



# WASHOE COUNTY PLANNING COMMISSION Meeting Minutes

## Planning Commission Members

Francine Donshick  
R. Michael Flick  
Linda Kennedy  
Daniel Lazzareschi  
Kate S. Nelson  
Rob Pierce  
Patricia Phillips  
**Secretary**  
Trevor Lloyd

Tuesday, September 5, 2023  
6:00 p.m.

Washoe County Administrative Complex  
Commission Chambers  
1001 E 9<sup>th</sup> Street, Building A  
Reno, Nevada 89512

and available via  
**Zoom Webinar**

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The Washoe County Planning Commission met in a scheduled session on Tuesday, September 5, 2023, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

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

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## 1. \*Determination of Quorum

Chair Pierce called the meeting to order at 6:00 p.m. The following Commissioners and staff were present:

Commissioners present: Francine Donshick  
R. Michael Flick  
Linda Kennedy  
Daniel Lazzareschi – Vice-Chair  
Kate S. Nelson  
Rob Pierce – Chair  
Pat Phillips

Commissioners absent: None

Staff present: Trevor Lloyd, Secretary, Planning and Building  
Courtney Weiche, Senior Planner, Planning and Building  
Tim Evans, Planner, Planning and Building  
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office  
Adriana Albarran, Office Support Specialist, Planning and Building  
Brandon Roman, Recording Secretary, Planning and Building

## 2. Pledge of Allegiance

Chair Pierce led the pledge to the flag.

### **3. Ethics Law Announcement**

Deputy District Attorney Jennifer Gustafson 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**

Chair Pierce opened the Public Comment period.

#### Public Comment:

Mr. Roger Edwards noted he was a former member of the Planning Commission (PC). He said the PC was tasked with deciding the best possible long-term outcome for the community, including considering an increase in density for a property he believed should not be developed by the owner. He thought that development would be in conflict with the public. He spoke about his time as a developer and how he would not want to be in competition with a rural general improvement district.

Mr. Gary Schmidt disclosed he was in the process of filing three open meeting law (OML) complaints against the Gerlach General Improvement District (GGID) wherein he was asking the Attorney General to set aside all decisions made by the GGID over the prior 12 months. A public records denial complaint was also being filed. He stated he and another individual owned 2/3s of the acreage in Gerlach, and both of them opposed the application. He believed the new regional plan would remove those two owners out of the service areas. He remarked the community of Gerlach opposed having seven to nine units per acre.

Mr. John Krolick referred to written statements he submitted for Agenda Item 9 and stated he was present on Mr. Schmidt's behalf to speak on the best use of real estate property.

Ms. Gail Krolick voiced an interest in hearing more about a project planned for Incline Village which she opposed. She said she was also here on Mr. Schmidt's behalf, having worked with him for several years on various projects. She felt it was backwards to have the Planning Commission hear items first then have them appealed to the Board of County Commissioners (BCC). She urged the PC to listen to individuals who knew what it took to develop properties.

Via Zoom, Mr. Doug Flaherty commented the PC would hear many projects involving increases in height, density, and coverage within the Washoe-Tahoe Area Plan. He opined this was part of a plan of the BCC Chair to turn the area into a resort community. Code changes supporting accessory dwelling units, he believed, would result in hundreds of short-term rentals and cause negative safety and environmental impacts. He requested an environmental impact statement analyzing all impacts since the 2012 Tahoe Regional Area Plan. He said there was no code requirement assessing safe wildfire evacuation capacity, and the PC should ask the fire department whether they reviewed projects for that.

This item was reopened by the Chair later in the meeting after Item 7, due to Ms. Knaak misunderstanding the General Public Comment process.

Ms. Yolanda Knaak expressed concern that the allowed use had been changed on Tahoe Boulevard, and the area was at risk of losing businesses. She spoke about one business which lost its lease for an unrelated reason and was not able to find a new space to reopen. She said her bank and dry cleaners lost their spaces to luxury condominiums, and there were

no other options available for her to patronize. She believed the PC's decisions caused this.

## 6. Approval of September 5, 2023, Agenda

Commissioner Donshick moved to approve the agenda for the September 5, 2023, meeting as written. Commissioner Phillips seconded the motion, which passed unanimously with a vote of seven for, none against.

