



# WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

## Board of Adjustment Members

Clay Thomas, Chair  
Kristina Hill, Vice Chair  
Lee Lawrence  
Brad Stanley  
Kim Toulouse  
Trevor Lloyd, Secretary

Thursday, June 6, 2019  
1:30 p.m.

Washoe County Administration Complex  
Commission Chambers  
1001 East Ninth Street  
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, June 6, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

## 1. \*Determination of Quorum

Chair Thomas called the meeting to order at 1:30 p.m. The following members and staff were present:

### Members present:

Clay Thomas, Chair  
Kristina Hill, Vice-Chair  
Brad Stanley

### Members absent:

Lee Lawrence  
Kim Toulouse

### Staff present:

Trevor Lloyd, Planning Manager, Planning and Building Division  
Chris Bronczyk, Planner, Planning and Building Division  
Kelly Mullin, Senior Planner, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Jacob Parker, Planner, Planning and Building Division  
Roger Pelham, Senior Planner, Planning and Building Division  
Michael Large, Deputy District Attorney, District Attorney's Office  
Donna Fagan, Recording Secretary, Planning and Building Division

## 2. \*Pledge of Allegiance

Chair Thomas led the pledge to the flag.

## 3. \*Ethics Law Announcement

Deputy District Attorney (DDA) Michael Large recited the Ethics Law standards.

## 4. \*Appeal Procedure

Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

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

As there was no response to the call for public comment, Chair Thomas closed the public comment period.

## 6. Approval of Agenda

Chair Thomas re-arranged the agenda for June 6, 2019. The items will now be heard in this order; 8L, 8M, 8A-G, 8K and then 8H – J. In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of June 6, 2019. The motion, seconded by Member Hill, passed three in favor and none opposed.

## 7. Possible action to approve June 6, 2019 Draft Minutes

Member Hill moved to approve the minutes of May 2, 2019. The motion, seconded by Member Stanley, passed three in favor and none opposed.

## 8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

### L. Special Use Permit Case Number WSUP19-0010 (Bell Residence) – For possible action, hearing, and discussion to approve a special use permit for the replacement of a manufactured home with a ±1,760 square foot single family dwelling in a neighborhood commercial (NC) regulatory zone.

- Applicant/Property Owner: Ron Bell
- Location: 109 Grumpy Lane
- APN: 085-230-52
- Parcel Size: 6,882 sq. ft.
- Master Plan: Commercial (C)
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 3 – Commissioner Jung
- Staff: Jacob Parker, Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775.328.3628
- E-mail: [jparker@washoecounty.us](mailto:jparker@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Trevor Lloyd announced that Planner Jacob Parker will be leaving the County. This will be his last meeting.

Jacob Parker, Planner, provided a staff report presentation.

Ron Bell, applicant, thanked staff and introduced his case.

There was no request for public comment, Chair Thomas closed the public comment period.

There were no member questions or comments.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0010 for Ron Bell, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a detached single family dwelling and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**M. Special Use Permit Case Number WSUP19-0011 (Chagolla Residence)** – For possible action, hearing, and discussion to approve a special use permit for the placement of a ±2488 square foot single family dwelling in a neighborhood commercial (NC) regulatory zone.

- Applicant/Property Owner: Roberto A. Chagolla
- Location: 5134 Sun Valley Blvd.
- APN: 085-021-82
- Parcel Size: 7,849 sq. ft.
- Master Plan: Commercial (C)
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 3 – Commissioner Jung
- Staff: Jacob Parker, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3628
- E-mail: [jparker@washoecounty.us](mailto:jparker@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Jacob Parker, Planner, provided a staff report presentation.

Chair Thomas asked if the easements will interfere. Mr. Parker said they are odd shaped easements on the property, but should not interfere.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0011 for Roberto Chagolla, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Hill seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements

are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for a detached single family dwelling and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**A. Amendment of Conditions/Administrative Permit Case Number WAC19-0003 (Lodge Coffee + Wine) for Administrative Permit Case Number WADMIN18-0009** – For possible action, hearing and discussion to approve an administrative permit with an expanded range of hours beyond what was approved as part of the original administrative permit, Case WADMIN18-0009, approved August 2, 2018. The original permit allowed for the Liquor Sales – On-Premises and Retail Sales – Specialty Stores use types. If approved, this new permit would supersede the original permit and would be the same as the original permit, except that it would update the original hours of operation for the wine and coffee bar. To ensure continuity in the enforcement of original and new permit conditions, the original administrative permit case number will carry forward, supplemented with an amendment of conditions case number.

