



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

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

Friday, July 24, 2020
1:30 p.m.

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

No members of the public were allowed in the Commission 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, in which case this meeting was held by teleconference only. **If the Governor's Emergency Declaration and associated directives concerning public meetings and gatherings of more than 10 people were not still in effect at the time of this meeting, then the meeting would have been held at the above location at the above date and time. Attendance at any physical meeting location will be limited in accordance with any applicable Statutes, Declarations, Directives, Regulations, or Ordinances concerning the COVID-19 pandemic, including any applicable social distancing requirements and limits on the number of persons permitted to be physically present within the meeting room at the same time.**

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

1. *Determination of Quorum

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

Members present:	Clay Thomas, Chair Kristina Hill, Vice-Chair (via teleconference) Brad Stanley (via teleconference) Lee Lawrence
Members absent:	None
Staff present:	Trevor Lloyd, Planning Manager, Planning and Building Michael Large, Washoe County Deputy District Attorney Dan Cahalane, Planner, Planning and Building Division Chris Bronczyk, Planner, Planning and Building Division Julee Olander, Planner, Planning and Building Division Donna Fagan, Recording Secretary, Planning and Building Division Katy Stark, Recording Secretary, Planning and Building Division

2. *Pledge of Allegiance

Chair Thomas led the pledge.

3. *Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

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

6. Approval of Agenda

Chair Thomas requested item 9C be moved to follow item 7. In accordance with the Open Meeting Law, Member Lawrence moved to approve the agenda of July 24, 2020. Member Hill seconded the motion which passed unanimously.

7. Possible action to approve June 4, 2020 Draft Minutes

In accordance with the Open Meeting Law, Member Lawrence moved to approve the minutes of June 4, 2020. Chair Thomas seconded the motion which carried passed unanimously.

9. Chair and Board Items

C. Consider and Adopt a Resolution Commending Kim Toulouse for his Service with Washoe County

Chair Thomas read a Resolution recognizing Board of Adjustment Member Kim Toulouse for his service.

Chair Thomas said he wanted to personally thank Kim Toulouse; he said it was a privilege and an honor to work with him. He said a lot of things covered in this resolution are true and accurate to him professionally. He said Kim asked some of the best questions he has heard from the dias and would dig in for the truth from those answers. Chair Thomas said he followed Kim as chair and learned a lot from him. He said, "Thank you, it's been a pleasure."

Member Lawrence said he'd like to 2nd that. Thank you, Kim, it's been a real pleasure. You were wonderful mentor coming onto this Board by giving a lot of insight into things that he needed to pay attention to including the noxious weed issue, which has been included in this document. Member Lawrence said he appreciated all the support and input he'd given. Thank you.

Brad Stanley said he echoed everybody. He said he has appreciated serving with Member Toulouse.

Member Hill congratulated Member Toulouse on his excellent service to the community and the County. She said she very much appreciated his input whenever there was discussion about projects and she wish him well in the future.

Trevor Lloyd said he is speaking for all of staff; his are some very big shoes to fill and it's not going to be easy to replace you. Member Toulouse brought to this Board an incredible wealth of knowledge of all things planning. Mr. Lloyd said Member Toulouse was very respectful of staff, of the public, of everyone he met. Member Toulouse is going to be missed very much by all of staff.

DDA Michael Large said on behalf of the District Attorney's office, he would just like to echo the sentiments of all his colleagues up here. He said he just came on this Board a couple of years ago but learned a lot from Member Toulouse in regard to the way he came prepared every day on every issue and the thoroughness in which he was prepared. DDA Large said what Member Toulouse has done for the last 11 years, serving on this Board really shows a dedication to Washoe County and making sure that this community is in the best hands possible. We will greatly miss your input.

