

**PLANNING COMMISSION
STAFF REPORT**

Date: June 6, 2024

To: Reno City Planning Commission

Subject: 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.

From: Nathan Gilbert, AICP, Principal Planner

Ward #: 4 & 5

Case No.: LDC23-00015 (NV Energy Utility Corridor)

Applicant: NV Energy

APN: 038-010-05, 038-060-37, 038-280-43, 038-821-20, 038-842-03, 081-010-06, 081-010-18, 081-110-04, 081-110-05, 081-110-06, 238-320-04, 558-010-06

Request: **Condition Use Permit:** To construct a 120 kV overhead electrical transmission line (major utility) and allow for hillside development.

Location: Refer to Case Maps (**Exhibit A**).

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the conditional use permit, subject to conditions.

Summary: A request has been made to construct a new ±11.9 mile long (±10.9 miles in Nevada) 120-kilovolt electric transmission line between the existing Bordertown (Cold Springs area) and California substations (Verdi area). The new line is intended to provide redundancy in the 120 kV system that supplies bulk power to the West Reno/Verdi area in order to meet regulatory standards. Approximately 4.1 miles of the corridor are within the City of Reno's jurisdiction (**Exhibit A**)

with the remainder in unincorporated Washoe County. Development of the major utility requires a conditional use permit (CUP) from the City of Reno and a special use permit (SUP) from Washoe County. Both the CUP and SUP are contingent on regional approvals from the Truckee Meadows Regional Planning Commission and Governing Board. The U.S. Forest Service prepared a Final Environmental Impact Statement (FEIS) evaluating potential impacts on public and private properties with various alternative transmission routes (**Exhibit H**). In 2019, a Final Record of Decision was issued selecting the Peavine/Poeville corridor alignment, which the proposed corridor generally follows (**Exhibit I pages 294-314**). The request is a Project of Regional Significance (PRS) and will require an amendment to the Truckee Meadows Regional Plan to establish a new regional utility corridor for portions of the alignment (**Condition 5**). Staff analysis focused on; 1) environmental impacts; and 2) code compliance. With all recommended conditions of approval, the proposal meets or exceeds all code standards and addresses applicable findings. Staff recommends approval, subject to listed conditions.

Background: The purpose of the project is to provide a backup power line that would continue to serve the west side of Reno in the event that the existing power lines currently serving the area fail. Installing a power line between the Bordertown and California substations will allow NV Energy to provide the power needed to meet reliability requirements of their electrical system. According to the FEIS, the North American Electric Reliability Corporation requires NV Energy to provide reliable bulk transmission capacity consistent with adopted standards. Energy demand in the West Reno/Verdi area during peak load periods can push beyond the transmission capacity limits of existing lines. The proposed utility line is intended to allow NV Energy to plan, operate, and maintain their bulk energy transmission system so that it can survive an event that causes concurrent failure of two system elements.

NV Energy began the entitlement process with the U.S. Forest Service in 2011. The Forest Service is the lead federal agency completing the Final Environmental Impact Statement (FEIS) in cooperation with various state, Federal, and local agencies. Five alternatives were evaluated (including no action). The FEIS was presented in 2018 and the agency selected the Peavine/Poeville alignment (proposed with this CUP) as the preferred alternative, citing public comments on the draft EIS and analysis related to cultural resources, private property, visual resources, and use of existing utility corridors to the maximum extent possible in the rationale. In 2019, the Final Record of Decision was signed by the lead agency pending local approvals and implementation of conditions.

Discussion: The proposed line runs ± 11.9 miles (including California and Nevada portions) with ± 10.9 miles within the State of Nevada. The City's portion of the line can be divided into two geographies: Verdi and Cold Springs, described below:

Verdi: Starting from the California substation (west of Verdi, NV) the line runs ± 2.2 miles east through the Verdi area within an existing utility corridor designated in the Truckee Meadows

Regional Plan. Portions of this corridor are within both Washoe County and City of Reno jurisdictions. The new line would remove 21 existing poles in this area and add ten new poles resulting in a reduction of ten poles within the corridor. A new utility corridor is proposed to extend north from the existing utility corridor located on the north side of the West Meadows Estates subdivision. The line extends through a private Washoe County parcel then through the westernmost portion of the Mortenson Garson Overlay District on a parcel approved for the Stan Lucas residential subdivision. From here the line extends through private and federally owned parcels in Washoe County until connecting to the City's jurisdiction in the Cold Springs area.