- Applicant/Owner: Burkhart Management Group LLC
- Location: 17025 Mt. Rose Hwy
- APN: 047-161-13
- Parcel Size: ±.99-ac.
- Master Plan: Commercial
- Regulatory Zone: Neighborhood Commercial
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3608
- E-mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Kelly Mullin, Senior Planner, provided a staff report presentation.

Member Stanley asked for history of this property. Ms. Mullin provided background. Owner applied for an administrative permit last year for coffee/wine bar and Snowind Sports. The coffee/wine bar recently requested to amend the application by allowing outdoor music, but has since decided to eliminate that part of this request. The current request is to expand hours of operation for the coffee/wine bar.

Debby Bullentini, applicant, introduced herself. She said that location was a restaurant for 40 years which shut down and Mr. Burkhart restored this property. She said it's a family friendly location with a social, friendly atmosphere. She said it's a much needed addition to the neighborhood. It's not a full-service bar or gaming. She said she is requesting to extend business hour by one hour daily. She said she has researched other business models to make a welcoming business. She said she is disheartened by the challenge of their requests to improve the operation.

Member Stanley asked if she has any plans that might require a special use permit in the future. Ms. Bullentini said no.

Chair Thomas asked Ms. Bullentini if she is committed to turn the lights off in the parking lot an hour after operations close. She said yes, the lights are on a timer. He asked if she can do private parties. She said there is no room for a private party.

#### Public Comment:

Dennis Callahan said he lives on Mt. Rose highway across from this business. He thanked the applicant for meeting with residents and listening to concerns about the outdoor music request. Mr. Callahan said his concern and request is that the parking lot lighting is turned off to honor the mountain scenic corridor. He asked if lighting can be conditioned. He said they have been good neighbors, so far.

With no further requests for public comment, Chair Thomas closed the public comment period.

Member Stanley said he believes the objections have been addressed. Chair Thomas agreed and appreciates the owner meeting with the neighbors in the area.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Administrative Permit/Amendment of Conditions Case Number WAC19-0003 for Administrative Permit WADMIN18-0009, for Burkhart Management Group, with the amended condition as included in Exhibit A, and additional condition 1(k)(ix) as provided with the presentation, having made the four findings in accordance with Washoe County Code Section 110.808.25, and the additional finding F.2.13 as required by the Forest Area Plan. Chair Thomas seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development, and for the intensity of such a development; and
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

F.2.13 The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

**B. Special Use Permit Case Number WSUP19-0009 (TMWA)** – For possible action, hearing and discussion to approve a ±2,335 sq. ft. booster pump station, including emergency electrical generator, electrical transformer, and associated site development for Truckee Meadows Water Authority.

- Applicant: Truckee Meadows Water Authority
- Property Owner: Heinz Ranch Land Co., LLC
- Location: 10150 Trail Drive, southeast corner of North Virginia Street and Common Road
- APN: 081-031-13
- Parcel Size: ±1.52-ac.
- Master Plan: High Density Rural (Reno-Stead Corridor Joint Plan – Planned Land Use)
- Regulatory Zone: High Density Rural
- Area Plan: North Valleys

- CAB: North Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3608
- E-mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Kelly Mullin, Senior Planner, provided a staff report presentation.

Chair Thomas asked about lighting and access to Virginia Street. Ms. Mullin said she will allow Ms. Fuss to address those questions in greater detail.

Member Stanley asked about the need for a booster pump station. Ms. Mullin said it will lead to additional capacity for TMWA's operations in the area.

Angela Fuss, applicant representative, provided an overview. TMWA does not have a water line to provide water service into the North Valleys. This booster pump station is needed for the water line being installed. She said they originally intended to use Common Drive for access, but a neighbor at the CAB meeting stated those are private easements. Ms. Fuss said access will most likely be on North Virginia Street and it won't impact anyone. She said there will be very little traffic and impact to the neighborhood. She said there will be shielded and downward lighting on the building.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Hill said it sounds like a necessary project and well designed. Member Stanley agreed with Member Hill. Chair Thomas said it's in anticipation for future growth in North Valleys. Chair Thomas asked if the vibration or noise will impact the zoo next door.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0009 for Truckee Meadows Water Authority, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Hill seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**C. Administrative Permit Case Number WADMIN19-0010 (Community Pancake Breakfast)** – For possible action, hearing, and discussion of an administrative permit and outdoor community event business license, with conditions, for the Community Pancake Breakfast, to be held at the North Lake

Tahoe Fire Protection District Station in Incline Village on July 5th. The proposed outdoor community event will be held between the hours of 8 a.m. to 10 a.m. The event organizer estimates 850 to 950 people will attend the event.

