



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: February 16, 2017

Staff Contact: Hope Sullivan, Planning Manager

Agenda Title: For Possible Action: To approve a Master Plan Amendment to amend Goal 1.5e of the Master Plan to provide for future aboveground utility corridors to be shown on the Land Use Map of the Master Plan in compliance with NRS 278.165. (Hope Sullivan, Planning Manager, hsullivan@carson.org).

Staff Summary: Nevada Revised Statutes (NRS) 278.150-170 requires the inclusion of an aboveground utility plan in the City's Master Plan. The proposed amendment adds language to the Master Plan that recognizes that the City will work with the local energy utility with respect to the designation of future aboveground utility corridors on the Land Use Map of the Master Plan. At this time, there are no corridors planned. The proposed amendment is necessary to comply with State law.

Agenda Action: Formal Action/Motion

Time Requested: 30 minutes

Proposed Motion

I move to approve the Master Plan Amendment to amend Goal 1.5e of the Master Plan to provide for future aboveground utility corridors to be shown on the Land Use Map of the Master Plan in compliance with NRS 278.165 based on the findings contained in the staff's report to the Planning Commission.

Board's Strategic Goal

Quality of Life

Previous Action

At its meeting of January 19, 2017, the Board reviewed the subject request. The Board requested that references to utility companies be generalized, and requested supplemental language to ensure compliance with the provisions of the Development Standards Section 1.2.8, which requires that all utilities be supplied to a building or project by underground service. The Board continued the matter to provide staff the opportunity to modify the proposed language.

At its meeting of December 21, 2016, the Planning Commission conducted a public hearing on the subject request, and adopted Resolution No. 2016-PC-R-4 recommending that the Board of Supervisors amend the Master Plan as requested. The vote of the Planning Commission was 6-0 (1 absent.)

Background/Issues & Analysis

Per CCMC 18.02.070, the Board of Supervisors has the authority to amend the Master Plan. The Planning Commission considers requests for amendments to the Master Plan and makes a recommendation to the Board.

The report to the Planning Commission specifically addressing the request and the findings, along with the resolution is attached to this report.

In response to the Board's concerns, the reference to Sierra Pacific Power and Southwest Gas is proposed to be replaced with "Energy and Natural Gas Utilities."

To provide further clarity, staff suggests including the NRS definition of "aboveground utility." It is defined as "an aboveground electric transmission line which is designed to operate at 200 kilovolts or more and which has been approved for construction after October 1, 1991 by the State or Federal Government or a governing body." The proposed modified text of Goal 1.5e is attached.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.02.070 (Master Plan)

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact: Actions of the Board of Supervisors pursuant to NRS 278 are exempt from Business Impact Statement Requirements.

Alternatives

Deny the request for a Master Plan Amendment based on the inability to make the required findings, noting which findings can not be met.

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

PROPOSED LANGUAGE FOR GOAL 1.5e OF THE CARSON CITY MASTER PLAN

(Language proposed to be deleted appears with a strike through. Language proposed to be added is in italics and underlined.)

1.5e – ~~Sierra Pacific Power and Southwest Gas~~ *Energy and Natural Gas Utilities*

The City shall coordinate with ~~Sierra Pacific Power and Southwest Gas~~ *the local energy and natural gas utilities* on the location of new power lines and future facilities necessary to serve the community-, *including the designation of aboveground utility corridors on the Land Use Map consistent with NRS 278.165. “Aboveground utility” is defined as an aboveground electric transmission line which is designed to operate at 200 kilovolts or more and which has been approved for construction after October 1, 1991, by the State or Federal Government or a governing body.*

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF DECEMBER 21, 2016

FILE NO: MPA-16-170

AGENDA ITEM: F-5

STAFF AUTHOR: Hope Sullivan, AICP, Planning Manager

REQUESTS: To adopt a resolution recommending to the Board of Supervisors approval of a Master Plan Amendment to create a process for an aboveground utility plan that shows corridors designated for construction of aboveground utilities in compliance with NRS 278.165.

APPLICANT: Community Development Director

RECOMMENDED MOTION:

"I move to adopt Resolution No. 2016-PC-R-4 recommending to the Board of Supervisors approval of MPA-16-170, a Master Plan Amendment to amend Goal 1.5e of the Master Plan to provide for future aboveground utility corridors to be shown on the Land Use Map of the Master Plan in compliance with NRS 278.165 based on the findings contained in the staff report."

LEGAL REQUIREMENTS: CCMC 18.02.070 (Master Plan), NRS Chapter 278.165 (Development and adoption of aboveground utility plan)

BACKGROUND:

In accordance with Nevada Revised Statutes (NRS) 278.150 – 170, since the City has a Master Plan, it must include in that plan an aboveground utility plan.

The aboveground utility plan must:

1. Provide a process for the designation of corridors for the construction of aboveground utility projects;
2. Be consistent with any transmission plan prepared by the Office of Energy;
3. Ensure the continuity of transmission corridors, and be consistent with the aboveground utility plan of each adjacent jurisdiction; and
4. Be consistent with any resource management plan prepared by the Bureau of Land Management applicable to the jurisdiction of the Planning Commission or governing body, including, without limitation, by ensuring that the aboveground utility plan developed by the Planning Commission or governing body provides for connectivity between any noncontiguous transmission corridors identified in the plan prepared by the Bureau of Land Management.

To create compliance with the provisions of NRS 278.165, staff recommends the following text amendment to Goal 1.5e of the Master Plan. (proposed language is underlined.)

1.5e – Sierra Pacific Power and Southwest Gas

The City shall coordinate with Sierra Pacific Power and Southwest Gas on the location of new power lines and future facilities necessary to serve the community, including the designation of aboveground utility corridors on the Land Use Map consistent with NRS 278.165.

