



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

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

Thursday, April 16, 2020  
1:30 p.m.

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

**Due to COVID-19: No members of the public were allowed in the BCC Chambers due to concerns for public safety resulting from the COVID-19 emergency** and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting was held by teleconference only.

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

Public comment was allowed as follows: As required by the Governor's Declaration of Emergency Directive 006 Section 2, members of the public were able to submit public comment by logging into the ZOOM webinar by accessing the following link: <https://zoom.us/j/208521616>. NOTE: This option would require a computer with audio and video capabilities. Additionally, public comment could be submitted via email to [washoe311@washoecounty.us](mailto:washoe311@washoecounty.us) or by leaving a voice message at: (775) 954-4664. Voice messages received were either broadcast into the Commission Chamber during the meeting or transcribed for entry into the record.

The Washoe County Board of Adjustment met in a rescheduled session on Thursday, April 16, 2020, at 1:30 p.m., in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, NV.

## 1. \*Determination of Quorum

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

Members present:	Clay Thomas, Chair Kristina Hill, Vice-Chair (via teleconference) Lee Lawrence Brad Stanley (via teleconference) Kim Toulouse (via teleconference)
Members absent:	None
Staff present:	Roger Pelham, Senior Planner, Planning and Building Division Julee Olander, Planner, Planning and Building Division Chad Giesinger, Planning Manager, Planning and Building Division Donna Fagan, Recording Secretary, Planning and Building Division Katy Stark, Recording Secretary, Planning and Building Division Michael Large, Washoe County Deputy District Attorney

## 2. \*Pledge of Allegiance

Clay Thomas led the pledge.

## 3. \*Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

## 4. \*Appeal Procedure

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

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

Pete Todoroff, Chairman of CAB in Incline Village, said he wanted to speak about the May's Blvd. residential conversion. It is not a condo, it's an apartment complex. He said we can walk to the highway to catch a bus. All the schools are in walking distance. There are 28 spaces plus garages for that complex. You can walk to the market and post office. He said the applicant has indicated to him he doesn't want short term rental; it's strictly workforce housing for the Hyatt. Mr. Todoroff said the applicant is the only person to address workforce housing in the area.

As there were no further requests for public comment, Chair Thomas closed the public comment period.

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of April 16, 2020. Member Lawrence seconded the motion which carried unanimously.

## 7. Possible action to approve February 6, 2020 Draft Minutes

Member Lawrence noted he was not present for the February 6, 2020 meeting and abstained from voting on this item. Member Stanley moved to approve the minutes of February 6, 2020. Member Hill seconded the motion which carried unanimously. Member Lawrence abstained.

## 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.

### A. Administrative Permit Case Number WADMIN20-0001 (Mays Building Residential Conversion)

– For possible action, hearing, and discussion to approve an administrative permit to allow the conversion of the first floor of an existing commercial office building into two residential apartments. There are six existing residential apartments on the second and third floors of the building. The first floor of the building is 3662 square feet in size.

- Applicant/Property Owner: Tim Carlson
- Location: 795 Mays Blvd, Incline Village NV. Approximately 150 feet south of the intersection of Mays Boulevard and Southwood Boulevard
- 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
- Email: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Roger Pelham reviewed his staff report dated February 10, 2020.

Chair Thomas asked if this was the third time this application has been reviewed by BOA. Mr. Pelham said yes, the first time, nothing was acted upon within timeframe given; the second time, the request was different than what was submitted, and now the third time with more changes. Chair Thomas referenced page 10 of 13 of the staff report and stated previous version of the June 2019 application conditions of approval required substantial conformance with plans that were approved by BOA, but the plans that are now submitted are significantly different.

Chair Thomas said car ports and parking garages are identified per unit. But the two units that the applicant wants to add, one of them will have three bedrooms with a community kitchen, and the other unit will have six bedrooms with a community kitchen. Chair Thomas stated there may be nine individuals onsite, and seven would not have a car port or garage. Mr. Pelham said you can have a six-bedroom house, but you are only required one enclosed or covered parking space. That is code requirements. Chair Thomas said these are long term rentals. These aren't family members; you can rent out each bedroom to unrelated individuals. Mr. Pelham said we evaluated for each as a dwelling unit such as apartment unit or single-family unit. Chair Thomas spoke about conditions of approval and adding an additional car port. Mr. Lloyd referenced condition 1(g) the condition states it requires one parking space within a garage or a carport set aside and numbered for exclusive use by that resident or that apartment.

Applicant, Tim Carlson, owner of 795 May's Blvd., said he provided a letter and accepts staff's recommendation and hopes it gets approved.

Member Hill stated it's a great project and appreciates the ability to add a parking space. It's a perfect location for rental in Incline. She appreciated the project.

There were no requests for public comment.

Chair Thomas stated his concern is lack of covered parking for tenants there. An apartment with six bedrooms, not everyone is going to get a covered parking space.

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 WADMIN20-0001 for Tim Carlson, having made all required findings in accordance with Washoe County Development Code Section 110.808.25. Member Lawrence 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.

**B. Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2)** – Special Use Permit Case Number WSUP20-0002 (Boneyard Flat Grading Phase 2) – For possible action, hearing, and discussion to approve a special use permit to allow the excavation of approximately 1,000,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Park industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

- Applicant: Spanish Springs Associates, LP.
- Property Owner: Spanish Springs Associates, LP.
- Location: North of the terminus of the Sha-Neva haul road and south and west of the Pebble Creek Subdivision
- Assessor's Parcel Number: 538-020-01 & 538-010-12
- Parcel Size: ±262 and ±128 acres
- Master Plan Categories: Rural (R) and Open Space (OS)
- Regulatory Zone: General Rural (GR) and Open Space (OS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, Senior Planner  
Washoe County Planning and Building
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Thomas opened the public hearing.

Roger Pelham reviewed his staff report dated March 17, 2020.

Member Lawrence said it's in his view shed which is no problem. There is a lot of development going on. He asked about the dust mitigation. Mr. Pelham said a dust control permit is required which is issued through the Air Quality Management Division of the Health District – they monitor and enforce. He said that is standard code.

Member Toulouse said the Board heard grading operation at Boneyard Flat about a year ago. He said they requested conditions for specific operating hours. He stated the application currently says operations during daylight hours. In the past, for previous projects, the Board had limited those hours from 7:00 a.m. to 6:00 p.m., Monday through Saturday. Member Toulouse proposed to add the operating hours in condition 1(h), Monday through Saturday, 7:00 a.m. to 6:00 p.m.

Chair Thomas asked if this has been used as water retention in the past. Mr. Lloyd said this is necessary. It's a closed basin. It's preventing a situation like Swan Lake in Lemmon Valley in the event of flood. Chair Thomas asked if the location is in a low spot. Mr. Pelham said it's in a lower elevation and has been collecting water for a millennia.

Member Stanley asked was a limit to the length of time on this SUP. Mr. Pelham said standard SUPs are for two years. Mr. Pelham said first phase, they requested longer time.

Derek Kirkland with Wood Rodgers, the applicant's representative, said back in October an SUP was approved for phase 1. He said with this SUP, they aren't changing the project area. He said we are digging the pit deeper with the same conditions – 4:1 slopes and try to make it match the surrounding area.

Steve Strickland, Engineer with Wood Rodgers was available to answer questions.