Cold Springs: The line is proposed to run through privately owned and undeveloped property in the Cold Springs area and would add 48 new poles. A proposed deviation from the Peavine/Poeville alignment within the FEIS occurs on private property within the Stonegate PUD, which is discussed in detail under the Design and Compatibility heading of this report. Major utilities are an allowed land use in the Stonegate handbook and no modifications are required to facilitate the request. From the northern boundary of the Stonegate PUD, the line runs through undeveloped property before connecting to the Bordertown substation in Sierra County, California.

Analysis:

Easements: Easements have been recorded for the entirety of the proposed alignment within Reno's jurisdiction with the exception of APN 038-010-05. The owner, Stan Lucas, provided an owner affidavit to allow pursuit of this request while the details of the easement are negotiated. **Condition 6** requires demonstration of all recorded easements prior to issuance of any building permit.

General Code Compliance: Major utilities are allowed in all zoning districts with approval of a conditional use permit. RMC 18.09.207 "Exclusions from Building Heights" exempts major utilities from height requirements otherwise applicable to a zoning district. Development standards require placement of major utilities within an existing utility corridor or facility site as adopted in the Truckee Meadows Regional Plan. Regional Planning staff has requested that Reno and Washoe County conditional/special use permits be conditionally reviewed and approved prior to sponsorship of a new corridor. No CUP will be effectuated unless this regional corridor is approved to match the proposed alignment.

Environmental Impacts: The FEIS was prepared to evaluate the project's environmental impacts and identify appropriate mitigation measures. While the FEIS was required because the project crosses National Forest Service lands, the scope of analysis includes the entire subject area. A Construction, Operation, and Maintenance (COM) Plan (**Exhibit I**) was prepared as a companion document to the FEIS. The COM plan serves to inform relevant personnel of the environmental requirements for construction, operation, and maintenance of the project. The plan is extensive and addresses issues including wildlife impact mitigation, noxious weed management, vegetation

management and restoration, cultural resources, air quality, and fire prevention in line with the mitigations evaluated in the FEIS. **Condition 7** requires building permit review, construction activity, and ongoing maintenance responsibilities within the City's jurisdiction to comply with the COM plan. Staff recommends more restrictive construction hours as specified in **Condition 8**.

Overall Design and Compatibility: The transmission line right-of-way would be 40 to 90 feet, depending on constraints, and the utility corridor would be 300 to 600 feet in width, depending on the location. Sixty (60) new poles are proposed within Reno's jurisdiction. Span distance between the poles averages 800 feet but could range from 200 to 2,000 feet depending on terrain or obstructions. The type of poles used for the transmission line vary based on location and will range in height from 70 to 105 feet. The pole colors would be dark brown and matte which would be similar to the existing distribution line poles. Non-specular conductors are conditioned to reduce glare impacts. A combination of single-pole structures, two-pole H-frame structures, and three-pole dead end/angle structures would be used. Plan and profile sheets illustrating pole location, height, and type within the City's jurisdiction are included in **Exhibit B**. There will be ± 14 types of pole structures used as illustrated in **Exhibit C**.

Verdi: The proposed line runs through ± 2.2 miles of an existing regionally identified utility corridor through the Verdi area before a new corridor is required extending north of the West Meadows subdivision on a parcel under Washoe County's jurisdiction. This new corridor is proposed to start on the westernmost portion of the Mortensen-Garson Planning Area 1 on parcel 038-010-05, which is approved for the future Stan Lucas residential subdivision. The line would be approximately 0.25 miles west of the nearest tentatively approved subdivision lot and ± 0.97 miles from existing lots within the Somerset PUD. The most significant viewshed impact on existing residences in this area would be from the West Meadows Estates subdivision. This line extends from the existing regional utility corridor located on the northern portion of the subdivision. City Master Plan and Regional Plan policies prioritize placement of major utilities within existing utility corridors and the required easements were secured from the Master Developer of West Meadows Estates.

