



WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

Planning Commission Members

Larry Chesney, Chair
Francine Donshick, Vice Chair
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Larry Peyton
Pat Phillips

Tuesday, April 6, 2021
6:30 p.m.

Secretary

Trevor Lloyd, Secretary

Zoom Teleconference Only

The Washoe County Planning Commission met in a scheduled session on Tuesday, April 6, 2021, via teleconference.

No members of the public were allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting will be held by teleconference only.

The meeting was televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

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
Thomas B. Bruce
Sarah Chvilicek
Kate S. Nelson
Pat Phillips
Larry Peyton (arrived at 6:32 p.m.)

Commissioners absent: None

Staff present: Trevor Lloyd, Secretary, Planning and Building
Dan Cahalane, Planner, Planning and Building

2. *Pledge of Allegiance

Commissioner Chesney led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Gustafson provided the ethics procedure for disclosures.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

Chair Chesney opened the Public Comment period. There were no requests for public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Commissioner Donschick moved to approve the agenda for the April 6, 2021 meeting as written. Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.

7. Approval of the March 2, 2021 Draft Minutes

Commissioner Chvilicek moved to approve the minutes for the March 2, 2021, Planning Commission meeting as written. Commissioner Bruce seconded the motion, which passed unanimously with a vote of seven for, none against.

8. Public Hearings

A. [Tentative Subdivision Map Case Number WTM21-005 \(Lupin Street\)](#) [For possible action] - For hearing, discussion and possible action to approve a tentative subdivision map to allow the division of three contiguous parcels at 5840 Lupin Drive and 5845 & 5455 Pearl Drive, totaling 3.84 acres into 11 lots ranging from 12,004 sf. to 15,337 sf. in size with access to the development from Lupin Drive.

- Applicant: Star West Homes
- Property Owner: Caleb Associates LLC
- Location: 5845 & 5855 Pearl Dr. and 5840 Lupin Dr.
- Assessor's Parcel Number: 085-461-02, 03 & 04
- Parcel Size: 1.92, 0.95, 0.96 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 608, Tentative Subdivision Maps

- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
Washoe County Community Services
Department Planning and Building
Division
- Phone: 775-328-3627
- E-mail: jolander@washoecounty.us

Chair Chesney opened the public hearing. Chair Chesney called for Commissioners' disclosures. There were no disclosures.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Kevin Ward, applicant representative, was available to answer any questions.

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

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 approve with conditions in Exhibit A, Tentative Subdivision Map Case Number WTM21-005 for Star West Homes, having made all ten findings in accordance with Washoe County Code Section 110.608.25. Commissioner Donshick seconded the motion. Commissioner Chvilicek applauded County staff and applicant for bringing more housing into this area and helping with the blight. The motion carried unanimously, seven in favor, none against.

B. [Special Use Permit Case Number WSUP21-0001 \(Rock Springs Solar\)](#) [For possible action] – For hearing, discussion and possible action to approve a special use permit for 1) the establishment of a 120MW photovoltaic generation facility and 84MW battery energy storage system which is an Energy Production, Renewable use type; 2) major grading for 627 acres of ground disturbance, including 143,000cy of cut and 143,000cy of fill for site preparation; and; 3) requests to vary height, landscaping and parking by allowing structures up to a maximum of 100 ft. tall from 35 ft. tall, waiving all landscaping requirements, and waiving the paved parking requirement. This project meets the standard for a project of regional significance because it will generate more than 5 MW of electricity, require construction of a substation and will require conformance review by the Regional Planning Commission. The substation will be located on APN 074-040-25. This project also requires an amendment to the Regional Utility Corridor Map of the 2019 Truckee Meadows Regional Plan.