Mr. Toulouse said he appreciated all the accolades and it's been his pleasure to serve on this Board. He said he will miss the folks on the Board and especially the staff. He said he doesn't think there's a more professional, better prepared staff anywhere than what is here in Washoe County. He said he didn't always agree with everything but that's the job of this Board, having to weigh those applications carefully. He said he commends all of you for continuing to serve on the Board. He said he will miss you, but not miss the little packet he gets every month. He said he has more reading time for pleasure. Thank you. I appreciate it.

The Board presented him with the resolution.

Julee Olander thanked Kim Toulouse for the information he gave in meetings. She said she appreciated Mr. Toulouse as a Board member who served Washoe County. Mr. Toulouse thanked Julee for her presentations and said to keep up the great work. Ms. Olander said he is a great example for citizens.

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. Special Use Permit Case Number WSUP19-0027 (Ash Ranch) – For possible action, hearing, and discussion to approve:

1. A major grading permit for ±2.03 acres of grading for equestrian trails;
2. The establishment of a commercial stables use type with an average of three outdoor recreation events per month; and
3. A request to vary parking, landscaping, and grading standards.

- Applicant/Property Owner: William and Onagh Ash
- Location: 430 Alamosa Dr, 89441
- APN: 076-290-10
- Parcel Size: 67.748 acres
- Master Plan: Rural
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs CAB
- Development Code: A uthorized in Article 438 and 302
- Commission District: 4 – Commissioner Hartung
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3628
- E-mail: dcahalane@washoecounty.us

Chair Thomas called for member disclosures. Member Lawrence shared that Jeannie Ash is a friend, neighbor, and client. He signed a document in support of her application. He recused himself from this hearing and stepped outside the chambers. There were no further disclosures.

Dan Cahalane his staff report dated June 16, 2020.

Member Stanley asked about landscaping standards. Mr. Cahalane showed an image of the approximate location of the riding arena and eastern property house. It will result in reduction of landscaping, but staff is requesting slightly more landscaping than the applicant has requested in order to mitigate visual impact of the stables from eastern property.

Chair Thomas asked if the recommended 400 feet would take it to the arena. Mr. Cahalane showed on a map where recommend landscaping would be completed; up to the drainage just before the arena.

Derek Wilson, Rubicon Design Group, provided a PowerPoint presentation. Chair Thomas asked if he believes five parking spaces was going to be adequate. Mr. Wilson said they could add two more spaces. Chair Thomas asked about restrooms. Mr. Wilson said the existing bathroom facilities are in the barn and are currently being reviewed for ADA compliance. He said he believes there was one restroom in the stable area which is sufficient.

Frank Bidart, civil engineer on the project, confirmed there was one restroom that will be ADA compliant. Chair Thomas asked about stable related events. Mr. Wilson said kids will perform farm activities such as caring for horses and riding horses. No parties or other rodeos. Chair Thomas inquired about the reference in the staff report that references residential use. Mr. Wilson stated there are family members who live on the site. Residential use includes normal living activities. It doesn't mean a commercial campground or RV parking. Chair Thomas said Mr. Wilson answered the questions about grading by the previous owner; he asked if the current owner expanded on that. Mr. Wilson said they did some improvements with grading on the northern end. Chair Thomas asked how much more they did. Mr. Bidart said the grading doubled that space without permits. Chair Thomas asked about the 12-foot wide trail and what will be the purpose. Mr. Wilson said its an equestrian trail. Mr. Bidart noted the trail could be accessed by ATV or two horses side-by-side which is helpful when riding next to a child. He noted it was requested by fire. Chair Thomas noted 12-foot-wide is the width of a car lane.

Member Stanley said he appreciated the transparency on the grading. He appreciated the fire access. He asked about grading compliance and remediation on grading that was done. Mr. Lloyd noted Member Stanley's connection wasn't very good and hard to understand.

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

Member Hill said considering the size of the parcel and activity being proposed, it's proportional and a reasonable use. The conditions will mitigate impact that previously occurred with unlawful grading and it's good they are coming into compliance. Member Stanley agreed.