## 7. Approval of August 1, 2023, Draft Minutes

Vice-Chair Lazzareschi moved to approve the minutes for the August 1, 2023, Planning Commission meeting as written. Commissioner Donshick seconded the motion, which passed unanimously with a vote of seven for, none against.

Agenda Item 5 was reopened by the Chair. See that item for those minutes.

## 8. EnvisionWashoe 2040 Master Plan - Update, presentation, and discussion on status of Master Plan draft and public outreach. [Non-action item].

Senior Planner Eric Young displayed a list of community engagement activities, saying one just occurred in the lobby of the Administrative Complex before this meeting. He encouraged residents to explore [www.envisionwashoe2040.org](http://www.envisionwashoe2040.org) and the Washoe County Master Plan, which could also be accessed via QR code on a flyer. He noted the plan had been viewed more than 1,000 times and received more than 100 comments. He spoke about working with Melissa Ruth from their consulting team to review software and maps, along with conversions to the Development Code.

Mr. Young explained there would be a development code amendment that would add all currently existing regulatory language directly into the Development Code. This was not being previewed because it was existing language; it would simply correct the document. He promoted four upcoming engagement activities, adding that a separate meeting was scheduled for Warm Springs at their request. He recognized this was a different way to engage, but comments could be left on graphics and photos, and feedback could be separated out between questions and suggestions. He remarked the Commissioners should not engage this way because of the Open Meeting Law. They would receive materials at their October 16 meeting. He encouraged them to view the comments if they were interested.

Deputy District Attorney Jennifer Gustafson clarified the Commissioners were welcome to review the plan online, but they should not provide their own comments as that could turn into deliberation.

## 9. Public Hearings [For possible action]

**A. Abandonment Case Number WAB23-0002 (5854 Melarkey Abandonment) [For possible action]** – For hearing, discussion, and possible action to abandon Washoe County's interest in 220 square feet (a 10-foot-wide x 22-foot-long section) of a 33-foot-wide government patent easement along the southern boundary of the parcel at 5854 Melarkey Way (APN: 150-250-54).

- Applicant/Property Owner: Hershkowitz 2023 Living Trust, D & N
- Location: 5854 Melarkey Way
- APN: 150-250-54
- Parcel Size: 2.5 acres
- Master Plan: Rural Residential

- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- Commission District: 2 – Commissioner Clark
- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Request; maps (2 slides); Evaluation; Noticing; Reviewing Agencies & Findings; and Possible Motion.

Ms. Weiche indicated the subject parcel had been improved with a single-family dwelling, and the applicant requested the abandonment to construct a garage. She noted the parcel had a regulatory zone of high-density rural, as did all adjoining parcels, High-density rural setbacks were 30 feet from the front and rear yards, and 12 feet from the side yards. She cited Washoe County Code 406.05 which dictated that setbacks should be taken from the edge of the easement, not the property line. The request for abandonment would allow the applicant to use the setback from the property line.

Applicant Daniel Hershkowitz clarified the project would not be for a garage but for three bedrooms.

Public Comment:

There was no request for the call for public comment.

**MOTION: Commissioner Donshick moved that Abandonment Case Number WAB23-0002 for Melarkey Way be approved with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.**

**Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.**

**B. Tentative Subdivision Map Case Number WTM21-012 (Nine 47 Tahoe Condo) [For possible action]** – For hearing, discussion and possible action to approve a tentative subdivision map for a 40-unit residential condominium project, containing 830 square feet of professional office space, on an approximately two-acre site located at 941 and 947 Tahoe Blvd. in Incline Village, Nevada. The project area is comprised of two parcels: APN 132-231-09 is 1.389 acres and APN 132-231-10 is 0.598 acres. The parcels will be legally merged into a single parcel, then divided into 40 airspace condominiums with a 1.11-acre common area parcel.

- Applicant: Feldman Thiel, LLP
- Property Owner: PALCAP FFIF TAHOE 1, LLC
- Location: 941 and 947 Tahoe Boulevard (SR 28)
- APN: 132-231-10 and 132-231-09
- Parcel Size: 132-231-10: 1.389 ac; 132-231-09: .598 ac

- Master Plan: Incline Village Commercial – Special Area 1 (IV-C SA1)
- Regulatory Zone: Incline Village Commercial – Special Area 1 (IV-C SA1)
- Area Plan: Tahoe
- Development Code: Authorized in Article 608, Tentative Subdivision Maps
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Commissioner Nelson disclosed she had worked directly with the engineers on this project in her capacity as the Interim Director of Public Works and in her previous capacity as the Engineering Manager for the Incline Village General Improvement District (IVGID). She recused herself on this item.