- Applicant: CED Rock Springs Solar LLC
- Property Owner: Linda & Terry Bell; Cedar Lindsley Anderson; Luicinda Johnson; Robin & Randall Skipper; Ragnar Kuehnert Trust; Sam Lindsley; Julie Skeen & Peter LaBarge; and Pattee Williams
- Location: Approximately 45 miles northwest of

- Assessor's Parcel Numbers: Reno, near Flannigan
074-061-21; 074-061-29; 074-061-30; 074-061-36; 074-061-37; 074-061-39; 074-040-20; 074-040-22; 074-040-25
- Parcel Size: Total Project – 660 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach\Empire
- Development Code: Authorized in Article 302,810,812
- Commission District: 5 – Commissioner Herman
- Staff: Dan Cahalane, Planner
Washoe County Community Services
Department Planning and Building Division
775-328-3628
- Phone:
- E-mail: dcahalane@washoecounty.us

Chair Chesney opened the public hearing. Chair Chesney called for Commissioners' disclosures. There were no disclosures.

Dan Cahalane, Washoe County Planner, provided a staff report presentation.

Commission Chvilicek said cover page of the packet we received said it's in the General Area Plan High Desert, Citizen Advisory Board is Gerlach/Empire, and our agenda says that. She said she doesn't want to put staff on the spot but would like to see a boundary map of the CABs. She said she can't see this as a North Valleys CAB item. Mr. Cahalane agreed. Chair Chesney said both CABs had the opportunity to provide input. Commissioner Chvilicek asked legal counsel. Jen Gustafson, legal counsel, said she didn't believe this causes issues with Open Meeting Law violation as it's not part of what this board is considering as part of its request. She said the clerical error should not create an OML issue. Mr. Cahalane provided a map boundary for CAB. He said they overlap for some reason. Commissioner Chvilicek said she will follow up with Trevor about this.

Commissioner Chvilicek asked about the amount of cut and fill. Mr. Cahalane said the applicant is requesting 426,000 cubic yards of cut and fill beyond the original application that was provided to board and public. In past practice, we have had to come back to this board twice to get the correct conditioning for cut and fill for these projects. He said Fish Springs came before you to increase cut and fill for drainage. Mr. Chesney said Dodge Flat had done the same thing. He said he thinks it's a wise request. He said until they get into the project, they don't know exactly what they need. Commissioner Chesney said the motion says 143,000cy of cut and fill. Mr. Cahalane said he is requesting to amend the motion to reflect 426,000cy and adding condition of approval for exhibit A to limit the amount of cut and fill to that amount. Jen Gustafson, legal counsel, asked how it was noticed. Mr. Cahalane said it was noticed as 143,000cy. She was concerned that would be an Open Meeting Law issues since this is a substantive decision that this board is supposed to make. It was agendized that way. The agenda requires language to be clear and complete. It's a topic being considered. It's agendized as 143,000cy. That is why previous conditions have come back to the board. She recommended following past practices. Commissioner Chvilicek said she appreciates that.

Chair Chesney asked if the client would like us to postpone action and make revised case description, so it reflects the proper yardage instead of coming back through with expensive SUP process. Jennifer Gustafson said you would have to get an agreement with applicant and there may be time limitations. If the applicant would not agree, they would have to come back for an entire new SUP. Mr. Cahalane asked if the rest of the items could move forward, and grading could come back as a separate item. Jennifer Gustafson said that is an option. You could move forward with current cut and fill now. She asked if the applicant would like to do that.

Joan, applicant representative, said she would like to do what is easiest for board and applicant. She said they would be willing to postpone it. She said original application states 143,000cy, but will back with our absolute max of 426,000cy. Considering construction timeframe, we will be willing to delay this at the pleasure of the board. Chair Chesney said it can be postponed one month and she can make her presentation then.

Mr. Lloyd said it would be less cumbersome if the applicant would come back.

Jen Gustafson said she would request the motion say 'a stipulation between applicant and the planning and building division that this be continued to the next meeting.' Joan said she was good with that. Commissioner Bruce said in Rules, Policies, and Procedures, the chair can continue the item with agreement, so no motion is required to continue this to defer it.

Chair Chesney said with concurrence of applicant and staff, we would like to continue this item to the May meeting of Washoe County Planning Commission and be the first item. Commissioner Chvilicek encouraged staff to make a concerted effort to connect with CAB. Jen Gustafson recommended a motion and vote to continue an item. We are asking staff to do additional work.