Chair Thomas said he has several concerns. He said there is only one bathroom. If there are 20 children on-site and horse owners, he said he questions if restrooms are adequate. Mr. Wilson said a port-a-potty could be brought on-site for those peak weeks.

Chair Thomas also said at the very least the parking should be increased to nine parking spaces. That would allow seven for customers. Mr. Wilson said they can achieve that. Chair Thomas said he has seen far too many times people taking it upon themselves to do as they please with their property without any regard to the County code. The owner of property took it upon himself to continue grading after the previous owner. It's always after the fact they are begging for forgiveness. He said he isn't in favor of that. He said he doesn't know what it will take to resolve those issues. He said he isn't happy. He understands it's the owner's property, but it doesn't give him the right to not comply with County code.

Member Stanley asked what remediation efforts had been done and will be done. He said he didn't get the answer earlier. Mr. Wilson said as far as remediation, the area to the north will be re-done. Any areas of the trail that are prone to erosion will be re-vegetated, stabilized, and realigned. There will be considerable rehabilitation. Member Stanley asked if remediation is part of the conditions. Mr. Cahalane said graded areas must be re-vegetated within 90-days per erosion control code. Those areas not being re-vegetated constitute a variance in standards. It's code.

Mr. Lloyd said Mr. Wilson had a graphic that demonstrated where they are limiting the commercial use.

Member Stanley asked if this changes any findings or conditions by defining the new area. Mr. Cahalane noted there is a building that would be excluded from the commercial use. Chair Thomas asked if this means the buildings would not be allowed. Mr. Cahalane noted they would be allowed either way; however, it would be considered residential use, not commercial standards. This is restricting the area of commercial use of what this SUP is requesting.

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 WSUP19-0027 for William and Onagh Ash for the following

requests: 1) a major grading permit; 2) establishment of a Commercial Stables use type; and 3) request to vary standards as recommended in the conditions of approval in Exhibit A, with the addition of increasing parking spaces to nine and additional portable bathrooms during events, 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 Spanish Springs 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 type of development, i.e. a bed and breakfast inn, etc., 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.

**2:43 p.m. – Member Lawrence returned from outside the chambers.

B. Special Use Permit Case Number WSUP20-0009 (Connect Neighborhood Center) – For possible action, hearing, and discussion to approve (1) the establishment of a 16,015-sf neighborhood center use type within the Low Density Suburban regulatory zone and (2) a request to vary parking standards from 64 spaces to 48 spaces.

- Applicant: Sage Property Ventures, LLC
- Location: 2500, 2540 Crossbow Ct, located immediately northeast of the junction of Crossbow Ct and Arrowcreek Pkwy
- APN: 152-921-01, 152-921-01
- Parcel Size: 0.774 acres, 1.073 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: South West Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 302, Allowed Uses; Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner
Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612 (Chris)
775.328.3628 (Dan)
- E-mail: cbronczyk@washoecounty.us
dcahalane@washoecounty.us

Chris Bronczyk reviewed his staff report dated June 9, 2020.

Member Hill asked if the gardens to grow vegetables and plots for kids. Mr. Bronczyk said there will be zen and community gardens with fruits and vegetables. Member Hill spoke about demonstration garden at Sierra Nevada College where they hold classes to learn how to garden.

Heather Haslem, the applicant, provided a presentation. She said there will be teaching gardens and demonstration gardens for community members to learn how to grow fruits and vegetables.

Chair Thomas asked about the previous SUP. Mr. Bronczyk said it was for a community center; however, the use was more intense. There were coffee shops proposed in that area. The current one is very specific. For a Starbucks or liquor store, they would have to go through a special use permit for that use or even a rezone or master plan.

Chair Thomas said as a neighborhood center, it could allow for food and beverages and personal services. Mr. Bronczyk said to a certain extent. A neighborhood center needs to be a mixture of services. They can have elements with retail. That is what they are asking for. It won't be large scale or intense as the previous SUP that came through.