Chair Thomas said 500,000 cubic yards have already been moved for phase 1. Mr. Kirkland said yes, that is underway right now. Chair Thomas asked where he is putting the material. Mr. Strickland said half

material is identified to go to a project in Sparks and the rest of the materials would find a home later. Chair Thomas asked about unsuitable material. Mr. Strickland said that has been used on adjacent sites. Mr. Strickland said it is useful, just might not be suitable for structural but suitable for fill. Chair Thomas said this request goes to 2025, with a quick calculation, if you take 1.5 million cubic yards out of 188 acres, the standard dump truck holds 5 acres, you are at 1,595 truckloads per acre. That is a big hole you are digging. Mr. Strickland said ½ million will be moved to adjacent properties. It won't be trucked. The next portions may be trucked. You can fit 10-12 acres in a double truck. The number of trips is high for sure. Chair Thomas asked the estimated depth of the pit once this is completed. Mr. Strickland said phase 1 of application, grading started at existing bottom and sliced into the hill. This phase would take us down 10 more feet from the existing ground as it sits today. Chair Thomas said it would be 10 feet down of the 188 acres. Mr. Strickland said no, 188 acres is the entire property, he said it's significantly less than 188 acres going down 10 feet.

Member Lawrence asked how many acres will have the 10-foot depth. Mr. Strickland stated it would be about 60 acres.

Public Comment:

Lynn Starnes sent in comment via email:

I am a resident of Pebble Creek. I do not represent Pebble Creek but the actions discussed today affect me as a resident. Since by state statutes, this proposed work is a "borrow pit" in size, I am going to use that wording.

1) In wet years, Boneyard Flats has filled with drainage water. In fact last spring after a wet winter, there was a pool or lake that extended through the current excavation. With proposed deeper dredging in this borrow pit, all drainage from Hungry Ridge, Pyramid Way, and current permitted developments will go to the lowest point in the valley which will be the new earth borrow pit. Is the county permitting a lake at this location? A wetland? The County has a track history of allowing development that restricts floodplains. If the borrow pit fills with water who is responsible for flooding, children drowning, etc?.

2) Ditches in Pebble Creek were approved by the county. The County needs to require the owner of this borrow pit to connect their "pit" in the Boneyard sink with Pebble Creek's drains in an efficient manner and at no cost to us homeowners in Pebble Creek.

3) There is a county road across the property to the north of the burrow pit. There is a road built by Hamilton near the fences to the north of Serenade Drive and to the west of Ocean View Drive in Pebble Creek continuing south along the newer additions to Pebble Creek. In September 2019, BLM and local fire departments utilized these roads to control the Hungry Ridge fire. Spanish Springs Associates, LP cut off the southern end of these roads that used to go through what is now their borrow pit. Wildland fire fighting access needs to be re-created on or around the current and proposed borrow pit.

4) This proposed borrow pit lowers the water table below drainage ponds for the properly permitted rock/gravel mine to the south of this proposed project. The loose dirt berms installed by Spanish Springs Associates will do nothing to prevent ground water traveling to the new deeper, borrow pit! How will Spanish Springs Associates ensure hard rock/gravel mine drainage does not infiltrate to their borrow pit that will be getting deeper as mining continues in the borrow pit? This water will add to the drainage from Pyramid Way, Pebble Creek, the industrial complex and Hungry Ridge.

5) What is Spanish Springs Association's post mining plan for this property? Do they plan to line the final pit with clay and allow it to fill and become a lake? How will standing water be dealt with in the future?

Sam and Jeannine Eagan sent in comment via email:

Dear Washoe County Board of Adjustment:

We were most dismayed learning that an additional phase of Grading was being considered in boneyard Flat, as the first phase created major dust and debris in the Pebble Creek Community.

We had to replace our pool filter at a cost of \$423.00 per filter, as it was clogged with approximately 80 lbs of dirt.

We will have to have our house power washed due to the amounts of dirt and dust that have accumulated on our wind sills and doorways and solar.

We hear water trucks attempting to keep the dust at bay, however it isn't enough. During wind events, clouds of dust fly through the air and blanket Pebble Creek.

We have noticed an increase of bugs and critters who have been displaced by the first phase moving into our yards. We are very concerned with what Mosquito Season will bring.

We were told that the area would be replanted to mitigate the impact of this project which hasn't been done. We would like to see the first phase stabilized prior to a second phase being considered.

This project has had an impact on the value of the property in Pebble Creek, as well as our enjoyment of our homes. We feel it is irresponsible of Spanish Springs Associates, LP; to dig out the area and leave the property owners to deal with the aftermath.

Roger Evans comment via voicemail:

Is a resident in Pebble Creek subdivisions, which is north of proposed grading area. He said we have large drainage ditches through the subdivision going north and south into Boneyard Flat. There is east and west along Pebble Creek and turns into the basin. Will the project make sure these drainage ditches are altered properly so they drain into them. Without the drainage ditches flowing into it, what is the point. Please ensure the water from the ditches have unimpeded flow into the basin. Thank you for your time.

There was no further public comment. Chair Thomas closed the public comment period.

Member Lawrence asked Mr. Strickland regarding the concerns expressed during public comment. Lynn Starnes was concerned about additional drainage. Member Lawrence asked if it was designed to handle additional drainage going into the pit or is this standard drainage that has been going in there. Mr. Strickland said it's a natural low spot in the area. He said drainage in the area, Pebble Creek, and some areas of the east side of Pyramid Highway will find its way into Boneyard Flat. That storm water path is not changing with this project. This project will provide additional storage for all the water that comes there currently. There is more volume. The Washoe County Engineering Department hired a consultant to re-look at the area. He said they determined for every 600,000 cubic yards removed the basin will lower the 100-year water surface of the elevation of Boneyard Flat, about a foot. So, with this project and previous work, we have the ability to lower flood storage in that area significantly. There isn't additional water that will be going there. It's all going there today. We are providing more space for it.

Member Lawrence asked what is the ground water depth where this is taking place. Mr. Strickland said because the material is mostly clay, the water sits on top. He said they dug seven test pits out there about a month ago. In one test pit, we ran into free standing ground water and that was 7 feet deep. He said because there is a layer of clay, the water doesn't soak in that much. We aren't expecting any more water than what is there today. A lot will evaporate. Member Lawrence said he would like to hear that it's Mr. Strickland's belief what has been heard here today will have no effect on the ground water level in the valley. Mr. Strickland said he isn't a hydrogeologist, but he's not sure how it would. It's the same water that is going into there today. Member Lawrence said Ms. Lynn Starnes' concern was at the excavation point that you can encounter groundwater area. Essentially, you guys aren't fully convinced ground water levels are 100% protected. Mr. Strickland said he wouldn't say it that way. He said they found clay as they moved down further, so he's not seeing there would be an issue there.

Member Stanley said going back to the earlier questions about the amount being removed over the time period; what is the estimated truck trips per day, that might occur. Mr. Strickland said it's probably 30 trucks a day. Member Stanley said the outgoing materials are fill and where will it be used. Mr. Strickland said it will be used on a project on La Posada, east of Pyramid Highway. Member Stanley asked if it's being sold to the recipients. Mr. Strickland said he can't speak to that as he isn't privy. Jesse Haw said we haven't charged any money for materials removed from phase 1. Member Stanley asked about phase 2. Mr. Haw said there may be money charged in phased 2, but nothing is signed. Mr. Haw said going back, the County changed the way they measure or store water in the closed basin. It always had been a 24-hour event and last year, the County Engineer said they wanted to make it a 10-day event which will raise the flood level 8 feet. This is historically where the water goes in North Spanish Springs, into this closed basin. So, one of the thoughts is to lower the base flood elevations to store more runoff water. It's the same amount of water. It will be a more controlled area. That is what phase 2 is going to do.