- Applicant/Property Owner: North Lake Tahoe Fire Protection District
- Location: 875 Tanager Street
- APN: 132-223-14
- Parcel Size: 37,284 sq. ft.
- Master Plan: Commercial
- Regulatory Zone: General Commercial (GC)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Berkbigler
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing.

Julee Olander, Planner, provided a staff report presentation.

Mark Reagan, applicant and NTFPD representative, said it's been great to work with Planning Staff. He said we are hosting it the Saturday after the 4<sup>th</sup> of July. It's a great opportunity to meet with the community and share safety information.

Chair Thomas asked about tracking attendance. Mr. Reagan said they track attendance by how many plates they use. He expects lower attendance this year since it's hosted after the 4<sup>th</sup> of July and there is no parade this year. He said in the years past, there were 1,200 people.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0010 for the North Lake Tahoe Fire Protection District, and an Outdoor Community Event Business License application and associated license conditions, for the Community Pancake Breakfast, having made the four findings in accordance with Washoe County Development Code Section 110.808.25, I further move to authorize the Director of the Planning and Building Division to issue the business license when all pre-event conditions have been satisfied. Chair Thomas seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for pancake breakfast and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Chair Thomas asked for any disclosures for any of the applications. There were no disclosures reported by members.

**D. Administrative Permit Case Number WADMIN19-0011 (Veteran's Pancake Breakfast)** – For possible action, hearing, and discussion of an administrative permit and outdoor community event business license, with conditions, for Veterans Pancake Breakfast, an outdoor community event to be held at Aspen Grove in Incline Village, Nevada on July 4th. The proposed outdoor event will be held between the hours of 8 a.m. to 12 p.m. The event organizer estimates 850 to 900 people will attend the event.

- Applicant: Incline Village/Crystal Bay Veterans Club
- Property Owner: Incline Village General Improvement District
- Location: 960 Lakeshore Dr.
- APN: 127-010-07
- Parcel Size: 17.8 acres
- Master Plan: Rural
- Regulatory Zone: Parks & Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1- Commissioner Berkbigler
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander, Planner, provided a staff report presentation.

Shelia Leijon, applicant and IVGID representatives provided an overview. Chair Thomas asked about set-up on July 3<sup>rd</sup> since it's the same location as Beer and Brats event on July 3<sup>rd</sup> at 7 p.m. Ms. Leijon said it's been a smooth transition and there are shared resources with both events. Chair Thomas asked about tracking attendance. Ms. Leijon said they use tickets to track attendance.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Stanley said it sounds like a great event.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0011 for Incline Village Crystal Bay Veterans Club and an outdoor community event business license application and associated license conditions, for the Incline Village Crystal Bay Veterans Pancake Breakfast, having made all five findings in accordance with Washoe County Development Code Section 110.808.25, I further move to authorize the Director of the Planning and Building Division to issue the business license when all pre-event conditions have been satisfied. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;



3. Site Suitability. That the site is physically suitable for pancake breakfast and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

**E. Administrative Permit Case Number WADMIN19-0012 (Beer and Brats)** – For possible action, hearing, and discussion of an administrative permit and outdoor community event business license, with conditions, for Beer & Brats, an outdoor community event to be held at Aspen Grove in Incline Village, Nevada on July 3rd. The proposed outdoor event will be held between the hours of 4 p.m. to 8 p.m. The event organizer estimates 400 to 450 people will attend the event.

- Applicant: Incline Tahoe Foundation
- Property Owner: Incline Village General Improvement District
- Location: 960 Lakeshore Dr.
- APN: 127-010-07
- Parcel Size: 17.8 acres
- Master Plan: Rural
- Regulatory Zone: Parks & Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1- Commissioner Berkbigler
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander, Planner, provided a staff report presentation.

Chair Thomas asked for clarification of the time in the case description of 4 p.m. – 8 p.m. He asked for clarification of event end. Ms. Olander said 7 p.m. is the end of the event.

Shelia Leijon, applicant and IVGID representative was available for questions. Chair Thomas asked about tracking attendance. She said tickets track attendance.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Stanley said it sounds like another great event.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0012 for Incline Tahoe Foundation and an outdoor community event business license application and associated license conditions, for Beer & Brats, having made all five findings in accordance with Washoe County Development Code Section 110.808.25, I further move to authorize the Director of the Planning and Building Division to issue the business license when all pre-event conditions have been satisfied. Member Hill seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements

are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for pancake breakfast and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**F. Administrative Permit Case Number WADMIN19-0008 (Mays Building)** – For possible action, hearing, and discussion to approve an administrative permit to allow the conversion of a portion of the first floor of an existing commercial office building into four residential apartments. The first floor of the building is 3662 square feet in size, approximately 600 square feet is proposed to remain as a commercial office and approximately 3000 square feet is proposed to be converted into residential space.