Cold Springs: The portion of the line running through the Cold Springs area routes through five large parcels of vacant land zoned Unincorporated Transition – 10 Acres (UT-10), PUD-Stonegate, and Single-Family Residential – 3 Units Per Acre (SF-3). This application proposes to deviate from the FEIS alignment on two private parcels to better facilitate future development within the Stonegate PUD, which was certified in 2018. The PUD and its land uses in this area (Large Lot Residential – 1 acre, maximum of 350 units) were not evaluated with the FEIS, which was adopted in 2018; however, the zoning on the site prior to the Stonegate PUD was also LLR-1. **Exhibit D** illustrates the FEIS alignment and the alignment proposed in this request. Since this portion of the line is on private property, it is not explicitly subject to the FEIS placement and the Planning Commission has the authority to approve this deviation. As proposed, the line would jog ± 0.4

miles west and straddle the property lines of four existing parcels (one developed) with pole placement through forested areas at elevations ± 60 feet higher than originally proposed. Because the alignment within the FEIS was selected after rigorous analysis that incorporated public/agency comments to minimize visual impacts on existing developed private property and overall environmental impacts, staff recommends **Condition 9** maintaining the FEIS alignment.

Hillside Development and Grading: While proposed utility grading will be minimal, the project is considered a hillside development because it contains slopes greater than 15 percent on 20 percent or more of the site. **Exhibit E** illustrates slope cells and elevation contours for those portions of the corridor within Reno's jurisdiction. Excavation for pole sites without foundations will be approximately three feet in diameter and ten to thirteen feet deep. In places where foundations are necessary, self-supporting steel angle poles will be installed on concrete foundations three to twelve feet in diameter and 12-40 feet below ground. RMC 18.08.606(b)2 exempts excavations for structural footings from discretionary cuts/fills standards. Areas beneath aerial lines will have disturbance where removal of vegetation is required to meet the National Electric Safety Code clearance requirements and to facilitate construction related activities.

A building (grading) permit will be required, and work will be subject to applicable grading requirements of RMC, in addition to the more restrictive provisions outlined in the COM plan. Temporary widening of some existing roads is anticipated with construction, which will be reviewed through separate permits. As grading plans were not submitted with this application, a major site plan review will be required for these roads if grading thresholds reach discretionary levels (greater than 20-foot cuts or ten-foot fills) (**Condition 10**).

Regional Plan Conformance: This is considered a Project of Regional Significance because it involves the establishment of an overhead powerline that carries 60 kilovolts (kV) or more. Additionally, effectuation of the request will require an amendment to the *Regional Utility Corridors and Sites* map of the 2019 Truckee Meadows Regional Plan to identify the location of the new portion of the proposed regional utility corridor (**Exhibit F**), subject to approval of the Regional Planning Governing Board. As the project encompasses areas within both Washoe County and the City of Reno, the Regional Planning Commission will sponsor the changes to the Regional Plan mapping in one single amendment as opposed to the County Commission and City Council sponsoring individual amendments. The Regional Planning Governing Board is the deciding body for Regional Plan amendments.

Master Plan Conformance: The portions of the corridor within Reno's jurisdiction have Master Plan land use designations of Large Lot (LL), Single-Family Neighborhood (SF), Unincorporated Transition (UT), Special Planning Area (SPA), Public and Quasi-Public (PQP), Parks, Greenways & Open Space (PGOS), and Unincorporated Transition (UT). The entirety of the proposed corridor is located within the Foothill Neighborhood designation per the Structure Plan Framework of the

Reno Master Plan. As proposed and with the recommended conditions, the project is in conformance with the Master Plan land use designation and supportive of the following applicable Master Plan principles, goals and policies:

- Policy 2.4G Regional Utility Corridors
- Policy 2.4H Electrical Transmission Infrastructure

Public and Stakeholder Engagement: The project was reviewed by various City divisions and partner agencies (**Exhibit G**), and comments were incorporated into the project analysis in addition to the multiagency review comments provided throughout the EIS process. The applicant presented and answered questions related to project design, safety, maintenance, and feasibility of undergrounding at the Ward 4 & 5 Neighborhood Advisory Boards and no NAB comments were received. The request for the portion of the corridor through unincorporated Washoe County lands was approved by the Washoe County Planning Commission, as proposed, on May 7, 2024. Public comments at this hearing were related to the desire to underground the corridor and opposition to the proposed corridor realignment on the Stonegate parcel. A courtesy notice was sent out to surrounding property owners upon initial submittal of the project and three general inquiries were received, in addition to two public comments in opposition (**Exhibit J**). Comments received after the submittal of this staff report will be forwarded to the Planning Commission.