Deputy District Attorney Jennifer Gustafson stated Commissioner Nelson would leave for Agenda Item 9.B. and would be retrieved after its completion.

**6:35 p.m. Commissioner Nelson left the meeting.**

Senior Planner Courtney Weiche pointed out a previous draft of the staff report for this item was included in the agenda, though a revised staff report had been sent to the Board. In addition to grammatical errors, the new staff report noted the correct square footage as 925 square feet.

Ms. Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Project Request; Vicinity Map; Background; ...continued; Evaluation; maps and renderings (4 slides); View Looking south from State Route 28; Reviewing Agencies; Transportation Study; Roadways and Traffic; Noticing; Findings; Findings cont...; and Possible Motion.

According to the Tahoe Regional Planning Area (TRPA) Code of Ordinances, Ms. Weiche explained, only existing or approved developments could be subdivided. She said nine public meetings took place in order for the Development Code amendment to be formally adopted. She noted mitigation measures would be required, but it would be the TRPA's responsibility to enforce consistency. While the tentative map would be only to approve the condominium space, specific design standards would have a more detailed review when the developer applied for the formal building permit. IVGID received no comments in opposition to the plan.

Ms. Weiche clarified that daily vehicle trips were used as a threshold in the Tahoe Basin as opposed to average daily trips, though they were somewhat synonymous. 200 maximum daily trips would be needed to trigger a full traffic analysis, but since that threshold was not met, a full analysis was not required.

**Public Comment:**

Ms. Helen Neff displayed a video of an intersection close to the parcel. She expressed concern about traffic safety. She said the level of service (LOS) addressed only vehicle traffic, not pedestrians or cyclists. She expressed frustration about a project in Crystal Bay which required a LOS of C, while residents of Incline Village would get an LOS of F. She thought the intersection was not safe for vehicles, pedestrians, or cyclists. Citing the staff report, she said the Planning Commission (PC) shall consider the effect of the proposed subdivision on

existing streets, and she stressed a traffic signal was needed before occupancy. She spoke about being involved in a traffic accident and urged the PC to make Incline Village safer.

Ms. Lynn Brown expressed concern about fire danger in Incline Village, saying there were only three ways out of town. She said there had been an increase in traffic over the past five years due to a rise in short-term rentals and visitors. She spoke about finding a box of fireworks while cleaning up the shoreline and another instance where neighbors starting a fire by dumping briquettes onto the grass. Referencing the fire in Paradise, California, she worried that adding 95 more cars would increase the fire risk.

Ms. Fay McConnell referred to the video displayed by Ms. Neff, adding she was nearly hit by a car in that intersection. She emphasized the need for a traffic light, especially since children utilized the intersection as well.

Ms. Patricia Owens concurred with the opinion that a stoplight was necessary. She pointed out the building site would have fire pits, and she asked whether the fire department would review the plans before the project was completed. She urged the PC to ensure a light was installed to keep children safe.

Ms. Gail Krolick stated she was very familiar with the project, and though it was beautiful, she felt it was wrong for Incline Village. She expressed concern about the increase in traffic. As a real estate agent, she stated she would not try to sell these properties because they were not in the right location. She believed a traffic light would be a short-term solution, but the project would add 40 homeowners, making it more difficult to escape during a fire. She urged the PC not to approve the item.

Via Zoom, Mr. Doug Pietzke stated one of his children crossed Tahoe Boulevard daily to attend Incline Middle School, and cars did not always stop for him. He was disturbed to hear that a traffic light was not required. He noted he would not let another son walk to school because it was unsafe. He suggested the PC consider including proper pedestrian crossings.

Mr. Doug Flaherty, a former battalion chief, said via Zoom that the changes to zoning were well-intentioned, but the community was not walkable. He expressed concern that the LOS of the road was an F before the increase in traffic. He agreed the intersection discussed was very dangerous as it was often worse than was shown in Ms. Neff's video. He pleaded for the inclusion of a traffic light at the intersection.