- Applicant/Property Owner: Tim Carlson
- Location: 795 Mays Blvd, Incline Village, NV. approximately 150 feet south of the intersection of Mays Blvd and Southwood Blvd
- APN: 127-090-04
- Parcel Size: ± 0.54 acres
- Master Plan: Urban Residential (UR)
- Regulatory Zone: Medium Density Urban (MDU)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808
- Commission District: 1 – Commissioner Berkbigler
- Staff: Roger Pelham, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3622
- E-mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Roger Pelham, Senior Planner, provided a staff report presentation.

Chair Thomas said in project evaluation of the staff report, the third paragraph, the last sentence said existing office will remain in use as a non-conforming use. Mr. Pelham said under current MDU it's not typical use but it will remain.

Member Stanley asked how many units per acre is MDU zoning. Mr. Pelham said MDU is 20 dwellings per acre. Member Hill said 11 are allowed.

Member Stanley asked if anything has changed since the original application. Mr. Pelham said it's identical to the original application.

Tim Carlson, applicant/owner, thanked the Board and Staff. He said the application is being renewed. A lot of construction happened in the first phase to bring it up to code which took longer than anticipated. He spoke about the office. He said the commercial unit can be maintained as commercial if it remains as an office. He said he maintained that for a purpose.

Public comment:

Bradley Johnson, a neighbor, spoke in support of the project. He said this is a great project to use underutilized space. There is a need for housing in Incline Village. Washoe County code requires parking area abuts residential area. He feels a decorative wall needs to be installed. He said chain-link would be detrimental to the area. There are other fencing options with consideration of Washoe County staff.

Doug Graham, a neighbor, said he supports the applicant. He said it will be nice with affordable housing, positive visual impact. He said he spoke with the applicant regarding tree selection and Mr. Carlson is willing to do that. He supported the fence idea to improve property and provide privacy to Mr. Johnson's property.

With no further requests for public comment, Chair Thomas closed the public comment period.

Mr. Pelham said the fencing is outside of the consideration today. He said a Director's Modification is allowed under Article 412 for certain modifications to allow reduction in landscaping and allow fire apparatus access. The fencing matches what is there now. It's durable fencing where wood is not. We would consider other alternative, if they are durable materials.

Chair Thomas asked Mr. Carlson about his position regarding the fencing. Mr. Carlson said he has worked with Mr. Johnson on other things in the past. He said they will work together on the issue to make it happen. He said he will work with the other Doug Graham's landscaper to install additional landscaping.

Member Hill said it's a great asset to provide additional housing next to markets and the post office. It's a great project.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0008 for Tim Carlson, having made the four required findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan; and
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven; and
3. Site Suitability. That the site is physically suitable for residential apartments, and for the intensity of such a development; and
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

2:47 p.m. – 2:54 p.m. – The Board took a 5 minute recess.

**G. Special Use Permit Case Number WSUP19-0004 (Fox Mountain Monopole)** – For possible action, hearing, and discussion to approve the construction and operation of a new wireless cellular facility consisting of a 150-foot high monopole structure, solar arrays, outdoor shelter with an interior generator room, and three (3) propane tanks within an irregular lease area situated at Fox Mountain, Nevada.

- Applicant: Commnet of Nevada
- Property Owner: United States of America – Bureau of Land Management
- Location: At the terminus of Old Camp Canyon Road/Fox Mountain Road, approximately 7 miles northwest of its intersection with County Road 447 and

- APN: approximately 30 miles northwest of the town of Gerlach in Northern Washoe County
- Parcel Size: 066-080-33
- Master Plan: ± 23,299 acres
- Regulatory Zone: Rural
- Area Plan: General Rural
- Citizen Advisory Board: High Desert
- Development Code: Gerlach/Empire
- Commission District: Authorized in Article 324, Communication Facilities and Article 810 Special Use Permits
- Staff: 5 – Commissioner Herman  
Roger Pelham, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3622
- E-mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Roger Pelham, Senior Planner, provided a staff report presentation.

