



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, May 7, 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://us02web.zoom.us/j/99055832886>. NOTE: This option would require a computer with audio and video capabilities. Additionally, public comment could be submitted via email to 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 scheduled session on Thursday, May 7, 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. 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)
Kim Toulouse

Members absent:

Lee Lawrence

Staff present:

Trevor Lloyd, Planning Manager, Planning and Building
Chris Bronczyk, Planner, Planning and Building Division
Dan Cahalane, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Roger Pelham, Senior Planner, 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

Chair 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

As there were no 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 May 7, 2020. Member Stanley seconded the motion which carried unanimously.

7. 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 WADMIN20-0005 (ABC Halo) – For possible action, hearing, and discussion to approve a Child Daycare facility for up to 59 children in an existing commercial building.

- Applicant: Angel Gordon
- Property Owner: Patricia Koch
- Location: 4845 Sun Valley Blvd
- APN: 035-073-16; 035-073-13
- Parcel Size: 0.448 and 0.037 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 3 – Commissioner Jung
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775-328-3612
- E-mail: cbronczyk@washoecounty.us

Chair Thomas opened the public hearing. Chair Thomas asked if there were any disclosures, there were none.

Chris Bronczyk reviewed his staff report dated April 14, 2020.

Chair Thomas asked about the Director's Modification. Mr. Bronczyk noted the Director's Modification doesn't expire, however some notes from the modification were included in the conditions.

Member Toulouse 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 WADMIN20-0005 for ABC Halo, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

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

B. Special Use Permit Case Number WSUP20-0004 (Smith Residence Grading) – For possible action, hearing, and discussion to approve a major grading permit for 2,940 cubic yards of cut and 1,790 cubic yards of fill across 33,200 square feet of area on slopes exceeding 15% resulting in the construction of a permanent earthen structure over 4½ feet in height within the front yard setback and over 6 feet in height outside of the front yard setback

- Applicant/ Property Owner: David Smith
- Location: The western terminus of Old Ranch Road, approximately 2600ft from the intersection of Old Ranch Rd and Franktown Road
- APN: 055-092-09
- Parcel Size: 5.118 acres
- Master Plan: Rural Residential
- Regulatory Zone: Medium Density Rural
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 438, 810
- Commission District: 2 – Commissioner Lucey
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3628
- E-mail: dcahalane@washoecounty.us

Chair Thomas opened the public hearing. Chair Thomas asked for disclosures, there were none.

Dan Cahalane reviewed his staff report dated April 20, 2020.

Member Hill stated with all that grading, she asked about a condition for a water truck or something to water down the disturbed areas to keep the dust down. Mr. Cahalane said Air Quality did not provide any comments as they are a reviewing agency who can provide conditions. They may be busy responding to the COVID-19 outbreak. The total grading will be under the foundation of the residence and asphalt and this will be for the retaining walls. He said Air Quality is able to provide input regarding dust palliatives when it comes in for a building permit.

Member Toulouse said often in projects like this, we see conditions of approval regarding dust palliatives. It's common practice to include those conditions. Mr. Lloyd said we see that from Engineering staff. Mr. Lloyd said this project with grading for a single-family residence, it's triggered due to the steepness of the slopes. Air Quality have very significant fines. The contractors are aware of this. If the Board feels there should be a condition, we can prepare something quickly. Member Toulouse said he would feel comfortable with including something to address the dust palliative. He said on condition 5(b), which we see often, is a revegetation plan. He said what is not included in the condition is the success rate in the 3 years of the revegetation plan – is it a 50% survival, 75% survival, what are we looking at? Mr. Cahalane said that is in grading and landscaping code. He said he believes at least 50%. Mr. Lloyd said he didn't recall the percentage. Mr. Cahalane showed the grading plan and showed what will be paved over. He showed what will be required for palliative soil revegetation. Member Toulouse said he would like it included for future reference. Mr. Lloyd read the new condition 1(g). Roger Pelham, Senior Planner, said major grading comes into effect when they need an air quality dust control permit if grading more than 1 acre. This is coming in at 33,000 sf not at 43,560 sf. The fact we didn't get conditions, it's appropriate, it doesn't fall under their code. He said for re-vegetation, we look at 50% revegetation of the adjacent, undisturbed area, we could provide that language. It's not critical in this case because most of the area will be stabilized and the rest is minor. Member Toulouse said for future projects, he would like to see the percentage of revegetation.

Chair Thomas asked if Army Corp of Engineers were part of the condition. He asked if this is going to overtake the stream. He asked if that is cautionary. Mr. Cahalane said it was just cautionary since the ditch was above it.

Member Stanley asked about South Valleys Area Plan (SV) 12.6 and slope. He wanted staff to speak about the flexibility in that code associated with this project. Mr. Cahalane said it applies on grading on slopes 15% or greater, so we have a major grading permit for that. We try not to deprive the property owner of legal use of their entire property as we have major slopes on the rest of the property. We are working with property owner on the buildable part of the property, so we don't render it unusable.