Chair Thomas asked Mr. Strickland, on the permit application, the square feet being disturbed, you said no new surface area will be disturbed, export material will be generated by deeper cuts of the previously approved 188 acres. He said he thought Mr. Strickland earlier said he was only using 60 acres out of 188

acres. Mr. Strickland said this permit and additional yards is going down from being graded. We won't be touching the other. 188 acres is the entire parcel. Disturbance is less than that. Chair Thomas said if this is approved you will be taking 1.5 million cubic yards within 60 acres. Mr. Strickland said no, it's adjacent. He said as mentioned earlier, the original permit started at the bottom and went into the hill north of the bottom of Boneyard Flats. He said some of those slopes have been built. We will start at that location and go down. We will be excavating in areas that have already been cleared. We will just be going down further.

Dwayne Smith, County Engineer, said he wanted to make sure to provide some perspective to help the Board. He said these are important questions to ask when grading is involved next to residential. He said the dust control permit from Air Quality will be put in place. He said we are active to make sure all permits are applied and adhered to. He said a year ago, based on experiences with other closed hydro basins within Washoe County, it came to his attention there is a gap in the data of understanding the base flood elevation of Boneyard Flat. He said they conducted a study and from that study determined better techniques, hydrology, and topography information, the recommended change in the storm durations that the Boneyard Flat elevation go up. When that elevation went up, it had impacts. It has impacts to industrial and residential areas. He said it also impacts Washoe County roads and lift stations. Because of those concerns, he asked what can be done to mitigate these flood impacts if we do see a 100-year flood event. What can be done to lower that flood pool. There aren't a whole lot of options that are cost effective. In this area, due to size, due to the type of material, and due to need for raising building pads, adjacent area and Sparks area, there was an opportunity to remove materials from this closed basin and effectively lower base flood elevation. The team provided technical information, we reviewed the information, we have been part of that, and support it. It provides flood mitigation. They are flattening the slopes and re-vegetating the area. In this area, the geology allows water to infiltrate the ground more than other closed basins. He said Swan, Silver, and Whites Lakes are also closed basins and still have standing water from devastating events from 2017. This area doesn't pool in the same way as in terms of long-term water storage. It can receive significant volumes of water. He said he supports the efforts to mitigate flood impacts. There is an opportunity in the flood pool elevation. Chair Thomas asked what affect will 500, 000 cubic yards do to help mitigate any type of flooding. Mr. Smith said 600,000 cubic yards per 1 vertical foot, we are able to see with approximately 1.5 million-acre feet, that will lower effective flood pool by 3 feet. That significantly reduces potential impacts during 100-year flood storage event to adjacent properties, roads, and utility infrastructure. Chair Thomas asked about the water table. Mr. Smith said information provided to Mr. Strickland is the same information that we have. These closed basins, due to geology and nature of each basin, how they release the water into the water table is unique to each location. He said we don't anticipate that the removal will get into groundwater table. There may be a storm where we see run off from Stormy Canyon, from west and east, pass through residential into the basin. Ground water table is below excavation limits.

Member Toulouse said overall this not a bad project and will allow for flood storage, so we don't end up like Swan or Silver Lake. He referenced page 204, condition 1(h)(2); he propose changes to hours of operation of 7:00 a.m. – 6:00 p.m., Monday through Saturday.

Member Lawrence said he wished a hydrologist was present. He said there is a clay layer out there. He said removal of a clay layer is concerning as well as ground water depths being affected by potentially draining water in surrounding area. He said he assumes all waters will flow into this retention basin from Pebble Creek and roads. He said the materials will sink through the granular soils as there are pits out there with good DG. He said he is concerned about unprocessed waters leaching into the ground water table. He said he has a 600-foot. deep well at his house. He said the comments received have not answered his concerns about the ground water situation or contaminations by any contaminant from industrial parks, houses, or roads that will now flow into a place where the clay was removed. He said he is not supportive of this project at this time.

Member Stanley asked what sort of insurance is part of the proposal. Given the relatively recent unpleasant related issues, is there insurance to cover the downside of this project.

Chair Thomas said he sees it as an active open pit mine. He said with the 1.5 million cubic yards, it's 800 trucks per acre that they are hauling material. Even if they do 60 acres of the 188 acres, that is still a fairly deep hole they'll be digging. He said he doesn't believe there has been answers about the water table, depth, and haul. He said we agree that was a lot of truck traffic out there. He said there is more information he

would like to have before he votes. Perhaps after 500,000 cubic yards have been removed, consideration can be given to next million.

Member Toulouse said he is sympathetic to his and Mr. Lawrence's points. He said it's a requirement laid on the developer from the County. He asked Mr. Haw what is the alternative. Mr. Haw said if it's denied and there's no appeal, nothing would happen, and unfortunately, the potentially base flood elevation would be that much higher. The water will still come with the same elevation. There were questions about moving materials and trucks. If the project off La Posada moves forward, they will have to get material from another source. He said this material is unsuitable, meaning it's not structural.

Member Stanley asked for clarification about official mandate to take place passed on to Spanish Springs Associates, LP. Is it a suggestion or requirement. Mr. Smith said there is not a mandate to the property owners out there to lower the pool elevation. It's an opportunity to lower the elevation in this closed basin. It's not direction from Washoe County.

Member Toulouse asked Mr. Smith if this was not done, what is the potential impact to the industrial area south, south east and residential area with higher flood pool. Mr. Smith said as indicated by Mr. Haw and indicated by Mr. Strickland, any reduction in the base flood pool elevation under flooding events is a good thing. If it cannot be contained in the existing, it would have impacts to whatever developments are surrounding the basin and infrastructure. This would lower the flood pool and allow for more flood pool storage. In the event of water runoff or precipitation events, that would be positive for industrial and residential surrounding this closed basin.

Chair Thomas said back in 2017 with issues with runoff, was there a negative impact on Eagle Canyon or the industrial park. Were they flooded at that time. Mr. Smith said no, that flood event we experienced impacted the closed basins on the other side of the mountain chain. While there were flood waters contained within the Boneyard Flat closed basin, it didn't receive the same amount of precipitation patterns and the same runoff. It wasn't impacted the same ways as the other basins. Chair Thomas asked, in any event, taking 500,000 cubic yards out of Boneyard Flats would mitigate future runoff to some degree, at least a foot of water. Mr. Smith said any material removed from the perimeter of the basin will help with flood elevations. He said there are some elevations he would like to see based on elevations of roadways, surrounding residential, and if we can remove additional 3 feet of vertical elevation that would be very beneficial if they experience similar runoff event.

Member Lawrence asked what the usable materials will be used for. Mr. Strickland said a portion identified will be used in residential areas in Spanish Springs in new construction. Mr. Strickland said ½ million cubic yards can be used. Member Lawrence said the benefit would be to remove the usable materials for new homes in Spanish Springs. Mr. Strickland said we would be using it to raise homes out of the flood plain they are in. It will be a double benefit. Member Lawrence asked where they are and how are they identified. Mr. Strickland said south of La Posada. He said the County has a large drainage facility just to the south of Boneyard Flat and all that water goes through drainage under Pyramid Highway towards the proposed development. The development has always been in a flood plain. The ground needs to go up enough to raise above flood plain. Member Lawrence asked in order to build these houses, you need this soil. Mr. Strickland confirmed they need the soil to build the houses. Chair Thomas asked if they approved houses to be built in a flood plain. Mr. Strickland said the area has been channelized and the area for residential construction is not in a flood plain anymore. In order for the drainage that gets to the channel and make sure the sewer works, we still need fill in that area.