Julie Krekler, applicant, provided a project overview. She stated this will improve service for first responders and residents in the area. Under conditions of approval, she asked to remove condition 1(d). She stated this area is on a mountain surrounded by rock. Re-vegetation would be a challenge. She also requested condition 3 for TMFPD to be removed. It's on BLM and they have authority.

Member Stanley asked if BLM rely on TMFPD for fire service. Ms. Krekler said BLM has their own fire service. Member Stanley asked about re-vegetation. Ms. Krekler said it would be difficult.

Chair Thomas addressed the conditions. He said they are requesting re-vegetate of at least 20%. She said it's entirely rock around the constructed area. Ms. Krekler said Fox Mountain is difficult to access with snow. Ms. Krekler introduced the project manager, Dave Tiller. Mr. Tiller said during pre-construction, he assessed the area and determined it is not possible for re-vegetation due to the solid rock. He spoke about the access roads which have been excavated for the other carriers already.

Chair Thomas addressed condition 3 for TMFPD. He asked what they oppose. Ms. Krekler said TMFPD responded but it wasn't their jurisdiction.

TMFPD required a condition but they didn't have jurisdiction. DDA Large said TMFPD boundary is 22 North. This site is north of that. This is BLM land. DDA Large said he doesn't believe the mutual aid agreement between Gerlach Volunteer fire and TMFPD is valid in this area. He said he believes BLM has their own fire services and may call upon other fire districts. He said he would rely on BLM representative.

Member Stanley said if BLM is the owner and decide on the conditions, could we find out if there was a cooperative agreement. DDA Large said TMFPD does not have jurisdiction north of the 22 North boundary.

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

Member Stanley said we could remove the condition for TMFPD. Chair Thomas said we can leave it as it stands, but removing it would be appropriate. Member Stanley asked if we override TMFPD condition. Chair Thomas said we have authority to remove it. Mr. Lloyd said it's a standard condition imposed on applicants. It may be an oversight by TMFPD. Member Hill said it's reasonable to remove conditions with approval. She said it's a rocky area and a burden to have to re-vegetate. She supports removing the requested conditions.

Member Stanley asked about the re-vegetation. Mr. Pelham said there is a certain level of misunderstanding in regards to re-vegetation. It doesn't apply to roadway or areas under building or next to facilities or towers. Any area disturbed around the site has to be re-vegetated. He showed on the overhead

projector a map of the area. He noted there is quite a bit of vegetation in the area and said the condition is appropriate and consistent with other locations and was deliberately included. He said there are disturbed areas created by construction that won't be used that need re-vegetation. This is a commercial use type. 20% ornamental landscaping is not necessary. Member Hill asked where the proposed monopole is located. Ms. Krekler showed her on a site map. She said it's not near the other vegetation. Construction should not interfere with it at all. She said the elevation is just over 8,000 ft.

Chair Thomas said he isn't averse to taking off condition 3 for TMFPD due to jurisdiction. As far as re-vegetation plan, he preferred to leave it in since Mr. Pelham clarified the necessity to re-vegetate any disturbed area. Member Stanley agreed with Chair Thomas and Mr. Pelham. He said it may be a sensitive area up at 8,000 ft. It needs to be re-vegetated. He agreed with removing condition 3 until we hear otherwise.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0004 for Commnet Nevada, having made all five findings in accordance with Washoe County Code Section 110.810.30 and condition 3 from TMFPD being removed, unless determined at a later date. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a cellular communication facility, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**K. Special Use Permit Case Number WSUP19-0003 (Vya Monopole)** – For possible action, hearing, and discussion to approve a special use permit for the installation and operation of a 150-foot tall monopole telecommunication facility with all necessary appurtenances/supporting equipment and facilities and to vary development code requirements for landscaping for a commercial use by waiving them for this project.

- Applicant: Commnet of Nevada LLC
- Property Owner: United States of America
- Location: Immediately north of State Route 8A, ±2 miles west of Fortynine Lake
- APN: 061-010-49
- Parcel Size: 773.89
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits

- Commission District: 5 – Commissioner Herman
- Staff: Jacob Parker, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3628
- E-mail: [jparker@washoecounty.us](mailto:jparker@washoecounty.us)

Chair Thomas opened the public hearing.

Jacob Parker, Planner, provided a staff report presentation.

Chair Thomas spoke to exhibit B comments by NDOW. Mr. Parker said BLM has been working with NDOW on this Sagebrush Ecosystem Technical Team (SETT) and determined this site to have the lowest level impact on the environment and wildlife. It does not need to be a condition of approval because there is a condition for the applicant to work with BLM to ensure requirements of executive order are fulfilled.

