

Exhibit C - Planning Commission Minutes 6-6-24 (Excerpt)

RECUSED:

- 4.2 Reno City Planning Commission - Regular - May 15, 2024 6:00 PM (For Possible Action)

It was moved by Manny Becerra, seconded by Arthur Munoz, to approve. Motion Pass.

RESULT:	Approve [5 TO 0]
MOVER:	Manny Becerra, Commissioner
SECONDER:	Arthur Munoz, Commissioner
AYES:	Armstrong, Becerra, Munoz, Rohrmeier, Velto
NAYS:	
ABSENT:	J.D. Drakulich, Silvia Villanueva
ABSTAIN:	
RECUSED:	

- 5 **Public Hearings – Any person who has chosen to provide his or her public comment when a Public Hearing is heard will need to so indicate on the Request to Speak form provided to the Secretary. Alternatively, you may provide your comment when Item 3, Public Comment, is heard at the beginning of this meeting.**

- 5.1 Staff Report (For Possible Action – Recommendation to City Council):
Case No. **LDC24-00052 (Chism Mobile Home Park MPA & ZMA)** –
A request has been made for: 1) a Master Plan amendment to establish a Master Plan Land Use Designation of Mixed-Employment (ME) on a ±1.18 acres; and, 2) a zoning map amendment to; a) establish a zoning district of Mixed Employment (ME) on a ±1.18 acres; b) rezone ±0.57 acres of General Commercial (GC) to Mixed Employment (ME); and c) rezone ±0.17 acres of General Commercial (GC) to Multi-Family Residential 21 units per acre (MF-21). The request is on a portion of a ±5.91 acre site comprised of four parcels located south of the Union Pacific Railroad right-of-way and north of West 2nd Street. The site is within the General Commercial (GC) zoning district and has Master Plan Land Use Designations of Suburban Mixed-Use (SMU) and Mixed-Employment (ME). **[Ward 1]**

Mike Railey, Planning Manager, stated the applicant for this item requested a continuance to June 20.

No public comment

- 5.2 Staff Report (For Possible Action) Case No. **LDC24-00015 (NV Energy Utility Corridor)** – A request has been made for a conditional use permit to: a) establish a major utility to allow for the construction of a new overhead 120kV electrical power line, and b) allow for hillside development. The corridor alignment for the utility is generally located

between the Bordertown substation (Cold Springs area) to the north and the California substation (Verdi area) to the south. Approximately 4.1 miles of the overall ± 10.9 mile Nevada portion of the power line are within the City of Reno with the remainder in unincorporated Washoe County. The request is a Project of Regional Significance (PRS) and requires an amendment to the Truckee Meadows Regional Plan to establish a new regional utility corridor. **[Ward 4 & 5]**

Nathan Gilbert, Principal Planner, provided staff analysis and overview of the project. As conditioned, staff can make all the findings relying heavily on the robust environmental impact statement.

Dave Snelgrove, CFA, gave an overview of the project. The applicant has requested Condition No. 9 be deleted. He discussed the negotiation process with private property owners for right-of-way access and stated Condition No. 9 would be saying to those private property owners that they have to follow the alignment presented in the Final Environmental Impact Statement (FEIS).

Disclosures: read and received emails, familiar with the region, spoke with someone in opposition

Chair Armstrong read a disclosure into the record stating that his employer has an ongoing business relationship with NV Energy. He sought guidance from the City Attorney's Office and it was determined that this is not a clear case of disqualifying conflict of interest and he will not be recusing himself from this item.

Public Comment:

Correspondence received was forwarded to the Planning Commission and entered into the record.

Lacey Barnett
Lloyd Lebard
Antone Lebard
Austin Slaughter
John Dugan
Ann Sweder
Nathan Vick
Kurt Gensheimer
Julianne Zotter
Don Schmidt
Terry Ruppert

Ken McNeil
Marvin Small
Tom Van Ruiten (via zoom)
Brandon Kersey (via zoom)
Matt Carples (via zoom)

Questions:

Commissioner Velto asked staff why they are opposed to removing Condition No. 9.