MOTION: Commissioner Chvilicek moved that this item be continued based on an agreement with the applicant and Planning staff to the May Washoe County Planning Commission Agenda. Additionally, ask staff to clear-up any issues regarding notification to the CABs and seek CAB feedback. Commissioner Bruce seconded the motion. The motion carried unanimously, seven in favor, none against.

C. [Abandonment Case Number WAB21-0003 \(Feulner Abandonment\)](#) [For possible action] - For hearing, discussion, and possible action to approve an abandonment of a 33ft roadway and public utility easement and providing a replacement 7.5ft public utility easement along the eastern boundary of APN 150-250-48.

- Applicant: Christopher and Megan Feulner
- Property Owner: Christopher and Megan Feulner
- Location: 0 Mountain Ranch Rd.
- Assessor's Parcel Numbers: 150-250-48
- Parcel Sizes: 2.476 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural

- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 806
- Commission District: 2– Commissioner
- Staff: Dan Cahalane, Planner
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775-328-3628
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Chair Chesney opened the public hearing. Chair Chesney called for disclosures. There were no disclosures.

Dan Cahalane, Washoe County Planner, provided a staff report presentation.

Brian Newman, applicant representative, was in attendance to answers any questions. He said he accepts staff's recommendation.

Eric Sheets thanked the Commission. He said he is the property owner to the north. He said he would be one of the two affected parcels. He said at first, he was concerned. He said he received the notice last night. He said he read the reports, and as long as it doesn't affect Mountain Ranch Road as it exists, he doesn't think there will be any issues. That is the primary access and important to be maintained. He said his other neighbors called him today. He said he is a civil engineer and understand this information. He said he believes 33 ft easements are excessive and understands why they requested this.

There were no further requests for public comment.

MOTION: 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 Abandonment Case Number WAB21-0003 for Christopher and Megan Feulner having made all three findings in accordance with Washoe County Code Section 110.806.20, and a fourth finding in accordance with Nevada Revised Statutes 278.480(3). Commissioner Nelson seconded the motion which carried unanimously.

D. [Special Use Permit Case Number WSUP21-0004 \(Feulner Grading\)](#) [For possible action] – For hearing, discussion and possible action to approve a special use permit for a major grading on a 2.47 acre parcel, on 90,000sf including 3,000 cy of cut and fill and grading within a Sensitive Stream Zone (SSZ).

- Applicant: Christopher and Megan Feulner
- Property Owner: Christopher and Megan Feulner
- Location: 0 Mountain Ranch Rd.
- Assessor's Parcel Numbers: 150-250-48
- Parcel Sizes: 2.476 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley

- Development Code: Authorized in Article 438, 810
- Commission District: 2 – Commissioner Lucey
- Staff: Dan Cahalane, Planner
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775-328-3628
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- E-mail: dcahalane@washoecounty.us

Chair Chesney opened the public hearing. Chair Chesney called for disclosures. There were no disclosures.

Dan Cahalane, Washoe County Planner, provided a staff report presentation.

Chair Chesney asked if the previous rock walls are being addressed. Mr. Cahalane said part of the unpermitted rock walls will be removed and better constructed.

Eric Sheets said after reviewing the staff reports, he said he doesn't have issue with grading request. He noted the sensitive stream environment is not an issue. The Mountain Ranch Road area blocks the actual Whites Creek to the south. He said he hasn't seen water get up to the driveway. He said due to property up-hill of his house, the house cleared the site and he said he sees some erosion. He said no one has issues with the rockery walls that were built a few years ago by the previous owners. He said he heard the fire department might have an issue. He said he supports as long as they follow staff recommendations.

Jean Marsh said her comment is in regards to the structure, not to the grading. She said as growth occurs in our rural area, the night pollution is getting bad. She said she hopes the owners understand the darkness and not light the barn which will impact views of Mt. Rose. She hopes they understand light pollution.

There was no further request for public comment. Chair Chesney closed the public comment period.