Staff recommends that the plan for future Aboveground Utility Corridors be shown on the Land Use Map on the Master Plan. Procedurally, the adoption of a corridor would be an amendment to the Land Use Map of the Master Plan. When applying the zoning, the use is called a Utility Facility.

Staff has consulted with the Nevada Office of Energy, Douglas County, Washoe County, Lyon County, the Bureau of Land Management, and Sierra Pacific Power regarding plans for aboveground utilities either inside Carson City's corporate limits or adjacent to Carson City's corporate limits. Only Washoe County's plans show aboveground utility corridors adjacent to Carson City. Sierra Pacific Power confirmed that those corridors are existing corridors with existing transmission lines, and not proposed corridors. Therefore, no future corridors are currently proposed.

FINDINGS: MASTER PLAN AMENDMENT

Consistent with CCMC Section 18.02.070.10, when forwarding its decision to the Board for adoption of the amendment, the Commission shall, at a minimum, make the following findings of fact.

a. Consistency with Master Plan

The proposed Master Plan amendment is consistent with the following goals of the Master Plan.

Goal 1.5 - Foster Cooperation on Master Plan Issues.

Goal 1.5a – Coordination with Adjoining Counties

The City shall coordinate with Lyon, Washoe, and Douglas Counties to minimize land use conflicts at shared boundaries, identify opportunities for shared recreational access or amenities, and to ensure that applicable Master Plans for each jurisdiction are mutually compatible with the goals and policies of this Master Plan.

Goal 1.5b – Coordination with State and Federal Agencies

The City shall coordinate with State and Federal Agencies, including the Bureau of Land Management and Forest Service, whose land holdings are adjacent to the City, to minimize land use conflicts within the urban interface, identify opportunities for shared recreational access or amenities, and to ensure the future plans for federal landholdings are mutually compatible with the goals and policies of this Master Plan.

Goal 1.5e – Sierra Pacific Power and Southwest Gas

The City shall coordinate with Sierra Pacific Power and Southwest Gas on the location of new power lines and future facilities necessary to serve the community.

The subject Master Plan amendment is necessary to comply with recently adopted State law. In preparing the Master Plan amendment, staff discussed the matter with Lyon, Washoe, and

Douglas Counties, as well as with the Nevada Department of Energy, the Bureau of Land Management, and Sierra Pacific Power.

b. Compatible Land Use

The proposed Master Plan amendment articulates the City's commitment to working with utility providers to identify future Aboveground Utility Corridors, and creates a process for incorporating a plan within the Master Plan for Aboveground Utility Corridors. Based on consultation with neighboring counties, the Nevada Department of Energy, the Bureau of Land Management, and Sierra Pacific Power, there are no plans for future Aboveground Utility Corridors in Carson City's corporate limits at this time. Therefore, staff is not currently recommending an amendment to the Land Use Map. If the City considers amending the Land Use Map to include an aboveground utility corridor in the future, the Planning Commission and the Board will need to find for compatible land use at that time.

c. Response to Change Conditions

The proposed amendment is in response to a change in conditions. The proposed Master Plan amendment is necessary to be in compliance with recently adopted State law NRS 278.165. The State law did not exist at the time of the last Master Plan update in 2006.

d. Desired Pattern of Growth

The proposed amendment does not map any proposed Aboveground Utility Corridors. Rather it articulates a commitment to working with utility providers as future Aboveground Utility Corridors are identified, and a process for including the corridors on the Land Use Map. Therefore, the subject Master Plan amendment will not be in conflict with the desired pattern of growth. As future Aboveground Utility Corridors are considered by the Planning Commission and the Board, those bodies will consider if the requested amendment is consistent with the desired pattern of growth.

Conclusion

As the finding required for a Master Plan amendment can be made, staff recommends adoption of Resolution No. 2016-PC-R-4.

Attachments

Proposed Resolution 2016-PC-R-4

RESOLUTION 2016-PC-R-4

A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF MPA-16-170, A MASTER PLAN AMENDMENT TO AMEND GOAL 1.5E TO PROVIDE FOR FUTURE ABOVEGROUND UTILITY CORRIDORS TO BE SHOWN ON THE LAND USE MAP IN COMPLIANCE WITH NRS 278.165.

WHEREAS, NRS 278.210 requires that any adoption of a Master Plan Amendment shall be by resolution of the Planning Commission; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of NRS and CCMC 18.02.070, and is in conformance with City and State legal requirements; and

WHEREAS, on December 21, 2016, the Planning Commission obtained public testimony and duly considered recommendations and findings for the proposed master plan amendment and approved Master Plan Amendment MPA-16-170 by an affirmative vote of a two-thirds majority of the Commission, at least five members of the seven-member Commission, pursuant to NRS 278.210, based on four findings of fact; and

WHEREAS, the proposed Master Plan amendment would be consistent with the existing Carson City Master Plan;

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Board of Supervisors approval of the Master Plan Amendment to amend Goal 1.5e to state the following (new language is underlined).

1.5e – Sierra Pacific Power and Southwest Gas

The City shall coordinate with Sierra Pacific Power and Southwest Gas on the location of new power lines and future facilities necessary to serve the community, including the designation of aboveground utility corridors on the Land use Map consistent with NRS 278.165.

ADOPTED this 21th day of December, 2016.

VOTE: AYES:

John "Walt" Owens
Paul Esswein
Charles Borders Jr.
Monica Green
Mark Sattler
Daniel Salerno

NAYS:

ABSENT:

Elyse Monroy


Paul Esswein, Chairman