Mr. Gilbert explained that Condition No. 9 is in alignment with the analysis of the FEIS. The original application material did not show the proposed route deviation, which straddles property lines through a forested area ± 4 miles west of the original alignment. Planning staff does not have enough information regarding the impacts of the proposed realignment.

Commissioner Velto asked staff if removing Condition No. 9 would be consistent with the FEIS.

Mr. Gilbert responded stating no, it is not. He explained that staff's concern would be making CUP findings 2, 5, and 6.

Jasmine Mehta, Deputy City Attorney, responded to Commissioner Rohrmeier and confirmed that the FEIS is only binding on public property, not private property. Nonetheless, the proposed deviation was not analyzed at all so staff has no basis on which to recommend or deny the deviation.

Commissioner Rohrmeier asked the applicant if the Forest Service is going to allow the changed route under a DNA or if they have a more involved analysis.

Mark Sullivan, NV Energy, stated the route that goes around has not been analyzed. They are going to work with the Forest Service to be able to amend their application. He asked that if Condition No. 9 is not removed that it be amended to change the reference to the EIS as illustrated in Exhibit D to the EIS or any amendment or concurrence with the Forest Service. That will give them an opportunity to work with the Forest Service to analyze that route and either mitigate it or avoid it.

Commissioner Velto expressed concern that staff has not had an opportunity to evaluate the proposed deviation, and that the applicant wants us to defer to a subsequent amendment that we are not able to review. He asked the applicant what it would look like for them if Condition No. 9 remained as is.

Mr. Sullivan stated they would have to condemn the property owner. NV Energy would have to make a statement that no other option was available to them and the property owner could go into court and say they gave us another option. NV Energy would have to take the property to stay with the original FEIS route.

Commissioner Becerra asked when staff sat down with the applicant to review the deviated plan.

Mr. Gilbert stated they discussed the alignment with the applicant in March and the alignment that is included in the staff report was proposed in April or May. Condition No. 9 maintains that original alignment and the applicant has requested that condition be deleted. Staff's support is contingent on Condition No. 9 remaining.

Commissioner Becerra stated that if staff has not had a chance to review the deviated route proposed by the applicant, he wondered if the general public had an opportunity to review or even be made aware of the deviated route.

Mr. Gilbert stated the material presented at the Washoe County Commission meeting kept the original alignment.

Mr. Snelgrove explained that the private property easements for their proposed deviated route were recorded in 2020.

Commissioner Becerra asked if it has been presented to the general public since the time the easements were recorded.

Mr. Sullivan stated they have had several public meetings. They have had Citizen Advisory Board (CAB) meetings and Neighborhood Advisory Board (NAB) meetings. The alignment they are proposing has been public for a long time and presented at public meetings.

Commissioner Becerra asked the applicant why they want to remove Condition No. 9.

Mr. Sullivan stated it is not workable. They cannot obtain the property in order to go with the FEIS alignment.

Mr. Gilbert responded to questions from Commissioner Munoz regarding where the line proposed by the applicant would run. He explained the line would run through a heavily forested area about 60 feet higher in elevation than the original alignment.

Mr. Sullivan responded Chair Armstrong's request to explain how they got to this position. The EIS was done by the Forest Service and they determined the preferred route in 2019. NV Energy went out and negotiated with property owners. He discussed the negotiation process and stated that Stan Lucas wanted a different alignment due to impacts to their development. NV Energy came to an agreement with property owners on this alignment that was recorded and made public in April 2020. When we submitted materials to Washoe County and to the City of Reno, that should have been included. If it wasn't, that was a mistake. It was included in the materials when we resubmitted.

Mr. Sullivan confirmed for Commissioner Munoz that, based on their communication with the property owner, the realignment route is less likely to be developed than the original route area.

Chair Armstrong asked staff to explain again the main concerns.

Mr. Gilbert stated that staff's perspective is while it is within this body's discretion to veer from the original alignment, we don't have the information to say what the impacts are.

Mr. Gilbert confirmed for Chair Armstrong that staff met with the Fire Marshall. Underground utility lines are safer, but it is a cost-benefit and feasibility issue. Fire did not express concerns or provide comments specific to undergrounding.