Member Hill asked about jurisdiction of TMFPD. Mr. Parker said the proposed project site is north of their jurisdiction.

Member Stanley asked if there was a problem with leaving the NDOW condition in. Mr. Lloyd said it would cause confusion, since BLM has already responded. He recommended removing it to reduce confusion.

Julie Krekler, applicant, gave an overview of the proposal. This will provide better service to first responders and residents in Vya. She is requesting to remove conditions 1(e) for existing trees and landscaping requirements. She said it would be a burden to replace the tree. She requested to remove condition 1(j) for the fencing slats.

Member Stanley asked about condition 1(e). She said this condition is to replace the tree on the outside of the compound. Due to remote location, trying to keep a newly planted tree alive is not feasible. There isn't water at the site.

Public comment:

Tony Stobiecki said he submitted an email to Mr. Parker in exhibit C. He said he is excited about the cell tower. He has worked with the County to get better coverage out there. Communication was difficult during the Coleman Fire. He inquired if the road name is SR34 or CR34 and if the zip code is 89413, they use 89412. He would like confirmation on the zip code. He asked if there will be increased grading of Doug Way. It's been closed down due to lack of grading and would like to see funding to run a blade over it once or twice a year. He noted he's taken down many juniper trees to decrease the raptors population and increase the sage grouse population. He believes taking down one juniper tree would not be a big deal. He said he is part of the Vya Conservation District.

With no further public comment, Chair Thomas closed the public comment period.

Member Stanley asked what the planner's impression was about the replacement of trees. Mr. Parker said it's within reason to remove the condition to re-plant the tree.

Chair Thomas said he can forgive the slating condition due to remoteness. When it comes to trees, he understands it may die after re-planting it. He said it's consistent with our rulings with our conditions. He understands its only two trees. It's about precedent. Member Stanley said the slating wouldn't last due to the high wind. Chair Thomas said item 1(j) for visual screening could be removed. Condition 1(e) is for the trees.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0003 for Commnet of Nevada LLC, having made all five findings in accordance with Washoe County Code Section 110.810.30 except for condition 1(j) requiring slats in the fencing (Condition 1(e) will remain). Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a telecommunications facility (monopole), and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**H. Administrative Permit Case Number WADMIN19-0009 (Classical Tahoe)** – For possible action, hearing, and discussion to approve an administrative permit and outdoor community event business license, and associated license conditions for Classical Tahoe, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 25, 26, 27, 28, 30, 31, and August 2, 3, 4, 6, 7, 9, 10, and 11, 2019 and will hold a supplemental movie night on August 4, 2019. The proposed outdoor concerts will be held between the hours of 5:00 p.m. and 9:00 p.m., and the movie night will start at 7:30 p.m. and last until 10:00 p.m.

- Applicant: Karen Craig
- Property Owner: Sierra Nevada College
- Location: 948 Incline Way  
Incline Village, NV 89451
- APN: 127-040-10
- Parcel Size: 17.049 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Uses and Structures; and Washoe County Code 25, Business Licenses, Permits and Regulations
- Commission District: 1 – Commissioner Berkbigler
- Staff: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3612
- E-mail: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. Member Hill said she is a consultant for SNC and this is located at the College. DDA Large said he didn't believe she needed to recuse herself. There were no further member disclosures.

Chris Bronczyk, Planner, provided a staff report presentation. He noted an additional condition, condition 1(n) "Clean-up", indicates the applicant shall be responsible for total clean-up of the site. The site must be restored back to its pre-festival condition no later than August 27, 2019. The applicant shall contact the Washoe County Planning and Building Division to arrange for final site inspection after clean-up is complete. He said instead of 48 hour clean-up, it's been extended to August 27, 2019.

Chair Thomas asked about the 9 p.m. - 10 p.m. event with musicians. Mr. Bronczyk said it's a meet and greet with musicians after the concert. It's not an extension of the concert time.

Karen Craig, Executive Director of Classical Tahoe, representative, provided an overview. She said some of Classical Tahoe is made up of the best jazz musicians and orchestra. She said they hesitate to continue to host in Incline Village because the application is expensive and difficult to acquire. There is an extensive amount of noticing for unamplified happenings on a college campus. She said a state-of-the-art concert house, which they have purchased, is expensive because it requires a certain snowload by Washoe County. The talk and desire is to move it to Northstar. She stated she wants to keep it in Washoe County. She said she wanted to share her experience with the Board and has been encouraged to speak with Commissioner Berkgigler about the challenges she faces during the application process.

