



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Thursday, November 4, 2021
1:30 p.m.

Board of Adjustment Members

Kristina Hill, Chair
Clay Thomas, Vice-Chair
Don Christensen
Rob Pierce
Brad Stanley

Secretary

Trevor Lloyd

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street, Building A
Reno, NV 89512

and available via

Zoom Teleconference

The Washoe County Board of Adjustment met in a scheduled session on Thursday, November 4, 2021, in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada and via Zoom teleconference.

1. Determination of Quorum [Non-action item]

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

Members Present: Kristina Hill, Chair
Clay Thomas – Vice-Chair
Don Christensen
Rob Pierce
Brad Stanley

Staff Present: Julee Olander, Planner, Planning and Building Division
Roger Pelham, Senior Planner, Planning and Building Division
Trevor Lloyd, Planning Manager, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division
Lacey Kerfoot, Recording Secretary, Planning and Building Division
Adriana Albarran, Office Support Specialist, Planning and Building Division

2. Pledge of Allegiance [Non-action item]

Chair Hill led the pledge of allegiance.

3. Ethics Law Announcement [Non-action item]

DDA Michael Large recited the Ethics Law standards.

4. Appeal Procedure [Non-action item]

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

5. Public Comment [Non-action item]

With no requests for public comment, Chair Hill closed public comment.

6. Approval of the Agenda [For possible action]

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of November 4, 2021. Member Pierce seconded the motion, which carried unanimously.

7. Approval of the October 7, 2021 Draft Minutes [For possible action]

Member Thomas moved to approve the minutes of October 7, 2021 as written. Member Stanley seconded the motion, which carried unanimously.

8. Public Hearing Items [For possible action]

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 WSUP21-0025 (Vintage at Spanish Springs) [For possible action] – For hearing, discussion, and possible action to approve a special use permit to allow the use of Continuum of Care Facilities, Seniors, for a 257-unit four story building, in accordance with Table C-3 of the Spanish Springs Area Plan, a portion of the Washoe County Master Plan, on two parcel totaling 6.59 acres at the northwest corner of Neighborhood Way and Eagle Canyon Drive.

- Applicant/Property Owner: Spanish Spring Associates LP
- Location: at the northwest corner of Neighborhood Way and Eagle Canyon Drive
- APN: 532-031-10 & 15
- Parcel Size: 1 acre & 5.59 acres
- Master Plan: Commercial (C)
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Spanish Springs
- Development Code: Authorized Article 302, Allowed Uses & Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.gov

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

Julee Olander, Planner, provided a staff report presentation.

Dane Hillyard, the Applicant Representative, provided a Powerpoint presentation.

There were no requests for public comment.

Member Thomas stated he noticed the response from REMSA requested a large elevator to fit an ambulance gurney in a flat position. He asked if that was included in the conditions of approval. Mr. Hillyard stated it's standard and we always add one. Member Thomas asked who performed the traffic study. Mr. Hillyard stated Cordell Brady, a private engineer who conducts many traffic studies in Washoe County. Member Thomas stated he isn't comfortable with 1,432 trips a day on a two-lane road. Mr. Hillyard stated they are able to use a different category. It's a different category because it's age-restricted. He added only about half of the residents own vehicles in the other communities that we developed. Still, the traffic study acts as if they all own vehicles because there isn't an age restrictive category. Mr. Hillyard noted that during peak travel times, these residents

don't travel at night. They don't want to fight traffic. He stated we had done a lot of these projects and traffic isn't an issue. He said they have to use the regular code with two cars per unit but it's skewed because, typically, our residents don't have two vehicles. Member Thomas stated he was concerned it was going to impact the two-lane road. Member Thomas asked if the rate charge be predicated on the 60% figure of median income; he asked if that rate is subject to change or a fixed rate. Mr. Hillyard stated it's adjusted when the median income is adjusted in October of each year. It's the percentage of that. We have to follow the program guideline.