Via Zoom, Ms. Kathie Julian agreed with Ms. Neff about the difficulty crossing the intersection of Southwood Boulevard, Northwood Boulevard, and Tahoe Boulevard, stressing the need for a traffic light with any increase in density in that area.

#### Discussion by Commission:

Commissioner Kennedy inquired about the efforts made to gather public input.

Ms. Weiche said the item was a tentative map to allow for the conversion of multi-family units to single-family. The process began with amending the Tahoe Area Plan, which she described as one of the most difficult regulatory requests. A neighborhood meeting was required, then the item came to the Board of County Commissioners for two readings. From there, the TRPA had an extensive process, which included several committees and commissions, before a recommendation went to the TRPA governing board. In all, she said, there were nine public meetings or hearings for the area plan amendment.

Ms. Weiche said the tentative map process involved a neighborhood meeting, a citizen



advisory board meeting, and now this meeting. From there, it would go before the TRPA, where the mitigation measures referenced in the staff report would be required. She summarized there was extensive opportunity for public engagement throughout the process. Ms. Weiche added that multi-family dwellings were allowed by right, meaning there would be no discretionary action if someone simply applied for a permit for multi-family dwellings. That action was the subdivision to allow this parcel to become condominiums. If this project were denied, the applicant could do the exact same thing as they were proposing by changing the form of ownership.

In response to Commissioner Flick's request for clarification, Ms. Weiche stated a full traffic analysis was not needed because the project would not surpass the 200 additional trip threshold. She believed that threshold was established in County Code. She noted a traffic analysis was performed, just not a full analysis.

Secretary Lloyd said he believed it was in TRPA's code of ordinances. He mentioned a full traffic analysis was not conducted in the valley unless a project would pass 80 peak hour trips. This project would only add 170 daily trips.

Commissioner Flick asked for a definition of open space.

Secretary Lloyd said an open space zoning designation was different than a common open space subdivision. Neither would be applicable with this project as it was a common air space condominium project with common area, but no open space.

Commissioner Flick said open space in a property often involved deeding off property or designating slopes as open space, but this project involved no deed of ownership to the Homeowners Association or the County.

Secretary Lloyd said that there would be common area following the recordation of the map which would be maintained by an association. It would not be considered open space, but common area for the benefit of future residents.

Commissioner Flick pointed out that would not benefit the community like true open space would.

Commissioner Kennedy wondered about the difference in what would get built if the project were approved versus if it were denied.

Ms. Weiche replied that would be up to the developers, though she was unsure how likely it would be that they would continue with the development knowing they could not subdivide. A request for a multi-family dwelling project would only be subject to a building permit review following the Tahoe Area Plan design standards. She stressed the density, which she recalled being 20 units per square acre, would not change. However, the applicant needed to go through the subdivision tentative map process to create the individual condominium parcels.

Responding to Commissioner Flick's query, Ms. Weiche said a traffic signal would not be a requirement of the development, though it could come as a correction during the building permit stage. The tentative map approval was to ensure the proposal was consistent with existing regulations.

Commissioner Phillips asked whether there was a school and a park within a block of the proposal, which Ms. Weiche confirmed. The Commissioner asked whether there were speed limit signs or signals to alert people of their presence.

Ms. Weiche opined there could be, but those would fall under the purview of the Nevada Department of Transportation (NDOT) or the Washoe County Roads Department. Commissioner Phillips questioned whether a condition could be added that a traffic light or other safety feature be included.

Secretary Lloyd responded the intersection was currently operated on a LOS of F, which was a condition not created by the applicants, though he admitted the project would exacerbate the issue. He was unsure whether the proposal justified the need for a signal based on the traffic it would generate. He pointed out an encroachment permit would be required through NDOT, who could then require a signal. The PC had the right to impose additional conditions, though he was not sure whether that would hold legal weight.

Ms. Gustafson explained any added condition of approval would require a nexus – having to be directly related to the impacts of this proposal – and it would have to be proportional – the condition would have to be proportional to the impact of the development.

Commissioner Phillips inquired whether the project's proximity to the school would make it a project of regional significance.

Secretary Lloyd said every project in the basin needed approval from TRPA, which would take safety into consideration.