Member Stanley asked about parking and how it was denied by the school district. Mr. Bronczyk said due to traffic studies we received, it wasn't approved to LDS, we pushed back to applicant to update their traffic study. He said they originally thought about having a reciprocal relationship with the school district, but that was not accepted. Based off the ITE, it reflected 33 parking requirements. They were showing 48, code requires 64. With the understanding that a more intense use would have to go through a revamp process, he said staff approved their request to modified. Member Stanley asked if that was the only input the staff asked for from the school district. Mr. Bronczyk said that was the only input they had. They asked our engineer for crosswalks which already existed.

Chair Thomas asked about traffic flow and access. He asked if there are traffic improvements required and if that is predicated on the traffic for this facility. Mr. Bronczyk said it's based on numbers generated from this individual use. Once it goes up to a certain peak daily trip, then it would trigger a traffic report where upgrades and improvements are necessary. Chair Thomas said the traffic study is specific to this facility, but as mentioned earlier, there are three schools existing onto Crossbow. Crossbow which is not a through street. All three schools and buses drop off and pick up. 8:00-10:00 a.m. and 3:00-6:00 p.m. peak times with all three schools. He asked about the impact. Mr. Lloyd said the peak hours are staggered between the elementary school and the middle school. There isn't conflict. He said he doesn't believe the volume triggers traffic improvements on that site. Chair Thomas said it's predicated on the use of the facility. Mr. Lloyd said it's based on traffic volumes on that site. If they come in with a failing grade at that site, they would have to make improvements. They do take into consideration current traffic volumes. Chair Thomas said it's right outside of Arrowcreek.

Member Bradley said when the last school went in, there was a lot of discussion about traffic and emergency access. He asked what impact on emergency vehicle access will this new proposed business have. Mr. Bronczyk noted he sent this to the sheriff, engineering, and fire for review. Engineering prohibit parking across Crossbow Court. That alone, there shouldn't be any impacts that would impede emergency vehicle access.

Member Stanley asked about the target market for this business. Ms. Haslem said the target market is the local community surrounding the center. She said they are looking at a family approach. They will have a life span approach to programming. Member Stanley asked about professional services. Ms. Haslem said there will be a mind/body studio and health coaches in support of behavior change.

Ms. Haslem introduced Kerry Rohrmeier and Jen Hutter. They provided a PowerPoint presentation for The Center.

Chair Thomas referenced the floor plan; 5 different rooms for fitness, meditation, mindfulness, corporate training, and retail. He asked how many people would average into each room. Ms. Haslem said 10-15 people; corporate training could be up to 20. It would depend on physical distancing of course. He asked if the rooms would be used all the time or rotated. Ms. Haslem said they would have activities simultaneously. Multiple classes would be going at the same time. Chair Thomas applauded the family health/wellness approach.

Member Hill said she got disconnected but was back and said it's a great project and very timely.

Member Stanley echoed what was said. He said this is the 3rd time the Board has seen something attempted with this property. He complimented the project.

Member Lawrence agreed with the other members and supports this project.

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

Chair Thomas said his concern is with parking and screening. The parking was cut down to 33 parking spaces. If you have 10 people per activity with five classes, that is minimum of 50 people and doesn't include staff or someone enjoying coffee. Mr. Lloyd clarified that they are requesting to reduce that to 48. Chair Thomas referenced the staff report where the parking space is mentioned. Mr. Bronczyk said 33 is based off uses and ITE. They are proposing to reduce from the required 64 down to 48 spaces and one loading space. Mr. Lloyd said it was a typo in the staff report. Chair Thomas said it's a great idea but concerned that all three schools exit all onto Crossbow Court and the facility will correspond with the drop-off and pick-up of the schools. It's a great approach but concerned with the traffic.