Member Stanley commended Julee Olander for getting the responses from the reviewing agencies. He stated he believes this is a very good idea, timely, and well-considered. He stated he doesn't understand the price point but likes the project. He stated he was in favor of this.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approved with amended conditions Special Use Permit Case Number WSUP21-0025 for Spanish Spring Associates LP, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Pierce 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 Spanish Spring 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 continuum of care facilities, seniors 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 WSUP21-0026 (Sparks Mustang) [For possible action]

– For hearing, discussion and possible action to approve a special use permit for major grading and to vary grading standards to permit 2:1 graded slopes and allow finished grading to vary from the natural slope by more than 10 feet, and to vary landscaping standards to reduce exterior landscaping requirements. The requested grading would include 31.01 acres of land disturbance, approximately 450,000 cy of cut, and 103,000 cy of fill.

- Applicant: Industrial Realty Group
- Property Owner: Sparks Mustang, LLC
- Location: North of Interstate 80, along the frontage road at Exit 23 in Mustang
- APN: 084-060-32 and 084-090-04, 05, 12, 13 & 16
- Parcel Sizes: 17.66 acres and 18.6 acres
- Master Plan: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Truckee Canyon
- Development Code: Authorized in Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Katy Stark, Planner

Washoe County Community Services Department
Planning and Building Division
775.328.3618
krstark@washoecounty.gov

- Phone:
- Email:

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

Mike Raley, the Applicant Representative, provided a Powerpoint presentation.

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

Member Stanley said two reviewing agencies commented on landscaping. He stated the directions seemed similar, but the specifics were different. He asked how the recommendation and conditioning would address the different specifics. Mr. Pelham stated that we would review for minimal compliance with code and then the conditions of approval during the building permit process. In general, the idea from Washoe-Storey Conservation District and Parks is that the applicant must use natural vegetation. There are several different ways this can be done. He stated, in the end, it will be a fully vegetated slope and how we get there may vary.

Public Comment:

Steve Agular, the owner of Reno Drain Oil Service, stated his property is located behind the development. He referenced the photo and showed his property. He stated he has 13 employees, tanker trucks, and dump trucks to conduct operations. He said he is concerned that the truck parking crosses his easement, which is his legal access. He said above that he has 20 acres. He spoke with Rex, who said he would make changes but hadn't seen those yet. The reason it's such an issue; Q&D built a building on our easement before and the easement was moved around the building. He said the map doesn't show our easement, which is concerning. It's a legal easement. It's a gravel road that accesses his property.

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

Mike Raley stated he is aware of the access easement and plans to perpetuate access to Mr. Agular's property and the upper portion of the property and will be incorporated into the plans. Mr. Lloyd stated he recommends the Board add a condition that ensures the perpetuation of the easement to the adjoining property.

In response to Member Stanley's inquiry about the easement, Mr. Lloyd stated engineering staff would review the plans to ensure it meets code requirements for appropriate access to that property.

Member Thomas asked if it would not be self-evident that the existing easement take precedent and the applicant cannot block that off. Mr. Large said that is correct but recommends it be added to the conditions.

Mike Raley stated it's a 30-foot relocatable easement and has every intention to maintain their access but may need to be tweaked. It also provides access to the 20-acres behind his business.

Member Thomas requested the updated motion language.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case Number WSUP21-0026 for Industrial Realty Group, with the conditions included as the Exhibit A to this matter with the additional condition that the applicant will ensure the perpetuation of access to the adjoining parcel, APN 084-090-1,5 and conditions and standard landscaping code will be met. All five findings can be met in accordance with Washoe County Code Section 110.810.30. Member Pierce 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 Truckee Canyon 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 warehousing and distribution facility and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

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 WSUP21-0027 (Eagle Canyon North – Permanent Flood Control) [For possible action] – For hearing, discussion, and possible action to approve a special use permit to allow major grading of approximately 75,360 square feet of disturbance and excavation and exportation of approximately 5,490 cubic yards of earthen material for the purpose of improvement and expansion of existing flood control facilities in Spanish Springs.