Vice-Chair Lazzareschi asked for confirmation that, in terms of mixed-use standards, anything more specific than a parcel containing both residential and commercial uses would be in the purview of the TRPA.

Ms. Weiche said the project highlighted that there was no specificity, and some type of ratio was probably desired. The area plan defined it as a mix of residential and commercial. The TRPA developed a mechanism to tie mitigation measures to some associated impact they were trying to mitigate. It was the TRPA's duty to implement those standards, and they had the intention to apply them throughout the basin; this project was their first attempt. She noted the County was pursuing a Tahoe Area Plan amendment to duplicate those mixed-use standards. However, there was currently no mixed-use definition that included percentages.

Vice-Chair Lazzareschi asked how the intersection could be addressed if this specific project did not create enough additional traffic.

Ms. Weiche replied that it would be part of a greater process of considering transportation improvements by NDOT, the Tahoe Transportation District, or other agencies.

Commissioner Donshick inquired whether the 10 percent requirement would mean only four units would need to be constructed as affordable housing.

Ms. Weiche stated that was a TRPA regulation, but there was no condition of approval. It was her understanding that any project which wanted to subdivide to have a single-family dwelling had to deed-restrict 10 percent of the units or, in this case, four units. However, they could remove that deed restriction if four deed-restricted units were constructed somewhere else in that regulatory zone. Offsite mitigation was common in affordable housing projects.

Chair Pierce sought confirmation that the PC was only to consider the tentative subdivision map.



Ms. Weiche provided that confirmation, adding that Washoe County had not reviewed the map or the development proposal. The TRPA approved the multi-family mixed-use project as is, and the TRPA followed many environmental regulations regarding elements like traffic. Chair Pierce expressed concern with the traffic, but he did not believe it was the PC's place to put contingencies on the project.

Commissioner Donschick agreed with the concerns about traffic, but she did not think there was a basis to deny the request.

Vice-Chair Lazzareschi voiced objection to transforming a basement area into an office as a way of qualifying for mixed-use, but the County standards were met. Forty more units would not cause the problem, and the onus was not on this project to solve a pre-existing problem.

**MOTION: Commissioner Donschick moved that Tentative Subdivision Map Case Number WTM21-012 for PALCAP FFIF TAHOE 1, LLC, with the conditions included as Exhibit A to this matter, having made all ten findings in accordance with Washoe County Code Section 110.608.25 and Tahoe Area Plan Policy LU1-3 Finding of Compatibility.**

**Vice-Chair Lazzareschi seconded the motion, which passed on a vote of four for, two against, with Commissioners Phillips and Kennedy voting nay.**

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

**7:41 p.m. The Commission recessed.**

**7:50 p.m. The Commission reconvened with all Commissioners present.**

**C. Abandonment Case Number WAB23-0004 (Maranatha Abandonment) [For possible action]** – For hearing, discussion, and possible action to approve an abandonment of Washoe County's interest in a portion ( $\pm 2,769$  SF) of a turnaround at the northwest corner of a parcel at 47 Maranatha Road.

- Applicant/Property Owner: Eric J. Lutz
- Location: 47 Maranatha Road
- APN: 046-031-58
- Parcel Size: 3.69 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: South Valleys
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- Commission District: 2 – Commissioner Clark
- Staff: Tim Evans, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Timothy Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Maranatha Abandonment; Vicinity Map; Request; Site Plan; Evaluation (2

slides); Reviewing Agencies; Public Notice; Findings; and Motion. He clarified the phone calls received in response to the notification were merely for clarification.

Public Comment:

There was no response to the call for public comment.

**MOTION: Vice-Chair Lazzareschi moved that Abandonment Case Number WAB23-0004 for Eric Lutz be approved, with the conditions included as Exhibit A to this matter, having made all three findings in accordance with Washoe County Code Section 110.806.20.**

**Commissioner Kennedy seconded the motion, which passed unanimously with a vote of seven for, none against.**

**D. Master Plan Amendment Case Number WMPA23-0004 and Regulatory Zone Amendment Case Number WRZA23-0005 (Diablo Drive and Main Street) [For Possible action] –**

For hearing, discussion, and possible action to:

- (1) Approve an amendment to the High Desert Area Plan, a component of the Washoe County Master Plan, to change the master plan land use designation for a ±17.99-acre parcel (APN: 071-240-16) from Suburban Residential (SR) to ±4.0 acres (22%) Commercial (C), ±2.0 acres (11%) Industrial (I), and ±11.99 acres (67%) SR; and
- (2) Subject to final approval of the associated Master Plan Amendment by the Board of County Commissioners and a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, recommend adoption of an amendment to the High Desert Regulatory Zone Map, to change the regulatory zone for a ±17.99-acres parcel (APN: 071-240-16) from Medium Density Suburban (MDS- 3 units per acre) to ±4.0 acres (22%) Neighborhood Commercial (NC), ±2.0 acres (11%) Industrial (I), and ±11.99 acres (67%) High Density Suburban (HDS- 7 units per acre);
- (3) And, if approved, authorize the chair to sign resolutions to this effect.

- Applicant/Property Owner: Gerlach General Improvement District (GID)
- Location: Off Diablo Drive & Main Street
- APN: 071-240-16
- Parcel Size: ±17.99 acres
- Existing Master Plan: Suburban Residential (SR)
- Proposed Master Plan: ±4.0 acres (22%) Commercial (C), ±2.0 acres (11%) Industrial (I), and ±11.99 acres (67%) SR
- Existing Regulatory Zone: Medium Density Suburban (MDS- 3 units per acre)
- Proposed Regulatory Zone: ±4.0 acres (22%) Neighborhood Commercial (NC), ±2.0 acres (11%) Industrial (I), and ±11.99 acres (67%) High Density Suburban (HDS- 7 units per acre)
- Area Plan: High Desert
- Development Code: Authorized in Article 820, Amendment of Master Plan & Article 821, Amendment of Regulatory Zone
- Commission District: 5 – Commissioner Herman

- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Trevor Lloyd, filling in for Planner Julee Olander, conducted a PowerPoint presentation and reviewed slides with the following titles: Request; map; Background; MPA Request; RZA Request; The Gerlach Suburban Character Management Area map; Request; Availability of Facilities; Neighborhood Meeting & Public Comment; and Reviewing Agencies, Findings & Motion.

Chair Pierce requested more information about the commercial and industrial portions of the proposal.

Mr. Lloyd responded the GID wanted to offer not just housing, but commercial and industrial opportunities. He pointed out much of the zoning throughout the high desert area was General Rural (GR), which allowed many different uses including heavy industrial. Some concerns had been voiced about the compatibility of that, but staff determined the zoning would be compatible with those potential uses.

Commissioner Donshick asked Mr. Lloyd to address criticism that the GID was not allowed to do this.

Mr. Lloyd replied that the ownership of the property was not the purview of either the Planning Commission (PC) or County staff.

Commissioner Kennedy indicated the PC always took utility and water availability into consideration, yet she was told by the planner it was irrelevant. She wondered why.

Mr. Lloyd did not consider that issue irrelevant as any development needed to ensure adequate facilities were available at the time of development. Neither of the water managers for Washoe County or the State Division of Water Resources voiced concerns about the availability of water. He remarked developers could not violate State requirements for adequate water rights for any future development at this location.

Commissioner Flick believed the owner of the property was relevant.

Mr. Lloyd responded that was not a finding which needed to be made to approve the request.

Planner Eric Hasty, representing the GID, said the process was driven by the GID, and the change in zoning was not to add density but to allow more flexibility with housing types.

Public Comment:

Mr. Roger Edwards commented the town of Gerlach was half-full of industrial zoning that was not in use, yet the GID wanted more. He did not believe the GID should take the position of wanting more housing variety. As a general contractor, he would have to pay the appropriate entities for utilities, but the GID was acting as a general contractor, which he felt was a conflict of interests. He pointed out there had already been one Master Plan amendment on this property, and he urged the PC to consider the conflict of interests.

Mr. Gary Schmidt submitted documents. He noted the GID had changed the property from one lot to 57 lots, which was compatible with the area, yet they had not developed 54 of those

lots in six years. As currently zoned, this would represent a 50 percent increase in the capacity of Gerlach. He supported putting the 54 lots on the market, but not turning them into 162 lots in an area with only 100 people. He hoped the PC reviewed the documents which members of the public had submitted. He wondered why the GID wanted this many lots when that had said on the record that they only wanted 40. He did not believe the GID Charter allowed them to develop their properties other than if it was related to utilities.