Member Stanley stated Member Lawrence has asked about testing with the water level, and the answer has been no testing, just best guessing. He asked about testing. Mr. Strickland said testing has been done. Seven test pits have been dug in the area of the proposed excavation and it revealed clays all the way down to 12-13 feet deep. At one of the test pits they found water at 11 feet. Mr. Strickland said it will go down 10 feet.

Member Lawrence asked of their seven test pits, were they all 11 feet deep. Mr. Strickland said most of the test pits went to 14 feet deep, 11 feet is where they found water in one test pit. Member Lawrence said if ground water was found at 11 feet and your pit is going to be 10 feet deep, he said he is concerned with mingling surface water with ground water and what the ramifications of that will be. Mr. Strickland said there



was water in one test pit, not in all of them so it's not their expectations to find ground water at 11 feet at all the locations. Member Lawrence said one is enough. Mr. Strickland said we aren't changing the water that is going there today. The same water that is soaking in today is the same water that will be going there. We aren't removing clay materials. Member Lawrence stated he recalled Mr. Strickland stating clay was the barrier to prevent water from going down into the ground water. Mr. Strickland said clay, in most test pits, were throughout the test pit. Even if we dig down, there is still going to be clay. We are not removing the clay lens. Member Lawrence said you are removing 10 feet of it. Mr. Strickland confirmed.

Chair Thomas stated his position. He said he still isn't satisfied. He said the Board have granted 500,000 cubic yards that would reduce flood to some degree in heavy winter. He said the heavy snow year of 2017 did not really affect Eagle Canyon residential or Spanish Springs park, so 500,000 cubic yards would be beneficial to some degree. Chair Thomas is not convinced of removing another million cubic yards from Boneyard Flats, at this time. Member Lawrence agreed.

Chair 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 deny Special Use Permit Case Number WSUP20-0002 for Spanish Springs Associates, LP, having been unable to make the following findings in accordance with Washoe County Code Section 110.810.30. Member Lawrence seconded the motion which carried unanimously.

The Board was unable to make the following findings:

3. Site Suitability. That the site is physically suitable for major grading for excavation of fill material and to increase flood water storage capacity, 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.

Mr. Lloyd read the appeal process.

**C. Special Use Permit Case Number WSUP19-0029 (Summit Christian Church)** – For possible action, hearing, and discussion to approve a special use permit to allow for the expansion of religious assembly uses to include the construction of a 34,225 sq. ft. worship center at 7075 Pyramid Highway. The proposed expansion will also involve grading which includes ±50,000 cubic yards of cuts from the site with ±30,000 cubic yards to be placed on the north end of the site and ±20,000 cubic yards to be exported.

- Applicant/Property Owner: Summit Christian Church
- Location: 7075 Pyramid Highway
- APN: 083-730-13
- Parcel Size: 36.7 acres
- Master Plan: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: Medium Suburban Density (MDS) & General Rural (GR)
  
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits and Article 438, Grading
  
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner  
Washoe County Community Service Department  
Planning and Building Division
  
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. There were no Member disclosures.

Julee Olander reviewed her staff report dated February 18, 2020.

Chair Thomas noted that Board members received updated conditions of approval documents and noted item 5 is from State of Nevada Department of Transportation (NDOT) inclusions for recommendation.

Kerry Rohrmeier, the applicant's representative, was available to answer questions and provided an update. She noted they concur with the conditions. She stated this has always been part of the master plan for this site. Lonnie Johnson, Engineer, was also available to answer questions. There were no questions for the representatives.

Public Comment:

Donna Moore via voicemail:

Her comment is about traffic. She said she lives next door to the church. She said her concern is with traffic. She asked how the flow of traffic from the church will be impacted. She asked how that will be addressed. She provided her phone number. She said she wasn't able to attend the meeting as she was out of town.

There was no further public comment. Chair Thomas closed the public comment period.

Kerry Rohrmeier said the church has their own traffic management program with a one-way loop with traffic enforcement to help people with arrival and departure and help with efficient circulations. It's a shared use development. The worship center will serve the same amount of people, but the old facilities will become a family center and won't add to much more traffic. Lonnie Johnson said he conducted a traffic study that was reviewed by NDOT; they had questions and comments which were addressed and updated in the traffic report. The only suggestions they had was with respect to Sunday peak period and the northbound lane on Pyramid at Golden View intersection. The two-hour period with Sunday peak period, the que gets longer in the pocket that is currently there. Mr. Johnson described the location of the updated condition. He said just south of the pocket, the center two-way left turn lane, the requested revision from NDOT was to extend the length of the turn pocket and eliminate inflection in the turn pocket to the southern end which will transition into the two-way left turn lane while protecting southbound traffic on Pyramid Highway and that turn left at Blue Gem Estates. He said they did a traffic report to update that request and those are the two new conditions that were presented by Julee from NDOT. It was updated April 2020.

Member Lawrence 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 the additional conditions Special Use Permit Case Number WSUP19-0029 for Summit Christian Church, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Toulouse seconded the motion which carried unanimously.

1. Consistency yards. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs;
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 religious assembly 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.

Recess: 3:25 – 3:30

**D. Administrative Permit Case Number WADMIN20-0002 (Mommies and Daddies Daycare)** – For possible action, hearing, and discussion to approve a daycare facility for 45 children from 0 to 12 years old at 100 Deli Street in an existing 2,932 sq. ft. building.

- Applicant/Property Owner: Nikole Jacob-Jones
- Location: 100 Deli Street
- APN: 080-191-06
- Parcel Size: .045 acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 302, Article 304, Article 810
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner  
Washoe County Planning and Building
  
- Phone: 775.328.3627
- Email: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing.

Julee Olander reviewed her staff report dated March 12,2020.

Applicant, Nikole Jacob-Jones, was available to answer questions via zoom.

Chair Thomas asked if there is enough parking for families and staff. Ms. Olander stated she spoke with the applicant about parking. The conditions in the report from engineering have specific requirements that Ms. Jacob-Jones will have to meet. The applicant won't have to make significant changes to the building. Conditions will have to be met before the business license can be signed-off.

Chair Thomas asked if there will be meals on site. Ms. Olander stated it's an all-day daycare, so she assumed lunch at least, and possibly breakfast meal or evening meal.

Nikole Jacob-Jones, the owner and applicant, said there is an area for a kitchen. She said they currently provides full-service including breakfast and lunch. Chair Thomas asked how many staff she will have. Ms. Jacob-Jones stated it depends on the age groups. For infants, there are two teachers with max of eight kids. As the kids get older, they can add more kids per teacher. She said she intends to have four to six employees which includes the cleaner, cook, and breaker.

She provided a presentation and showed current school pictures.

There was no public comment. Chair Thomas closed the public comment period.

Member Hill said it looks like 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 WADMIN20-0002 for Nikole Jacob-Jones, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Lawrence 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 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 child daycare *center* 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.
- E. WVIO-PLA19-0176 (3765 Moorpark)** – For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer's confirmation of a code enforcement violation concerning an alleged violation of WCC Section 110.306.35(j), placement of a manufactured home on vacant property without the required set up permit.

- Appellant/Property Owner: William Anthony
- Location: 3765 Moorpark Ct., Sun Valley
- APN: 026-021-36
- Parcel Size: ± 0.62 acre (± 27,007 square feet)
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Articles 306, 910, and 912
- Commission District: 5 – Commissioner Herman
- Staff: Chad Giesinger, Planning Manager  
Washoe County Planning and Building
- Phone: 775.328.3626
- Email: [cgiesinger@washoecounty.us](mailto:cgiesinger@washoecounty.us)

Chair Thomas opened the public hearing.