Member Hill asked how many people attend. Ms. Craig said approximately 350 seats, overall 3,200 ticket buyers and 800 students. Member Hill asked if there was a alternate location in the college or in the community such as a high school gym. Ms. Craig said it's the finest orchestra and they won't play in the high school gym.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Hill said it's a great event. She said she is sorry to hear about their trouble acquiring the permit.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0007 for Classical Tahoe, having made all five findings in accordance with Washoe County Development Code Section 110.808.25 except for revision in condition 1(n), clean up at the site extended to August 27, 2019. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for an outdoor community event and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

- I. **Special Use Permit Case Number WSUP19-0005 (Lightning W Tank #2)** – For possible action, hearing, and discussion to approve the construction of a 250,000-gallon water tank adjacent to an existing 250,000-gallon water tank on the subject site and to modify all landscaping requirements of WCC Section 110.412.40 and to modify grading requirements to allow for 2:1 slopes instead of 3:1 slopes per WCC Section 110.438.45(a).

- Owner/Applicant: Truckee Meadows Water Authority
- Location: Franktown Road
- APN: 055-210-21
- Parcel Size: 2.066 Acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/ Washoe Valley



- Development Code: Authorized in Article 810, Special Use Permits; and Article 438, Grading
- Commission District: 2 – Commissioner Lucey
- Staff: Sophia Kirschenman, Parks Planner and Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: Sophia – 775.328.3623  
Chris – 775.328.3612
- E-mail: [skirschenman@washoecounty.us](mailto:skirschenman@washoecounty.us)  
[cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Sophia Kirschenman, Parks Planner, provided a staff report presentation. She recommended the removal of condition 2(f) for vegetation bond request since TMWA owns the land.

Chair Thomas spoke about the condition when an access road more than 200 feet long requires a certain width for fire truck accessibility.

Susan Pansky, Rubicon Design Group, provided an overview. She answered Chair Thomas' question about width of road. She said TMFPD reviewed this and the length of the road was not a concern. Chair Thomas said part of the packet said the water towers could be used for firefighting. He asked about the necessity of 20 ft width for the fire trucks. Ms. Pansky said there are hydrants on Franktown Court below the tanks for fire trucks, in the event of a fire.

Chair Thomas asked how the aquifer will be impacted by the addition of the second well. Chris Struford with TMWA said this will double the amount of storage, but there will be the ability to valve-out one of the tanks to use one tank or both at the same time. Chris said it's an isolated system; not connected to any other system. He said this is a unique system. He said there isn't any redundancy, which is why a second tank is being proposed. There are three wells that feed this tank.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Stanley said it sounds like a requirement for redundancy and appreciated the explanation of no impact on the aquifer.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions (including removal of Condition 2(f)) Special Use Permit Case Number WSUP19-0005 for the Truckee Meadows Water Authority, having made all five findings in accordance with Washoe County Code Section 110.810.30, the two findings in accordance with the South Valleys Area Plan, and the modifications to WCC Section 110.438.45 (a) *Grading of Slopes* and WCC Section 110.412.40 *Civic and Commercial Use Types (Landscaping)*. Chair Thomas seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a second 250,000-gallon water tank and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Required Findings for Special Use Permits within the South Valleys Area Plan

SV.2.16 The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

SV.18.3 The granting of special use permits in the South Valleys must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

**J. Special Use Permit Case Number WSUP19-0008 (Houston Grading)** – For possible action, hearing, and discussion to approve major grading of an area of approximately ±35,400 sq. ft. with ±7,428 cubic yards of cuts and ±2,769 cubic yards of fill; to allow slopes greater than 10 feet in height; and to allow the use of gabions to facilitate the construction of a new single family residence.

- Applicant/Property Owner: David Houston
- Location: 20 Bennington Court
- APN: 046-151-05 & 06
- Parcel Size: 2.23 acres & 4.33 acres
- Master Plan: Suburban Rural (SR) & Open Space (OS)
- Regulatory Zone: Low Density Suburban (LDS) & Open Space (OS)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander, Planner, provided a staff report presentation.

Chair Thomas noted on page 6 of the staff report, first paragraph, gabion cages are prohibited. He asked if cages will be used for stabilization or esthetics.