Ms. Gail Krolick contested the earlier comment that the ownership of the property was not the purview of the PC. She expressed concern about comments previously made by a public works supervisor that sewer ponds were at capacity. She brought up comments made in May by GID Chair Judy Conley who stated the development could not be done without adequate water and sewer capacity. She believed the project was rushed through, noting it was not approved unanimously by the GID. She believed there was not enough sewer capacity for the project.

Mr. John Krolick stated the GID never put these lots onto the market, and he expressed concern about having high-density development on the fringe of the town as it would impact the property values of the surrounding area. He spoke about submitting written statements and ordinances from the GID's 1974 Charter, which he hoped the PC would take into consideration when making their decision.

Via Zoom, Mr. Derek Wilson, a consultant representing Burning Man, recognized the public's concern about the rezoning. He said Burning Man generally supported projects in Gerlach and would support a multi-family housing project, though he felt the industrial zoning was not compatible.

Via Zoom, Ms. Judy Conley supported the rezoning, summarizing her history working and raising a family in Gerlach. She indicated Empire was not a housing option for Gerlach residents. Speaking about the housing shortage in Gerlach, she noted the current Postmaster was living in a recreational vehicle outside of town. She clarified the proposal was not for building anything, only for approving the plan.

Mr. Russell Bierle, Gerlach Public Works Supervisor, emphasized via Zoom that they were not seeking approval for specific construction at this time. The Master Plan amendment and zoning change were the first steps. He admitted there currently was not water or wastewater capacity to develop all the lots simultaneously, but they were in the process of obtaining State-revolving funding to increase water capacity, and there were plans to increase wastewater capacity. He noted they had only been at water capacity once in the history of Gerlach, and that was during Burning Man.

Via Zoom, Ms. Kristy Evans expressed support for the approval of the Master Plan amendment, citing a shortage of available housing and commercial properties. She remarked a recently hired teacher could not find a place to rent, nor could a Gerlach fire captain. She felt the new Master Plan represented new options, and residents of Gerlach had attended meetings asking for the zoning proposed in this item. Referencing a suggestion made to auction off the parcels, she said they tried that and two of the parcels were purchased by non-residents and sat vacant. She stated the inclusion of industrial zoning was in response to public request. She wanted to see a variety of housing so the community could thrive.

Discussion by Commission:

Chair Pierce asked for a legal clarification about the ownership issue.

Deputy District Attorney Jennifer Gustafson reiterated that any potential restrictions on what

the GID could do with its parcel was outside the PC's purview, and it would be inappropriate for her to opine on that since she did not represent the GID.

Chair Pierce pointed out the Division of Water Resources had no comment on the proposal.

**MOTION: Vice-Chair Lazzareschi moved that the resolution contained as Exhibit A to this staff report to amend the Master Plan as set forth in Master Plan Amendment Case Number WMPA23-0004 be approved, having made at least three of the five findings included in Washoe County Code Section 110.820.15(d) and the findings in Goal Twenty-One of the High Desert Area Plan. It was further moved that the resolution and the proposed Master Plan Amendments in WMPA23-0004 be approved as set forth in the staff report for submission to the Washoe County Board of County Commissioners, and the Chair be authorized to sign the resolution on behalf of the Planning Commission.**

**Additionally, he moved that the resolution included as Exhibit B recommending adoption of Regulatory Zone Amendment Case Number WRZA23-0005 be adopted, having made all of the findings included in Washoe County Code Section 110.821.15(d). It was also moved that the resolution and the proposed Regulatory Zone Amendment in WRZA23-0005 be certified as set forth in the staff report for submission to the Washoe County Board of Commissioners, and the Chair be authorized to sign the resolution on behalf of the Washoe County Planning Commission.**

**Commissioner Donshick seconded the motion, which passed with a vote of 6 for, one against, with Commissioner Kennedy voting nay.**

**E. Special Use Permit Case Number WSUP23-0020 (PRSEC Transmission Line) [For possible action]** – For hearing, discussion, and possible action to approve a special use permit for a major public facility use type for an extension of a 2-mile long, 69 kilovolt (kV) transmission line within existing utility easements from NV Energy's Fort Sage Substation through Washoe County to the California State Line. The applicant is also requesting to waive all landscaping requirements, and to vary the maximum height of 35' to allow for structures to be 65' in height. This project meets the standard for a project of regional significance because it entails construction of a transmission line that carries 60 kV or more. It will require approval by the regional planning authorities before any approval at the County level would take effect. This project also requires amendments to the Regional Utility Corridor Map to identify the location of the new transmission line. The amendments must be sponsored by the Board of County Commissioners and approved by the Truckee Meadows Regional Planning Authorities. This project will need to comply with all Federal and State approvals before any approval at the County level would take effect.