- Applicant: Equus Management Group
- Property Owner: Eagle Canyon North Association
- Location: Northwest corner of Eagle Canyon Drive and Calle De La Plata, extending north along the western edge of the Eagle Canyon subdivision
- APN: 530-830-03 & 530-620-05
- Parcel Size: ± 2.658 & ± 5.130 acres
- Master Plan: Suburban Residential (SR) & Open Space (OS)
- Regulatory Zone: Medium Density Suburban (MDS) & Open Space (OS)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 438, Grading
- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.gov

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

Luke Doyle, the Applicant Representative, provided a Powerpoint presentation.

In response to Chair Hill's question, Mr. Doyle noted Eagle Canyon North Association is a homeowners association coordinating with Equus management to do the work.

Member Christensen asked who is the defacto owner of the property. Mr. Doyle stated Eagle Canyon North Association. Mr. Pelham stated it's within common open space for the subdivision and owned by the homeowner association. Common areas are the benefit for the owners, which sometimes include a green space or park and, in this case, would be the use of the drainage. Member Christensen stated it's an incredible cost being paid by the homeowner's association and passed on to the owners. He said he is concerned about the costs. He is satisfied that it needs to be done. He stated anyone who has driven up Calle De La Plata can see that it needs it be done. He said we don't take the costs lightly.

Member Thomas asked when you went out to RFP for contractors for bid, was that information given to them before the condition was in here about the boulders and fence. Mr. Doyle stated not the fence but the boulders were. He stated he spoke with Roger about that concern; he stated we reached out right away to the owner and the contractor about the additional requirement and incurred extra cost. Everyone is aware that there needs to be a fence and boulder in the basin.

Member Pierce stated that working hours are 7 a.m. – 7 p.m. he stated it's getting dark earlier. He asked about the estimated timeframe of completion. Mr. Doyle stated three months.

Member Stanley asked for clarification about the noticing process. Mr. Pelham noted that any special use permit must provide notice to property owners within 500 feet and not less than 30 properties. He stated he believes 125 properties were noticed. He stated from the phone calls he received during review; the property owners are aware. They are aware of the cost and some of the owners weren't happy about it but recognize it needs to be done.

Public Comment:

Greg Kelly stated he is not part of Eagle Canyon North but an owner in Eagle Canyon and one of the properties potentially impacted by this project. He said he encourages this project. He stated we have flooding across the Calle De La Plata, which flows under the fence and down into his yard. He stated the fence is owned by the Eagle Canyon. Students have thrown rocks through his fence and Eagle Canyon replaced it. He stated after every stor, there are floods, which bring dirt into the road and is removed the next day. It occurs over and over. He said as a resident; he wants to make sure the engineering takes care of it. He said he knows kids will ride through it on their bikes. So unless it's a concrete wall, the kids will go through it. He asked the type of material. Dirt erodes. He asked if it would be concrete. He stated he is 50 feet across the street. He is between this catch basin and Spanish Springs High school.

Fred Buckles (Via Zoom), Vice President of the Eagle Canyon North Association, is paying for it although most of the homeowners are opposed, it's required to be done. We ended up getting a massive amount of area and catch basin as the developer's regional contract with Washoe County. The way the CCRs are written, whatever the County doesn't take care of, we have to. We are between a rock and a hard place.

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

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP21-0027 for Equus Management Group, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Christensen 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 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 improvement and expansion of existing flood control facilities, 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 [Non-action item]

A. Future Agenda Items

Trevor Lloyd announced Board of Adjustment training is tentatively scheduled for December 8, 2021. It will be held via zoom for those who cannot attend in person. It will also be recorded.

B. Requests for Information from Staff

None

10. Director's and Legal Counsel's Items [Non-action item]

A. Report on Previous Board of Adjustment Items

None

B. Legal Information and Updates

None

11. Public Comment [Non-action item]

With no requests for public comment, Chair Hill closed public comment.

12. Adjournment [Non-action item]

The meeting adjourned at 2:44 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on January 6, 2022

Trevor Lloyd

Trevor Lloyd
Secretary to the Board of Adjustment