Ryan Switzer, the applicant's representative, was available for questions. Chair Thomas noted the date of Exhibit I: Site Feasibility Study by Pezonella and Associates, was done in 2006. He asked if there is a timeframe limitation on the feasibility study or is this one acceptable. Mr. Switzer said that was for the septic system and the septic is currently being designed. We have updated results for the site. We will do a full report to design foundations with rockery walls that are included in the assessment. Chair Thomas asked for clarification that the document will be updated. Mr. Switzer said yes, it's underway and will be available in a week or so. Chair Thomas said he reviewed the 2006 study and noticed the date on it and the introduction states they haven't received conceptual plans, structural information, civil design information. He said he was surprised they could come up with a finding when they didn't have the necessary information, but since that is being updated, he said he could accept that.

Member Hill asked if Pezonella will do the study to update their previous document. Mr. Switzer said he wasn't sure who the owner was having conduct the analysis. He said he can find out and make that information available, if needed. Mr. Lloyd said it's a bit unusual to include a Geotech analysis at least for conceptual plans. If it's required to be updated, it will be a requirement of the Engineering Department at the point of issuance of the building permit.

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

Member Toulouse said he recommended condition of approval to be included under 1(g) for dust palliative. Member Stanley agreed with dust issue being codified.

Member Toulouse 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 amended conditions Special Use Permit Case Number WSUP20-0004 for David Smith and the addition of condition 1(g), having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Thomas seconded the motion which carried unanimously.

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

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

C. Special Use Permit Case Number WSUP20-0005 (Thomas Creek Bridge) – For possible action, hearing, and discussion for the construction of a 16 foot long and 5 foot wide pedestrian bridge to cross the critical stream zone buffer area of Thomas Creek, located approximately 500 ft. upstream from the Zolezzi bridge at the terminus of Zolezzi Lane and a new 420-foot long trail for public access.

- Applicant/Property Owner: Washoe County
- Location: 500 ft. upstream from the Zolezzi bridge at the terminus of Zolezzi Lane
- APN: 152-021-07
- Parcel Size: 20.62 acres
- Master Plan: Open Space (OS)
- Regulatory Zone: Open Space (OS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadow/Washoe Valley
- Development Code: Authorized in Article 418, Significant Hydrological Resources and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- 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 disclosures, there were none.

Julee Olander reviewed her staff report dated April 14, 2020.

Member Stanley asked how the trail is currently used and how people currently cross the creek. Ms. Olander said it's a bit of a challenge, so most people aren't using that part of trail in this area since there isn't a way to cross the creek. She said with this project they could cross the creek and still stay on Washoe County property.

Member Toulouse asked about condition 1(e) that states revegetation 'qualities;' he asked if it should be 'quantities.' Ms. Olander confirmed and noted she will get that changed.

Joanne Lowden, with Washoe County Parks, stated this is a popular trail and it gets a lot of use. She said she has talked to a lot of people in the area and they are excited about this project. Chair Thomas asked if this trail goes beyond Arrowcreek and goes down to Zolezzi Lane. Ms. Lowden noted this trail starts at the Thomas Creek trailhead up near Galena and goes through Arrowcreek Park down to Zolezzi Lane.

Member Hill asked when they anticipate construction for this project. Ms. Lowden said this July if they get through the permitting process. She said that is when the water levels are the lowest and the best time to do it.

Public Comment via Email

Julee M. Conway – I am writing in full support of this application that will be heard by the Washoe County Board of Adjustment on May 7th, 2020. The applicant, Washoe County, has met all the conditions of the Development Code and will comply with the requirements outlined in the application during and through the construction phase. I am a resident of Washoe County and am a frequent user of the area trails and open spaces. This project is sorely needed to complete the re-connection of a critical trail system and will provide a needed linkage between Thomas Creek trailhead and the residents that live in Southwest Reno.

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

Member Stanley said it looks like a great project. Chair Thomas agreed.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP20-0005 for Washoe County with the correction to condition 1(e) changing “qualities” to “quantities”, 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. 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 construct of a bridge in the critical stream zone buffer area of Thomas Creek 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.

D. Special Use Permit Case Number WSUP20-0006 (TMWA Arrowcreek Booster Pump Station)
– Special Use Permit Case Number WSUP20-0006 (Truckee Meadows Water Authority, Arrowcreek Booster Pump Station) – For possible action, hearing, and discussion to approve a special use permit to allow the construction and operation of a booster pump station (Utility Services Use Type) to enhance domestic water distribution. The applicant is also asking that the Board vary the paving requirements of all parking and circulation areas as required in section 110.310.25(e) of the Washoe County Code.

- Applicant: Truckee Meadows Water Authority
- Property Owner: Washoe County
- Location: North side of Arrowcreek Parkway, approximately 600 feet west of its intersection with Tremolite Drive
- APN: 142-020-06
- Parcel Size: ±24.48 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)

- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Authorized in Article 810 Special Use Permits
- Commission District: 2 – Commissioner Lucey
- 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. Chair Thomas asked for disclosures, there were none.