Commissioner Phillips asked if the concern for the lights can be incorporated. Chair Chesney said as it goes through the process with dark skies and down lighting, this concern will be addressed.

MOTION: 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 approved with conditions Special Use Permit Case Number WSUP21-004 for Christopher and Megan Feulner, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe county Code Section 110.810.30. Commissioner Peyton seconded the motion which carried unanimously, seven in favor, none against.

10. Chair and Commission Items

- *A. Discussion and possible action to move future Washoe County Planning Commission meetings from 6:30 p.m. to 6:00 p.m.

Commissioner Bruce asked if this a permanent suggestion or just during zoom. Chair Chesney said permanent. Commissioner Bruce said he cannot support a permanent change during COVID. He said he could support it as a temporary change. He said if it isn't broken, don't fix it. We asked why this came up. He said he would like to know the impact on the public. He said he doesn't know when the other CABs are meeting. He asked the rationale. In the Rules, Policies, and Procedures stipulates to maximize public participation in a public meeting, meetings shall not extend pass 11 p.m. which makes me wonder if we should change that as well. He asked if this start time change maximizes or reduces public participation. He said he said more consideration should be given to this item. He said he isn't completely against it; however, we just need to consider public participation.

Commissioner Chvilicek said Regional Planning begins at 6 p.m. The community members have expressed confusion with differing meeting times. People are less likely to go home if its an earlier meeting. She supports an earlier time.

Commissioner Peyton supports the move to 6 p.m. He suggested a roll call vote. Chair Chesney suggested feedback prior to roll call vote.

Chair Chesney agreed with Commissioner Chvilicek. He said if the public is really interested, they can make it at 6 p.m. He said they can send email and provide comment by phone. He said he isn't sure we will continue zoom after we go back to in-person. He said late meetings are not healthy after a full day of work and then late meetings into midnight.

MOTION: Commissioner Chvilicek moved that the Washoe County Planning Commission start time move to 6 p.m. Commissioner Nelson seconded the motion. The motion passed in favor (6-1) by roll call. Commissioner Bruce opposed. Chair Chesney announced the meetings will start at 6 p.m. beginning at next month.

*B. Future agenda items - None

*C. Requests for information from staff

Commissioner Donshick said she received a phone call from a business person to inform her that the feeling in business community that if they take their business to Sparks or Reno, they can get their business done faster. They are concerned why it takes long to get permits from Washoe County. Commissioner Donshick requested information. She said it's not the first time she heard with permitting. She said she doesn't have facts but was thinking its due to due diligence. Mr. Lloyd said he will look into and report back.

11. Director's and Legal Counsel's Items

*A. Report on previous Planning Commission items

Mr. Lloyd noted on March 23rd, the Board of County Commissioners adopted the short-term rental ordinances which means your Planning staff will be busy with the implementation. He said they will begin accepting applications on May 1st and allow a 3-month grace period until August 1st. He said there is a lot of work to get set up. Chair Chesney asked if the County will contract out enforcement and permitting process for

STRs. Mr. Lloyd said there has been discussion. He said we have contracted with Host Compliant but permitting and enforcement is in house with staff.

Mr. Lloyd said on March 9, the Board of County Commissioners affirmed the Planning Commission decision of Woodland Village. Mr. Lloyd said Katy Stark is becoming the newest planner on staff. Chair Chesney asked for a copy of the final approved STR ordinance. Mr. Lloyd said he can send that to the Commissioners. He said they will also be available on our website.

***B. Legal information and updates - None**

12. *General Public Comment and Discussion Thereof

Eric Sheets said he concurs with Ms. March regarding the dark skies lighting concerns. He said it might be a good idea to have a chat function in Zoom. He said we have a neighbor who keeps their lights on their barn. He thanked the Commissioners for their service. Chair Chesney advised him of the County code enforcement to address the light pollution concerns.

There were no further requests for public comment.

13. Adjournment

With no further business scheduled before the Planning Commission, the meeting adjourned at 7:50 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Commission in session on May 4, 2021

Trevor Lloyd

Trevor Lloyd
Secretary to the Planning Commission