Member Toulouse disclosed he spoke to Ms. Pat Anthony on four separate occasions. None of the conversations focused on the meat of the issue, but rather procedural. DDA Large said he doesn't foresee any conflict.

Chad Giesinger reviewed his staff report of February 18, 2020.

Member Hill asked about the compliance date in the possible motion provided back in February, it states April 1, 2020. Chair Thomas stated the Board must determine the date. Mr. Giesinger stated a lot of time has passed to review this, but it's at the Board's discretion. He said he recommended ASAP.

Member Stanley asked if ASAP means a month. Mr. Giesinger stated 30 days would be reasonable. He believes this will be appealed to District Court.

Pat Anthony, the appellant asked for clarifying questions. She said they had technical issues with Zoom.

Chair Thomas reminded her of her speaking time of 15 minutes. She objected. She stated she and Bill are United State Nationals, Nevadans domicile (inaudible). She said she will be correcting some errors and omissions in Chad's presentation and adding pertinent information and speaking to the flow chart of sovereign government status and standing and directing reversal per your Board directive. She spoke about how men, woman, or people are not mentioned in NRS code. It doesn't apply to us, except by our consent. She said they are consistently denied in this matter. We are outside the jurisdiction of NRS and County code. She said they are not corporate entities in which they don't give consent. She said she is not a member of the matrix, which is fictional, dead, and illusionary to control and enslave in their confines which is used when trespassed by foreign agents. Mr. Trump is aware and have vetted our sovereignty on behalf of the people. Much is going on behind the scenes. It is never our intent to argue. Rather we make claims and notices and rebutted with specificity, with true fact, and evidence establishing the law in the case. Neither are we residents

or our property residential zoned. We are outside and beyond Washoe County code jurisdictions. We take exception and object to allegations of recording fake or unauthenticated documents at the recorder's office. Administrative Officer Elizabeth has inappropriately challenged the validity of certificate of acceptance and land patent and ignored our challenge to Washoe County code and alleged jurisdiction over us. (inaudible). She said she is happy to bring you as a civilian, not corporate employees as Elizabeth and Washoe County code agents are. When she asked at January 15<sup>th</sup> hearing, she asked if anyone was a land patent expert, she was ignored, given no answer and interrupted with a ruling against them to which they objected and timely refused for cause. We also wanted lawful reasons finding specified in writing which were not provided. NRS and Washoe County Code are not public law, only apply to statutory entities, and person who volunteer to be subject to the same law which we do not. Please remember consent of the governed is necessary to consent as we the people and has been consistently denied in this matter. Further speaking to Elizabeth's allegations that our process was lacking components for protecting land patent. We offer public notice on the record of all necessary components of our fiduciary and head of state supported by living law firm and people, especial state nationals, organizing and upholding the people's government. Elizabeth has refused comments which were out of order from her as a hearing officer. She said they have consulted with Ron Gibson, author of two books. With permission, we are giving oral testimony, and met with Ron on February 26, and in-person review of process and documents and addition of page 1 doc # 4976305, he affirmed it was all in order and accepted, declared, recorded, and published lawful claim of land patent upon 3705 Moor Park Place, indeed notice and law outside and beyond Washoe County jurisdiction, no longer 3765 Moor Park Court as stated by Washoe County agents stated in this matter. Further verify check our claims with online sources with what we share with sources. You can add above IRS, mortgage. As we now have a means to lawfully perform mutual offset credit exemption exchange process to satisfy. We claim Elizabeth's January 15 order is contrary to the constitution and establish law of the case is an error of law and substantive evidence of whole record shows same exceeds jurisdiction and authority of Washoe County in this matter. One might consider the January 15<sup>th</sup> order arbitrary, capricious, and misuse of discretion. From the beginning, we have challenged the alleged Washoe County jurisdiction and their code, consistently, and it has not been proved on the record; contrarily, we have established proved to show lack of jurisdiction of both incorporated Washoe County entity, territory, and municipal, thus requiring a reversal of this matter per your Board directive, item 3a-f. Thank you for hearing and lawful rights of the people in this matter. She quoted references from Ron Gibson books.

Public comment:

Vicky via voicemail:

Over 180 years of unanimous Supreme Court have proven the land patent are valid and no court case has made them invalid. Stone vs. United States, 1865, a patent is best evidence of title. Patents are protected under treaty law. All treaties are made under the authority of the United States shall be supreme law of the land, evidence constitution of the United States article six, clause two. The right of land ownership come from Genesis in the Bible. Genesis 28-13, 14 and Genesis 47, and other references in the bible as well. No county, city, or municipalities have jurisdiction over private property. Supreme Court says all private corporations' codes and ordinances and regulations do not apply to the people without our consent. Plaintiff was granted \$8million for code violations for code enforcements illegally trespass in restrictions. What do private property rights mean. Washington State Supreme Court Richard B. Sanders said property as a thing consist not in ownership and possession, but in unrestricted right of use for enjoyment and disposal. John Adams said property is as sacred as the law of god and if there is not authority in public justice to protect then anarchy and tyranny exists. President Coolidge said property rights and personal rights are the same thing. Private property rights means the owner has the exclusive authority to determine how his private property issues including peaceful possession, enjoyment, granted deeded private property and no city, county, state, or federal government has the right to impose directives, ordinances, or fines, fees, zoning on such private property. Case Mitchell vs. City of Rockland, Maryland. You have private property and the right to use it. And if we lose the right to our land then we are not free. The Bible, and all law is from the Bible, will prove such. Thank you.

Elena Brady via voicemail:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are life, liberty and the pursuit of happiness. That

to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. The land patent is permanent and cannot be changed by a government after it's issuance. For the United States has parted with title (inaudible), and surveys made by self and approved by the proper department, the title so granted cannot be impaired by a subsequent survey made by the government on purpose. In the history of this County, no land patent has lost in the appellate review in courts. In fact, during (inaudible) vs. California, the supreme court has ruled the land patent would always win over any form of title. It is one of the best sites describing how our land patents work the court noted they had ruled again. The land patent is supreme title to land. Treaties are supreme law. People are the source of authority. (inaudible) The right of the individual is not derived from the government agencies municipal, state, federal or even the constitution. This exist inherently in every man by endowment by our creator, and merely affirmed by the constitution, and restricted to the existent that they have been voluntarily surrendered by citizenship to agencies. The people's rights are not derived from the government, but the government's authority comes from the people. The constitution states this right already existed. People are supreme, not the State.

Joy Christine via voicemail:

Article 1, section 10, clause one of the US constitution, no state can legislate a bill of attainder nor can a state pass an ex post facto law nor a law impairing the obligation of contract it violates. Article 4, Section 3, clause 2, Article 6, clause 2, it violates the intent of Congress and treaty law but most of all it violates God's law. The right to own land is an unalienable, God given right as so stated 11 times in the Bible. When land title is transferred by patent, title and rights as bona fide claimed the purchaser will be protected per United States vs. (inaudible). Numerous protective safeguards: one, the constitution; two, supremacy clause; three, article 1, section 10, clause 1; four, treaty law; five, relation back doctrine; six, vested rights; seven, Fifth Amendment; eight, over 180 years of Supreme Court cases, not one single case has lost at the Supreme Court. Specific jurisdictional challenge question regarding over 6 million United States land patents that forever recognized a previous French, Spanish, or Mexican land grant that originally transferred those governments solvent, allodial land ownership title, right, interest, and control to the private sector, the people. Demand is hereby made, please provide us with your title that is superior to that of our land patent issued by the United States General Land office. You can't do it. She referenced Ron Gibson, an engineer, a counselor at law, and expert witness regarding land cases and other land issue cases. (inaudible). He is also president of the Jefferson Mining district, which is the largest mining district in the United States and a Vietnam veteran. Your people are claiming our American governance of by and for the people peacefully and lawfully (inaudible). We must act peacefully and lawfully for ourselves and our fellow Americans. Freedom via knowledge and patriotic action [www.americanstateassembly.net](http://www.americanstateassembly.net). What if you could free yourself from IRS, mortgage and other debt. Are you a creditor or debtor. Read the 20-page story at [www.annavonreitz.com/visitatgrandmashouse.pdf](http://www.annavonreitz.com/visitatgrandmashouse.pdf). (inaudible). It reveals the problems and solution.

