horan wanted clarification. He said he understands STRs are a hot topic around the lake and Incline Village. He said at this stage, we are becoming more aligned with TRPA,

and STRs aren't being addressed tonight. He said he understands how far they have come. They need to be addressed from a safety standpoint, a managing standpoint, and regulations. There are a lot of unanswered questions. Chair Chesney said STRs will be dealt with on a separate track. Tonight, this will allow Washoe County to continue this process. Mr. Lloyd said STRs are complicated and will be a separate conversation. STRs will be going before the BCC on November 12, 2019 for the BCC to provide direction. He said we are moving forward with the Area Plan and ordinances about STRs.

Vice Chair Donshick asked about notes in the document that say section and reserved. Mr. Young said the document attached is an early draft, version one. He said there were place holders to review with TRPA. He said the next version will be at the workshop and none of the reservation will be in there. He said the document attached is continually being developed. There is a newer draft. Commissioner Donshick asked about the yellow highlight; Mr. Young said that was highlighted for review and consideration for staff.

Commissioner Bruce asked if he was going to bring it back to the Planning Commission. He said the place holders and reserve requires it to come back. Mr. Young said we will be back in January or February for a public hearing. He said this is a procedural step to keep this going. He hopes everyone understand that this approval is not final.

Chair Chesney said it's a recommendation to move forward.

Commissioner Nelson asked if STRs are removed from this plan. Mr. Young said the intent is to make sure processes don't get intertwined and get complicated. He said the intent is for the STR public processes to work its way through and Washoe County decide STR ordinance, and determined if we have to do something special for Tahoe. If we must put something back in here at a later date, we will. It's a parallel process.

Commissioner Horan asked that we are not endorsing attachments. Mr. Young said that is correct. Commissioner Horan said each of us expressed concerned that we haven't received information to adopt, but rather recommending initiation to continue this process.

MOTION: Commissioner Bruce moved that after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Planning Commission:

- (1) Adopt the resolution, attached as Exhibit A to the staff report, to initiate the Development Code amendments, the Master Plan map and text amendments, the Regulatory Zone map amendments, and other amendments as described in the staff recommendation; and
- (2) Authorize the Chair to sign the resolution on behalf of the Planning Commission.

Commissioner Bruce further moved to direct staff to bring the amendments back to this Commission for a hearing within 125 days of today's date.

Commissioner Donshick seconded the motion to initiate the Development Code Amendments, the Master Plan Map and text amendments, the Regulatory Zone map amendments and other amendments. The motion carried unanimously, with a vote of six for, none against.

Commissioner Horan said comments made by the public are very valid and hopes staff works with them to address those issues.

8. Chair and Commission Items

*A. Future agenda items – None

*B. Requests for information from Staff – None

9. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items – None

*B. Legal information and updates – None

10. *General Public Comment and Discussion Thereof

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

11. Adjournment – The meeting adjourned at 7:23 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