Recommended Conditions of Approval: All conditions shall be met to the satisfaction of Development Services Department staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the conditional use permit and maintain the validity of that permit, or the conditional use permit approval shall be null and void.
3. Prior to the issuance of any building permit, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.
4. The applicant, developer, builder, or property owner, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.

5. Final approval of this conditional use permit is contingent on the Truckee Meadows Regional Planning Commission and/or Governing Board approvals for a Project of Regional Significance and the amendment of the Regional Plan identifying the new corridor location and type.
6. Prior to the issuance of any building permit, all required easements shall be recorded consistent with approved corridor alignment.
7. All building permits, construction activity, and ongoing maintenance responsibilities associated with this request shall be subject to and comply with the Construction, Operations, and Maintenance (COM) plan referenced as **Exhibit I**. When conditions of approval or RMC standards are more restrictive, the more restrictive provision shall apply. The Administrator may approve modifications to COM Plan implementation to reflect amendments and conditions not applicable to the City.
8. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays, excluding dust control and Storm Water Pollution Prevention Plan measures. Construction activity that is greater than one mile from legally established residential uses (excluding use of explosives or aircraft) shall be limited to the hours between 6:00 a.m. and 7:00 p.m., Monday through Sunday. A note to this effect shall be placed on the title sheet of all building permit plan sets and a sign shall be posted at the construction site.
 - a. If the construction hours need to be varied for the pouring of concrete slabs, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.
 - b. If grading or construction activities will involve the use of explosives or aircraft, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of the Administrator.
9. The proposed alignment in the Cold Springs area shall match the general alignment as presented in the FEIS as illustrated in (**Exhibit D**).
10. All grading plans associated with this request, including temporary or permanent access roads, shall clearly identify if any nonexempted cuts deeper than 20 feet and/or fills greater than ten feet in height are proposed. If identified, a major site plan review shall be required.

Findings:

General Approval Criteria: The decision -making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
 - a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

Conditional Use Permit: In addition to meeting the criteria in Section 18.08.304(e), Approval Criteria Applicable to All Applications, the following findings shall be made prior to granting a conditional use permit pursuant to RMC 18.08.605(e):

1. The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
2. The proposed land use and project design is compatible with surrounding development;
3. The proposed land use and project design is consistent with applicable development standards;
4. Public services and facilities are available to serve the project, or will be provided with development;
5. The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
6. The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
 - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
 - b. Any hazard to persons and property.

Hillside Development: For developments ten acres or more in area, the following findings shall be made prior to granting a major site plan review, in addition to the general major site plan review findings:

- a. The proposed project mitigates environmental degradation, including slope failure, erosion, sedimentation, and stormwater run-off;
- b. The proposed project utilizes grading practices that are appropriate for hillsides and designed to minimize the visibility of unsightly scarring;
- c. The proposed project provides open space based on hillside constraints;
- d. The proposed project adheres to applicable hillside development design standards and to Master Plan provisions related to development in sloped areas; and
- e. The proposed project's site layout and design features adequately mitigate potential visual impacts of development near prominent ridgelines and within other visually prominent areas.

Attachments:

Exhibit A – Case Maps

Exhibit B – Plan and Profile Sheets

Exhibit C – Pole Structure Types

Exhibit D – Area of Proposed Corridor Deviation from FEIS

Exhibit E – Slope Cells and Elevation Contours

Exhibit F – Regional Plan Utility Corridors and Sites Map

Exhibit G – Agency Comments

Exhibit H – Final Environmental Impact Statement (FEIS)

Exhibit I – Construction, Operations, and Maintenance (COM) Plan

Exhibit J – Public Comment