- Applicant/Property Owner: Plumas Sierra Rural Electric Cooperative (PSREC)
- Location: North of Indian Ln. & South Anaho Rd.
- APN: 074-061-24, 074-061-33, 074-061-32, 074-061-31, 074-061-30  
074-061-29, 074-061-39, 074-061-38, 074-061-37, 074-061-36  
074-062-39, 074-062-54, 074-062-55, 074-040-61, & 074-040-60
- Parcel Size: 10, 10.7, 10.8, 10.8, 10.9, 10.8, 5, 5, 5, 5, 10, 10, 10, 558.1 & 92.4 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)

- Area Plan: High Desert
- Development Code: Authorized in Article 302 Allowed Uses, Article 810, Special Use Permits & Article 812 Projects of Regional Significance
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Secretary Lloyd indicated Mr. Evans would make the presentation for Planner Katherine Oakley.

Planner Timothy Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Request; map; Background; Designations; Site Plan; Evaluation (3 slides); Modifications; Neighborhood Meeting; Noticing; Reviewing Agencies & Findings; and Possible Motion.

Commissioner Donshick asked whether there would be any impacts to nearby archaeological sites.

Mr. Evans confirmed there would be no impact.

Karen Downs, Senior Planner with Manhard Consulting, conducted a PowerPoint presentation and reviewed slides with the following titles: Who is PSREC?; Location; PSREC Fort Sage Transmission Constructability Map; Land Use Designations; Application; Project (2 slides); Highlights; and TMRPA.

The applicant requested waiving the landscaping requirements, Ms. Downs stated, in part because it would look out of place among the native vegetation. She added the applicant provided a botany study, a wildlife report, and a cultural resources inventory. She said unplanned power outages cost the Sierra Army Depot roughly \$100,000 an hour, and people were even sent home during long outages. The Depot also provided a letter of support for the project.

Public Comment:

There was no response to the call for public comment.

Discussion by Commission:

Vice-Chair Lazzareschi expressed relief that this energy development would increase reliability for the residents, as that had been a concern previously voiced.

Secretary Lloyd corrected his earlier statement that Mr. Evans was filling in for Planner Oakley; instead, he was a substitute for Planner Julee Olander.



**MOTION: Commissioner Donshick moved that Special Use Permit Case Number WSUP23-0020 for Plumas Sierra Rural Electric Cooperative (PSREC) be approved 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. It was further moved to vary the development code standard in Table 110.406.05.1 to allow structures up to 65 feet in height and waive the landscaping standards of Article 412 of the Washoe County Development Code.**

**Commissioner Nelson seconded the motion, which passed unanimously with a vote of seven for, none against.**

#### **10. Chair and Commission Items**

A. Future agenda items

Secretary Lloyd noted there would be a joint Planning Commission and Board of Adjustment training at 10 a.m. on September 18.

B. Requests for information from staff

There were no requests.

#### **11. Director's and Legal Counsel's Items**

A. Report on previous Planning Commission items

There were no reports.

B. Legal information and updates

There were no updates.

#### **12. \*General Public Comment and Discussion Thereof**

Mr. Gary Schmidt read from the character statement, which was part of the Regional Plan, saying future development in Gerlach should match existing high-density suburban land use in the center of town and transition to medium-density suburban land in the periphery. He believed the vote taken earlier was a violation of the Master Plan and the Regional Plan. Additionally, he read the rights of the general improvement district regarding its property, saying they could not develop it, which could result in litigation. He said only one person spoke out in favor of the plan as written. He stated the general improvement district could develop neighborhood commercial without any further review.

#### **13. Adjournment**

With no further business scheduled before the Planning Commission, the meeting adjourned at 08:56 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor.

Approved by Commission in session on October 16, 2023

*Trevor Lloyd*

Trevor Lloyd

Secretary to the Planning Commission