Ron Gibons via voicemail:

He is an author of the books that have been presented and he is a counselor-at-law. He said he want to address the issue property rights and titles. In particular, land patent titles. Land patents are the only true title there is to land, and that is verified in numerous cases over the years. It is prohibitive for county and cities to infringe upon those rights. There are numerous cases such as City of Dallas vs. Mitchell case in which the rights of the individual are not derived from the government agencies in municipal or federal or even constitution. They exist inherently in every man by the endowment of their Creator and are merely affirmed in the constitution and restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government. The people's rights do not derive from the government. The government authority comes from the people. The constitution but states again and again that these rights already exist and when the legislative encroachment by the nation state or municipality invades these original and permanent rights, it is a duty of the courts to so declare and afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen except those within the preservation of public health, safety and welfare. It's just one of the many statements out of that case. Monterrey versus (inaudible) El Monte Dunes states very clearly as well as (inaudible) Pasallio vesus Rhode Island that the county, the city, the state to have jurisdiction of which to infringe upon private rights of the owner of the land, the county, city, state must have ownership of the property. That is verified in a case Zuma Corporation versus (end of public comment).

Joannah via voicemail:

Issues of sovereignty number 1, pertinent excerpts from annavonreitz.com, issues of sovereignty. When any president of the United States looks upon and sees to cause to know better than to claim that I am his citizen, very clearly he is my citizen under international law and every word I say to him or to the British monarch concerning their operations on this continent has the force of law and sovereign power. I hear record my sovereign mandate regarding all these false commercial claims advanced by the United States against the American states and people via secretive and non-consensual process. The sovereign letters of patent and declaration of joint sovereignty with the Native American nations issued in November of 2016 stand alone and together as the reclamation of the land. In my capacity is a free sovereign American and son of the revolution. They also stand as remedy for grievous errors made by administrators of the United State. All property and titles are properly, rightfully belong to the Americans, including the copyrights and trademarks associated with the given names is to be returned to them. So as to provide lasting remedy to the American States and people for all the wrongs and the violence which had been perpetrated against them by their (inaudible) servants and foreign powers acting in breach of trust. December 14<sup>th</sup>, 2015 to John Kerry US Secretary of State: This is a matter of urgent importance. It concerns either mistaken identity or identity theft of the free and sovereign independent people at the United States that have been noncombatants and protected persons recognized and honored as such successively by the Labor Code and the Geneva Convention protocols of 1949. The word state, lowercase, in United States, uppercase, were formally redefined to mean District of Columbia Municipal Corporation and the word person was redefined to mean Corporation by politicians acting without delegated authority. The free sovereign and independent people of the United States were not even afforded the opportunity to exercise the protections of the usurpation act. Because they were not informed of Roosevelt's action to arbitrarily change their political status to that of inhabitants and were equally not informed of the federal corporation's claim that they were voluntarily standing in sureties for its debt everyone on earth would agree that it is impossible to object to a contract if you don't know the contract even exists, and that is essentially the position that the free sovereign and independent people of the United States have been in as a result of criminal conspiracies on the part of our employees.

Joe Crocco via voicemail:

Issues of sovereignty #2, as of 2011, United States incorporated at its stated state franchises were shown to be in administrative and commercial default. As of 2015, the free sovereign and independent people of the United States have been forced a new declaration of joint and sovereign letters patent in behalf of the sovereign independent people in the United States. Their states are defined by geographic boundaries for living citizens and have joined with Native Americans to claim their land and jurisdiction of the United States owed to us free and clear. The free, sovereign people of the United States are in fact the priority creditors of the national debt. And the employers and benefactors of those who have propagated these criminal abuse of our trust. It's time for this outrage to end.

Juanita Cox via voicemail:

11/12/2015 open letter to General Dunford and the Joint Chief of Staff with bond copy of affidavit of probable cause, copy of Declaration of Joint Sovereignty and sovereign letters patents, copy of editorial. So what does this mean. Who's owns what. Number 952, the people on the republics, the republic's own the States and the states own all the various states of states, national territorial and municipal United States of America unincorporated delegated certain enumerated powers via three constitutional agreements any invented the delegated powers cannot be exercised properly by those entrusted to exercise them they revert back to the donor grantor of those enumerated powers. The United States of America unincorporated now both the territorial United States and the states of the States and the municipal States, and the states of the states in capitals are bankrupt in receivership. All three levels of government exercising and delegating powers are incompetent so all powers they held revert back to the United States of America unincorporated which retained all undelegated powers from the start and has taken the necessary steps to reclaim the national territorial and the municipal assets and acknowledge and accept and reconvey the delegated powers it has renewed and reissued its sovereign letters, patents and preserve the constitutional system has some in the actual land jurisdiction states of the union Federation to assemble and they are doing so. It remains as the only international incompetent government representing this country and its people. We discovered that are delegated powers have been abused by the territorial and municipal United States and that our copyrights

have been infringed and that our patents and trademarks office had been abused without our knowledge or consent. It was the intent of the perpetrators to run up unsurmountable debts against us and our assets seeking bankruptcy protection for themselves and leaving us holding the bag. They are counted at on us to remain asleep and acquiescence to their false claims of abandonment of our assets. This country may and many other countries around the world have suffered an equivalent of identity theft in credit fraud and still the central banks and international trustees responsible are trying to avoid the necessary correction. We're not being unreasonable or unkind or seeking any unjust enrichment. By the same token, we resolved not to bear any odious debts, false title claims, and further breach of trust. We require that what is ours would be returned to us.

Jill Coleen via voicemail:

In 2015, Americans who have become aware of the fraud, returned to the land jurisdiction of their birth. The unincorporated government of the actual States and people doing business as the United States of America revised itself. The new government issues new sovereign letters patent for the states on November 4th and for the Indian nations November 6th and also issues an express trust, the declaration of Joint Sovereignty. In 2017, after extensive due process given to all the principle parties responsible, the liens against all the municipal and territorial government corporations and their franchises are completed and cured by the creditors, us. We are the lawful owners of all that several generations of dishonest employees and men have amassed in which they have hoped to claim as abandoned property. The success of this scheme would have ended private property rights worldwide. We also require a public accounting to be conducted throughout all sectors of the government that has been provided by the bankrupt governmental services corporations state of, county of, and municipal entities and their hired subcontracting agencies beginning with the most recent Annual Financial Reports or the APR's of agencies and departments and public trusts in each state. The most recent Comprehensive Annual Financial Reports, or CAFRs, of the state of the states organizations. Our credit maybe access to pay for these services leading to an accurate public accounting for the first time since 1946. People are claiming American governance of, by, and for the people peacefully and lawfully. Paul Revere wake up. We must act for ourselves and our fellow Americans. What if you could free yourself from IRS and mortgage and other debt. Are you a creditor or debtor. Learn and qualify. There is a free 20-page story at [annavonreitz.com/visitatgrandmashouse.pdf](http://annavonreitz.com/visitatgrandmashouse.pdf). This reveals problem and solution. Thank you.