Roger Pelham reviewed his staff report dated April 14, 2020.

Stacy Huggins, with TMWA, provided a project presentation.

Member Toulouse asked Mr. Pelham if he was ok with changing the condition regarding the berm. Member Toulouse stated he thought the landscape treatment looked better. Mr. Pelham said he believes, to keep the existing berm would be better to provide continuity. He would like to maintain the berm. Mr. Pelham said it varies in height which helps with landscaping. He said he thinks it's a benefit.

Member Stanley asked Mr. Pelham about noise reduction benefits with keeping the berm. Mr. Pelham said it's primarily visually beneficial.

Chair Thomas asked about the asphalted areas. Mr. Pelham said that is the condition of approval, to pave the driveway in concert with Washoe County. He said we don't want to put asphalt down just for it to be torn up. Mr. Pelham said after the updated rendering, the additional bit that would be paved would be outgoing driveway to the facility itself. Mr. Pelham showed, on the overhead, the map of the site layout proposal. The only part required to be paved in conjunction with utilities would be the driveway between facility and other driveway and the enclosed area where the utility use type is being proposed.

Chair Thomas said concrete on pad and asphalt to the road. Mr. Pelham said that is standard; it's a code requirement.

Ms. Huggins asked the timeframe that the new section needs to be paved. She noted the conditions doesn't state it. Mr. Pelham said he wrote it vaguely in order to be able to conduct it in conjunction with utilities' schedule. He wanted some flexibility. Ms. Huggins said she appreciates that and will coordinate that.

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

Juan Esparza, Truckee Meadows Water Authority, said if they cannot eliminate the condition requiring the berm, can the berm be a little bit more defined and be truncated to south east corner of the project easement. He said he doesn't believe extending that berm any further is going to be a significant value to the project and will impact the County's ability to move forward with their truck fill project as well as impact the ability to enter the site. The asphalt requirement will be working with County utilities on this project. We are more than willing to cost share with asphalt improvements. There is so much in flux with the Truck Fill Project that having us do too much ahead of that project in terms of asphalt is no value to that project.

Mr. Lloyd asked Mr. Pelham to show the berm on the overhead on the south east corner of the project and where the berm currently terminates. Mr. Pelham showed where the berm is now; the idea is that treatment would continue down from east and to the east side as well. He said there are dwellings on the east side. Mr. Pelham said this corner is the south-east corner of the project.

Member Toulouse asked if the berm would continue further north of the driveway. Mr. Pelham said it possibly could. He said once we hit 20% of the landscaped area that is where their requirements stop. He suspects it will terminate at the driveway, to follow the typical requirement.

Member Toulouse said when we were discussing paving the driveway, he said he heard Mr. Pelham say it was a code requirement. Mr. Pelham confirmed and stated the current code requirements for parking,

loading, maneuver areas require to be permanently stabilized with concrete or asphalt for commercial and industrial use types.

Mr. Lloyd said he wanted to make a suggestion – whether approved or denied, please include the request to vary the pavement in the motion. Chair Thomas thanked Mr. Lloyd and noted since he hasn't heard any discussion by Board members wanting to change that, he said he believes it would still stand as the condition, as written. Mr. Lloyd requested clarification if the variance is being approved or denied.

Member Stanley asked how would that motion be read. Mr. Lloyd recommended reading the proposed motion as written up to the point where you identify the case number and then the motion would further approve or deny the request to vary the asphalt requirement identified per provision 110.310.25 of the Washoe County development code.

Member Toulouse said we are looking at two different things. The motion would include a sentence regarding approving or denying the request to vary the berm and the asphalt.

Member Toulouse 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 WSUP20-0006 and deny request to vary asphalt and berm for Truckee Meadows Water Authority, 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 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 booster pump station (Utility Services Use Type) 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.

8. Chair and Board Items

A. *Future Agenda Items

None.

B. *Requests for Information from Staff

Member Hill asked how we can see the exhibits that are being shown in the Chambers. She said those on Zoom cannot see it and it makes it difficult. Mr. Lloyd said we attempted to set that up to provide that via Zoom. Washoe County TV is another option; however, there is a delay. We are hoping to have it set up next month. He said there are technical issues and cannot promise. He said we are working on a solution.

Chair Thomas noted Member Toulouse has only one more meeting left with this Board. He asked Mr. Lloyd if there are plans in the works to find a replacement. Mr. Lloyd said they have received several applications.

9. Director's and Legal Counsel's Items

A. *Report on Previous Board of Adjustment Items

Mr. Lloyd said it will be hard without Kim Toulouse. He has been a real asset for Washoe County.

B. *Legal Information and Updates

DDA Large echoed Mr. Lloyd's sentiments. He said it's been a pleasure to work with Kim Toulouse.

10. *General Public Comment and Discussion Thereof

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

11. Adjournment

Meeting adjourned at 2:48 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on June 4, 2020



Trevor Lloyd
Secretary to the Board of Adjustment