Derek Alan, the applicant's representative, answered the question regarding the gabion cages. He said it's a feasible and best looking way to address the grading in this area. Gabions would provide for a cut and fill situation and also be in accordance with HOA requirements for esthetic wall. The gabions have been proven to be sound engineered structures. Chair Thomas asked about TMFPD requirement for road access. Mr. Alan said this is a driveway, not a road. Mr. Alan said he spoke with TMFPD and met with Chief Beaver and the Captains. He said typically it's a 14% grade, but for life-safety issues, TMFPD required 10% grade

which created a snowball effect. On the plan, it shows a turn out that would satisfy the requirements for fire engine access. Chair Thomas asked if he understood it was a condition. Mr. Alan said he understands it now. He wondered if that condition can be eliminated. He said this is a new requirement to him. Chair Thomas said if it's only a driveway, then why would TMFPD care if it was a 14% grade. They must consider it a road. Mr. Alan said he isn't sure who authorizes that grading requirements. Mr. Alan said they purchased the parcel next to the subject property to help with the access road. Mr. Alan said there is drainage on both sides. He said it's 18 feet wide with asphalt and gravel.

Member Stanley asked about the size of the gabions. Mr. Alan said they are squared engineered metal cages. Engineered base is 6-feet deep, 4-foot middle section, 2-foot top section. They meet national requirements for retention and fill. He said we don't have to haul out as much rock with the use of these gabion cages.

Chair Thomas said gabion cages are prohibited by Washoe County code. Mr. Alan said during original meeting, he said they met with planners and it was brought up that Washoe County considered gabions rip rap. This is much nicer. Chair Thomas asked what happens if the Board doesn't approve. Mr. Alan said we have to consider either concrete wall which HOA didn't want to approve, or concrete Lego-like block that are textured. The concrete blocks could be used, but would increase the cost of the road by \$250,000. He said he spoke with Trevor Lloyd and Julee Olander and hopes this Board approves the gabions.

Member Hill said if we approve this, he must come into compliance with conditions regarding 200 ft road length and width of 20 feet.

Ms. Olander said there are conditions we can propose to remove. He has worked with the fire department. The requirement is in a conflict with what they put in the conditions.

DDA Large spoke about fire apparatus access road codes. He said he believes Mr. Coon is not addressing the condition here. TMFPD has included all wildland interface codes, but doesn't know if that applies as this is being defined as a road. Mr. Lloyd said standards for driveways and public roads are different. It's difficult when two different codes are meld together. Member Hill said they could modify condition 3(b) to define it as a driveway. Mr. Lloyd said you can indicate it specifically applies to driveway codes. DDA Large clarified the driveway codes. Mr. Alan said he can accommodate the driveway stipulations for fire codes. DDA Large believes it's a standard condition included in the application.

Member Stanley asked if we should grant a continuance or address these issues with language and allow the applicant to move forward. Mr. Lloyd said he would appreciate if the Board could address the issues with language and allow the applicant to move forward.

With no request for public comment, Chair Thomas closed the public comment period.

Member Hill said she doesn't have an issue with it if the HOA and CAB are ok with it. She said the language could be changed for condition 1(f) omitting everything before the mention of 'rip rap' and condition 3(b) is modified so access is defined as driveway. Mr. Lloyd said in addition to changing the word road to driveway, he recommended removing language of 20-foot width driveway and road will be in compliance with IWUIC requirements.

Chair Thomas asked if we are opening up the door to future situations with allowance of gabion use. Member Stanley said he preferred the update be created by the planner.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0008 with condition 1(f) being modify to delete the words gabions will not used to stabilize the cut slopes and begin with rip rap will be only used in drainage improvements and condition 3(b) to read that the driveway will be in compliance with IWUIC code for David Houston, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for single family residence and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

## 9. Chair and Board Items

### \*A. Future Agenda Items

No items were requested.

### \*B. Requests for Information from Staff

In regards to the concerns expressed by the Executive Director of Classical Tahoe, Karen Craig, Member Stanley asked about costs and how to expedite the outdoor event process in the future. Trevor Lloyd said we are working on amending a section of the code to address the outdoor events as permanent permits with conditions, to be heard by Planning Commission. Hopefully it addresses these issues.

## 10. Director's and Legal Counsel's Items

### \*A. Report on Previous Board of Adjustment

Mr. Lloyd reported that the Greenview HOA variance went to the Board of County Commission (BCC). This Board's decision of denial was overturned, the County Commissioners granted approval. Incline Village monopole denial by this Board was overturned by BCC. They approved the appeal for monopole. Mr. Lloyd reminded the Board members the next meeting is July 11 instead of July 4th.

### \*B. Legal Information and Updates

No legal updates.

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

There was no public comment.

## 12. Adjournment

Meeting adjourned at 4:48 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on \_\_\_\_\_, 2019

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Trevor Lloyd  
Secretary to the Board of Adjustment