



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Kristina Hill, Chair
Clay Thomas, Vice Chair
Don Christensen
Rob Pierce
Brad Stanley
Secretary
Trevor Lloyd

Wednesday, December 8, 2021
1:00 p.m.

Washoe County Administrative Complex
Mt. Rose Conference Room
1001 East Ninth Street
Reno, NV

The Washoe County Board of Adjustment met in a scheduled session on Wednesday, December 8, 2021, in the Washoe County Mt. Rose Conference Room, 1001 East Ninth Street, Reno, Nevada for a training.

1. **Determination of Quorum** [Non-action item]

Chair Hill called the meeting to order at 1:02 p.m. The following members and Staff were present:

Members Present: Kristina Hill, Chair
Donald Christensen
Rob Pierce
Brad Stanley

Members Absent: Clay Thomas, Vice Chair

Staff Present: Mojra Hauenstein, Division Director, Planning and Building Division
Trevor Lloyd, Planning Manager, Planning and Development Division
Roger Pelham, Senior Planner, Planning and Development Division
Michael Large, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Div.
Lacey Kerfoot, Recording Secretary, Planning and Building Division
Donna Fagan, Account Clerk II, Finance and Customer Service

2. **Pledge of Allegiance** [Non-action item]

Chair Hill led the pledge of allegiance.

3. **Public Comment** [Non-action item]

No response to request for public comment

4. **Board of Adjustment Training** [Non-action item]

Division Director Mojra Hauenstein, Secretary Trevor Lloyd, and Senior Planner Roger Pelham gave a presentation.

DDA Large spoke about findings with substantial evidence. Articulate why you cannot make the finding. The decision is supported by substantial evidence and is able to be defended.

DDA Large answered Chair Hill's question about a property with a sensitive stream zone. He spoke about property rights with 5th Amendment. Staff would work with the applicant on conditions.

Chair Hill asked if a person who performed illegal grading could be charged a double fee for illegal grading. Morja Hauenstein spoke about the permitting process; she stated she could charge them up to \$5,000 for residential and \$40,000 for commercial as a maximum penalty for illegal grading. She stated we aren't here to punish, and if they come in and do the right thing in a certain amount of time, all we are looking for is compliance.

Legal Discussion [Non-action item]

District attorney, Mike Large gave a presentation

Chair Hill inquired if board members can discuss past items with other board members. DDA Large stated she could discuss past items but discourages it if there is a possibility that the item may come back.

Member Stanley asked Ms. Hauenstein what the Board of County Commissioners (BCC) thinks about the work product of the Board of Adjustment. She stated you represent an opinion, but they have a different role than the Board of Adjustment. Planning Commission and Board of Adjustment are technical boards with a narrow scope. They are different boards. The BCC sets policies. Member Stanley asked if they are satisfied with our decisions. Ms. Hauenstein stated they follow this board but only see the cases on their agenda that are denied by this board. DDA Large stated if the applications are approved, the BCC won't see them. DDA Large stated the analysis of denial is reviewed closely by the BCC. If there is a finding you cannot make that they can make, reasonable minds can differ. It doesn't mean you got it wrong. The BCC has more latitude. You are confined to code and NRS. Mr. Lloyd encouraged Member Stanley to reach out to the board directly as Staff cannot speak for them.

Member Stanley inquired about the word 'substantial' in the 'Not Detrimental' finding. DDA Large stated it's not defined in code. This board has to do fact-finding, and as the fact finder, you have enough evidence to make the finding. It's discretionary.

Member Stanley asked how many Staff are in the Department. Ms. Hauenstein stated 37.

Chair Hill asked about when the counter will open back up again. Ms. Hauenstein stated it's a County wide decision.

Member Stanley stated it's easier when there are acknowledgments or comments from the reviewing agencies. He asked if the reviewing agencies have enough time to review. Ms. Hauenstein stated the timelines constrain us. She stated the timeline is very strict. Mr. Lloyd stated legally, yes; they have enough time. Ms. Hauenstein spoke about communicating and relationships with the reviewing agencies.

Chair Hill thanked Staff for the training. She stated she would email her questions.

5. Public Comment [Non-action item]

No response to request for public comment

6. Adjournment [Non-action item]

The meeting adjourned at 2:43 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on January 6, 2022

Trevor Lloyd

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Secretary to the Board of Adjustment