LG G-PAD via Zoom:

He said he would like to address issues regarding the case with Anthony's. (inaudible). In the same room as Mr. Anthony. Jack, resident in Sparks, he said he wanted to speak about the people's legal rights to use their home or land patent property as they wish, peacefully enjoy, and give it to the relatives as an inheritance or a power they allow me to choose. On March 23rd 2020, the Washoe County City Council did an emergency powers provision to ban guns which is the constitutional right. They got over 700 very angry emails immediately. People are born or move to Nevada to stay and enjoy our constitutional rights to choose whatever type of state, religion, home, family, friend, food they choose to enjoy in our pursuit of happiness. Lands of Arizona, Utah, Nevada are 60-85% BLM property in which state citizens can use, protect, and control. City, state, and federal employees that are servants and citizens of America. In Nevada, BLM properties have leases and ownerships, patents given to ranching, farming, mineral mining, glass, gas, salt, etc. we protect them. Hunting, camping, fishing rights of Nevadans. Recently, politicians have illegally pocketed after selling BLM resources worth of hundreds of millions of dollars. Taking from a rancher in Oregon to give to Russia. We have a right and responsibility to protect our rights and resources from enemies foreign and domestic. BLM lands were established hundreds of years ago and are legally protected. BLM lands create jobs and feeds our families and have minerals and resources important to our jobs that allow us to thrive and survive in our state and communities. I have seen our life, and others, violators trying to stop BLM businesses and landholders' rights from ranching, camping, etc. That is direct and indirect harm. Many people who were born in Nevada want to enjoy our constitutional rights, choose what type of religion, home, state, family, friends, jobs, and what we choose to enjoy in our pursuit of happiness. We are lucky and fortunate to have BLM in the state of Nevada. Join our support cause to keep food, jobs, and resources. Don't let any politician or businessman destroy your future and community. Stand up and speak up.

There was no further public comment. Chair Thomas closed the public comment period.



Member Hill said she has a Bible, she looked up the verses quoted. She doesn't see where it says you don't have to comply with the law. I know there is many points of view, I'm of the point of view, these are not relevant to this case. If you put a vacant home on a piece of property, you need a permit. It's not safe. It could start a fire and hurt your surrounding neighbors. That's not right.

Member Stanley commended Chad and his team for their ongoing responsiveness and information.

Member Lawrence said there was a lot of effort put into this. He didn't mean to degrade it, but it's a manifest of sorts, stating constitution and laws. He said he thinks it's beyond him at least in the fact of their ownership of the land and how they hold that. He said he thinks, in interest of populist, rules and regulation ensure where we live is safe and not harming or infringing on others' rights, in case their house burns down or sewer runs into the street which happens. He said he is of the opinion that permits are warranted and required to make this a safe habitat for those who live around them. If the vote goes in the way that requires a permit, judicial review will shed more light on their concerns and questions.

Chair Thomas said the issue at hand wasn't about property rights or sovereign nation or the Bible. It's a hearing in which it was determined the Anthony's had put a manufactured home on a property they owned and failed to get a permit which costs \$172 to get or remove it. He said going through the documents, they list their property 3765, and they say they own the property of the manufacture home. It's evident, a manufactured home is on property owned by the Anthony's. They were asked to remove it, which they failed to do. They followed the appeal process which is why it's before the Board to make a determination on whether the facts before us, by the hearing officer, support the position is illegally on the property or needs to be removed.

DDA Large said in regards to this, the Board has the power to affirm, reverse, or modify the decision of the hearing officer. He encouraged the Board if they affirm, they set a date of removal or when a permit needs to be obtained. The motion needs to be modified to include a specific date. Chair Thomas stated we need to make a decision on a date. Member Hill stated when she asked about the date before, Chad had said 30 days, she said she wrote down May 18. She confirmed she was in favor of a 30-day window.

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 deny this appeal and affirm the decision of the Administrative Hearing Officer that the appellant is in violation of Washoe County Code Section 110.306.35(j), and uphold the hearing officers' order to either remove the subject manufactured home or obtain a set up permit (and final inspections) by May 18, 2020; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant. Member Toulouse seconded the motion to deny the appeal, which carried unanimously.

**F. Administrative Case Number WADMIN20-0003 (Marce Herz Middle School Sign)** – For possible action, hearing, and discussion to approve the installation of 253.2 sq. ft. sign with the school name and will be visible from Arrowcreek Parkway for Marce Herz Middle School at 13455 Thomas Creek Road.

- Applicant/Property Owner: Washoe County School District
- Location: 13455 Thomas Creek Road
- APN: 152-921-03
- Parcel Size: 51.49 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Authorized in Article 505, Sign Regulations and Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner

- Phone:
- Email:

Chair Thomas opened the public hearing.

Julee Olander reviewed her staff report dated March 10, 2020.

Tony McMillian, the applicant's representative, was available to answer questions. He thanked the Board and community for their support.

Chair Thomas asked Ms. Olander if this sign is the same design and square footages as the other signs that are going up at the schools in Washoe County. Ms. Olander confirmed yes. It's the new design they have come up with. She said because the County Code only allows up to 120 sq. ft. these are coming before the Board.

Tony McMillian stated the signs' designs and sizes are based on the school name. He stated he wanted to provide clarification this design is not like the elementary school's sign design.

Member Stanley asked where the sign is going to be placed. Ms. Olander said it will be visible from Arrowcreek Parkway. It will be installed on the gymnasium, facing south towards Arrowcreek Parkway.

Member Hill said it indicates different elevations in the applications. She asked how many signs there are and what will it say. Ms. Olander said it'll say Marce Henz Middle School. The other signs are under 120 sq. ft. Ms. Olander referenced a map of the sign location. Member Hill asked if this will set a precedent for others who want larger signs. Ms. Olander said Mr. McMillian stated they are coming up with specific logo type sign for elementary, high school, and middle school, depending on the school, it will drive the type of the sign. Mr. McMillian clarified when you see 'to be named,' the school hasn't been named yet. He said the entrance sign over the door, numbers located on the back of the school, and music sign is a wayfinding sign because the music wing doubles as lunchroom and stage. He stated occasionally you will see a backlit sign, but that is handled with its own permit after construction. He noted Depoli Middle School signs are the same. The new Desert Skies and Sky Ranch have identical signs to this.

Public Comment:

Tobin S. Bechtel via email:

Head of the school for the Sage Ridge School, providing commentary for Merce Herz Middle School Sign. The sign should be limited to the same size as Hunsberger Elementary School sign on the corner of Arrowcreek and Crossbow Court. I don't see why a blaze and wall sign is needed for a suburban school. This is not a commercial property nor a commercial zone. Signage should also clearly indicate that access to the school is via Thomas Creek Rd. Thank you.

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

Member Lawrence 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 WADMIN20-0003 for Board of Adjustment, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. 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 Southwest 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 exterior sign 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.

**G. Administrative Case Number WADMIN20-0004 (Saint Francis of Assisi Catholic Church Expansion)** – Administrative Permit Case Number WADMIN20-0004 (Saint Francis of Assisi Catholic Church Expansion) – For possible action, hearing, and discussion to approve an administrative permit to allow the expansion of an existing church building (Religious Assembly Use Type), by means of a two-story addition of approximately 976 square feet on each level for a total expansion of the building of approximately 1,952 square feet. The existing building is approximately 12,156 square feet in size.