Mike Railey, Planning Manager, stated that staff is comfortable with the current alignment that we feel has been vetted. With this deviation, staff has not had the chance to vet that and know what the impacts would be. Staff does not have the information to do that analysis.

Mr. Sullivan responded to Commissioner Rohrmeier and explained the permitting path with federal agencies. The study would be an amendment to the FEIS and would go through all the steps they did with the original FEIS. The permitting analysis would be available in a couple of months. He also explained the need for this line and the NERC conditions.

Commissioner Munoz asked if these lines would leave a scar.

Mr. Sullivan stated that NV Energy clears vegetation out of the right-of-way to prevent fire and they typically have a road underneath the access.

Commissioner Becerra expressed concern that this project of regional significance has so many unknowns. He asked if it would benefit staff to have

additional discussion with the applicant.

Mr. Gilbert confirmed that staff would be amenable to evaluating a more robust analysis.

Mr. Sullivan stated they are already going to go through that process and asked that his earlier suggested amendment to Condition No. 9 be made to allow for a Forest Service amendment to the alignment.

Commissioner Becerra noted that analysis of an amended route is not before the Planning Commission. He asked the applicant if they would be amenable to continuing this matter to be able to find alignment with our staff so we can have a more thorough conversation.

Mr. Sullivan stated he does not think he will be able to do that because of their schedule. He asked that the Planning Commission recognize that there will not be a difference between this route and the outcome in the FEIC and an amendment. They will tell you the same stuff, it will either be avoid or treat.

Discussion:

Commissioner Munoz expressed concerns with the impacts of vegetation management. It is difficult to make the findings without knowing what really will be done there. He cannot make the conclusions without knowing what the impacts will be. He will not be able to make the findings.

Commissioner Rohrmeier noted the federal process is rigorous. The applicant did not pick the route, it was done through a multi-agency, multi-year process. These are the tensions we have to deal with. We need energy and reliability. She will trust the federal process. Local government should not stand in the way of these efforts. She will support this on the premise that the federal agencies will be doing a thorough review. She will support the project and would be supportive of removing Condition No. 9.

Commissioner Velto stated he will support the project with Condition No. 9. He is concerned that staff has not been able to evaluate the change proposed by the applicant.

Commissioner Becerra stated he will not be able to support the project as presented and suggested instead of a denial that the applicant meet with our staff and perhaps the community to try align on a viable solution.

Chair Armstrong stated that he does trust the federal process, but this is not a federal jurisdiction. He has concerns about being able to make conditional use

permit finding 2. He does not want to outright deny but is not comfortable with the amendment as presented by the applicant.

Commissioner Munoz clarified that he can be in support of this with Condition No. 9. He would not support removing that condition.

Commissioner Becerra stated he has a similar clarification as Commissioner Munoz. If Condition No. 9 is a deal breaker for the applicant, he recommends additional discussion with staff.

Commissioner Velto stated he could also support continuing this to allow more discussions.

Commissioner Rohrmeier asked for clarification regarding whether staff and the applicant want to continue the item.

Mr. Sullivan stated he would take an approval over a denial. If the Commission approves it with Condition No. 9, they will accept that.

Commissioner Rohrmeier stated she can support the original route if that is the motion being put forward. She expects it will go to appeal. She will not make the motion because she still supports the alternate route suggested by the applicant.

Commissioner Becerra asked if staff is comfortable with approval including Condition No. 9.

Mr. Gilbert stated yes, that is staff's recommendation.

Chair Armstrong read the appeal process into the record.

It was moved by Arthur Munoz, seconded by Alex Velto, to approve the conditional use permit, subject to conditions listed by staff. Motion Pass.

RESULT:	Approve [5 TO 0]
MOVER:	Arthur Munoz, Commissioner
SECONDER:	Alex Velto, Commissioner
AYES:	Armstrong, Becerra, Munoz, Rohrmeier, Velto
NAYS:	
ABSENT:	J.D. Drakulich, Silvia Villanueva
ABSTAIN:	
RECUSED:	