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 conditions Special Use Permit Case Number WSUP20-0009 for Sage Property Ventures, LLC for (1) to establish a neighborhood center use type, and (2) to vary standards as conditioned in Exhibit A, 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 Southwest Truckee Meadows 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 Neighborhood 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.

**3:27 p.m. – Member Lawrence left the meeting.

C. Special Use Permit Case Number WSUP20-0010 (McClellan Peak Tower) – For possible action, hearing, and discussion to approve a special use permit for the construction of a new 195-foot self-supporting tower to house FM radio and cellular antennas on a 1.01-acre site with existing equipment on McClellan Peak. The proposal also requests varying the landscaping and parking requirements by not requiring any additional landscaping and not requiring a paved parking space.

- Applicant: Tower Sites, Inc.
- Property Owner: Marie Michaels
- Location: 2,310 feet west of terminus of Goni Rd. off East Lake Blvd.
- APN: 050-351-20
- Parcel Size: 1.01 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 324, Communication Facilities; 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
- Email: jolander@washoecounty.us

Julee Olander reviewed her staff report dated June 9, 2020.

Chair Thomas asked about taking down the current tower if they are putting up a new one. Terri Michaels, the property owner, said he would do so, if required. It might serve as a back-up if something happened to the larger tower or if an addition was need. He said he has no immediate use. It would serve the original purpose, but not the new anticipated purpose. Mr. Michaels said if it's a requirement he will take it down. Chair Thomas said if it's no longer needed, it's cleaner to take it down, but wouldn't put that upon him.

Member Stanley asked about other towers in the area. Mr. Michael said Evan's Broadcasting, which is local broadcaster, operating FM radio stations and translators in Reno. They had a couple of goals – they are leasing spaces on McClellan Peak but had issues with reliability and current power. They don't have back-up power. They would like to consolidate transmitters. They will make the facility available for carriers who want to co-locate. A wireless company is interested. Mr. Lloyd said McClellan Peak is a targeted site identified for communication facility. There are several sites on this peak. That was the goal, to concentrate them in the area.

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

Member Stanley said it was straight forward application.

Chair Thomas agreed with Mr. Lloyd about the consolidation of the towers therefore it's a good location.

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 approve with conditions Special Use Permit Case Number WSUP20-0010 for Tower Sites, Inc, 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 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 communication tower and equipment, 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

None

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

Chair Thomas requested updates on appeals that went to Board of County Commissioners. Additionally, he asked about verbiage in conditions. The applicants are 'approved with substantial compliance.' He said we have applicants not comply with conditions. He said he would like some more teeth.

Member Stanley said he would also like to look at the word 'significantly,' in findings number 5.

Mr. Lloyd said we use substantial compliance to allow for some flexibility. The applicants are following the general project with minor changes. It's left up to the planners to make those discretions. Chair Thomas stated 99.9% of the applicants comply but what about the others who don't. What about something definitive for those who don't apply. It's overriding authority. DDA Large said we can look at other language used by other Boards. The current language allows flexibility and doesn't tie our hands. Sometimes complete compliance is not possible. Member Hill provided examples of substantial compliance language used by TRPA. Member Hill stated people in her community have contacted her regarding the Duffield property on Gonowabi. She wanted to know what happened; did they appeal and if so, on what date. Mr. Lloyd said the applicant changed design that didn't require a variance and moved forward with a permit.

10. Director's and Legal Counsel's Items

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

Mr. Lloyd said on June 23, the Board of County Commissioners heard appeal of Verizon Wireless cell site in Incline Village by Tunnel Creek. They did overturn the decision. It was denied by the Board of Adjustment and approved by Board of County Commissioners.

Mr. Lloyd said staff has been pursuing a replacement for the vacancy on the Board of Adjustment and hope to fill it soon.

***B. Legal Information and Updates**

None

11. *General Public Comment and Discussion Thereof

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

12. Adjournment

Meeting adjourned at 3:50 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on _____, 2020

Trevor Lloyd
Secretary to the Board of Adjustment