- Applicant: Saint Francis of Assisi Catholic Church
- Location: 701 Mt. Rose Highway, on both the north and south sides of its intersection with Kelly Drive, in the Incline Village area.
- APN: 124-032-01 and 124-062-62
- Parcel Size: ± 9.17 and ± 3.14 acres
- Master Plan: Rural (R)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 302
- Commission District: 1 – Commissioner Berkbigler
- Staff: Roger Pelham, Senior Planner  
Washoe County Planning and Building
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. Member Hill disclosed she is the applicant for this project. She recused herself from voting. She asked if she can listen and provide comment. DDA Large said she must abstain from deliberation, but as an applicant, she has the right to speak as any member of the public. She can be called upon to answer any questions. There were no further Member disclosures.

Roger Pelham reviewed his staff report dated March 10, 2020.

Member Stanley asked if we received a letter that conditions were addressed in an earlier agreement. Mr. Pelham said that is the contentions of the applicant. These are standard code conditions that would have to be addressed at building permit stage for this expansion in any case. It's more of a courtesy.

Kristina Hill, the applicant's representative, said the church is in the middle of the forest. You look out of the floor to ceiling windows and you see forest. Indicated in the letter by Collaborative Design, she said we are requesting that we don't have to install landscape islands. The photo matrix survey is not a big deal because we already had one done which was part of the letter. She said it would be important for the church to see if they have light spilling off their site. The conditions regarding landscape island is not necessary because it's already beautifully landscaped in the middle of the forest. Parking is a valuable commodity and landscape islands would take away from that, and there is no need for landscaping. It's shady and would create a hardship on the parishioners due to the lack of parking. It's not necessary. She said they submitted a Director's modification. She said she would recommend eliminating condition 1(e). Mr. Lloyd said the item is an administrative permit, it doesn't provide the Board the same latitude that a special use permit (SUP) would, barring certain code requirements. Under the conditions of approval, this was included as a courtesy

to show that it is, in fact, code. There is opportunity with their submission of the Director's modification for possible elimination of this requirement. We are seeking direction from the Board in terms that is appropriate, however, the Board doesn't have the official authority to wave that requirement.

Kristina Hill introduced Kevin Merkley, the Collaborative Design representative. Mr. Merkley had a clarifying question. He asked for specific landscape plan requirements. We are requesting we don't have to install landscape islands. He said they are disturbing a small portion of land that was originally done in 2017 and it's the intention of the church to re-landscape the area once the construction has been completed. He asked about the conditions of approval. He asked if the landscape plan needs to be submitted and approved or just submitted prior to groundwork. They are going into the limited Tahoe Basin construction time. Ms. Hill said they didn't have an issue with the submittal of a landscape plan if they show the existing. They have an issue with condition 1(f) as they will have to do landscape, screening, satisfy requirement as set forth prior to issuance of certificate of occupancy. She said that is the provision we are asking for in a Director's modification. It would require a landscape island for every five spaces and it would take away spaces and interrupt the circulation of the parking lot. It's not necessary as there is plenty of landscaping. Code requires landscape islands and that is the issue they are asking in alleviating that requirement.

Chair Thomas asked Mr. Lloyd for clarification regarding Director's modification when it comes to landscaping. He asked if that request defaults to Mr. Lloyd and if their application does not include a plan for landscaping, can you grant it or not. Mr. Lloyd said the code grants certain latitude to the Director of Planning and Building. There would be an analysis provided. If there is extenuating circumstances to remove it, the Director has that authority. Chair Thomas stated the Board can decide to leave it in, and they can apply to request that be condition be removed. Mr. Lloyd confirmed. Mr. Lloyd said he isn't sure this condition is necessarily needed in this list of conditions since it's a code. Mr. Pelham said this is a courtesy to the applicant. Planning staff doesn't have any authority to approve any building permit that does not meet all required provisions of the county code. He said not every provision is applicable in every instance but you must meet all of the requirements that are applicable. In this case, a landscape plan is required, and it must meet all the applicable provisions of article 438. He said he doesn't have authority to approve unless the plans submitted for a building permit meet code. Whether the condition of approval is including, or it is removed. The fact remains the same. They must meet code. Under circumstances or extraordinary conditions then the Director has certain latitude and that is done by a different process. We are not styled today to grant a variance. Some of the landscape standards do include landscape island. It's one for every 10 spaces with no more than 12 in a row.

Mr. Lloyd stated it may be wise to remove these conditions. He said he doesn't want to anticipate granting the Director's modification; however, he doesn't want there to be a conflict if the conditions are still part of this request. Chair Thomas said if the Board removes conditions e and f, it's still possible to apply for Director's modification. Mr. Lloyd confirmed. Ms. Hill said she already submitted for Director's modification to request they don't have to install a landscape island every 10 spaces. She understands the requirement, but it's not applicable to this case since it's well forested. Kevin Merkley agreed with the conditions being removed to prevent conflicting conditions and difficulties in applying for a Director's modification.

Member Lawrence asked how many parking space and snow storage space. Mr. Pelham said he couldn't speculate.

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

Chair Thomas said he doesn't see a problem eliminating conditions 1(e) and 1(f) in order to prevent any confusion. He said the applicant also wanted conditions 1(g)(h)(i) eliminated. He said he doesn't agree with removing those.

Chair Thomas 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 WADMIN20-0004 for Saint Francis of Assisi Catholic Church, with the removal of condition 1(e) and 1(f), having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously. Member Hill recused herself for this item.

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 expansion of an existing church, 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

Member Toulouse requested that the Soule case be placed on a future item. Member Stanley agreed. Mr. Lloyd said he understands the passion from this Board; however, the decision has been made at a level higher than himself. This item will not be returning to this Board. Member Toulouse said he requests the person who made that decision explain that decision to the Board of Adjustment and why our request for that item to come back to the Board be denied. Mr. Lloyd said he could provide a memo for that justification. Member Stanley said what would be helpful in the response is how we might improve the thought process on these matters. Any additional guidance as to the limit of our concern would be helpful. Chair Thomas agreed, and said guidance as to what others in higher positions than ours think is appropriate of what we are spending our time on. Member Stanley said there was a lot of time spent on guiding us on this process.

Chair Thomas asked DDA Large about Incline Village/Crystal Bay CAB voting authority. Mr. Pelham said he attended the last IV/CB CAB board meeting and informed them they could vote on items. They were pleased about that. Member Hill asked if next time, we could upgrade Zoom to enable the video capabilities to see the presentations. Member Toulouse said he would like to see the audio quality improve for the next meeting.

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

None

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

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

None

### \*B. Legal Information and Updates

DDA Large said due to the appeals we are seeing and COVID-19 outbreak, we are up against a wall with hearing those items. Staff is doing what they can in a timely manner. Our applicants have been working with staff. These meetings have become more vital. He asked that if members cannot attend the meeting or need to reschedule, please notify them sooner than later so we can plan for a time all of us can be here.

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

Chair Thomas thanked staff for putting everything together. It's well appreciated. Trevor Lloyd thanked the two admin staff members, Donna and Katy.

Roger Pelham said Mr. Lloyd stole his thunder. He wanted to compliment Donna and Katy for all their

hard work.

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

**12. Adjournment**

Meeting adjourned at 5:44 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on June 4, 2020

*Trevor Lloyd*  
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Trevor Lloyd  
Secretary to the Board of Adjustment