



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Thursday, October 7, 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, October 7, 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: Katy Stark, Planner, Washoe County Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Dan Cahalane, Planner, Planning and Building Division
Roger Pelham, Senior Planner, Planning and Building Division
Lindsay Liddel, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division
Lacey Kerfoot, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance [Non-action item]

Don Christensen led the pledge of allegiance.

3. Ethics Law Announcement [Non-action item]

DDA Lindsay Liddel recited the Ethics Law standards.

4. Appeal Procedure [Non-action item]

Roger Pelham 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]

Member Stanley moved to approve the agenda for the regular meeting of October 7, 2021. Member Pierce seconded the motion which passed unanimously.

7. Approval of the September 2, 2021 Draft Minutes [For possible action]

Member Thomas moved to approve the minutes of September 2, 2021. Member Pierce seconded the motion which passed 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. Administrative Permit Case Number WADMIN21-0011 (Hyatt Regency Alchemy Conference) [For possible action] – For hearing, discussion and possible action to approve an administrative permit for an Outdoor Community Event business license for Red Carpet Events for Hyatt Regency. The Entrepreneurs Organization 2021 Alchemy Conference will be hosted by Red Carpet Events at the Hyatt Regency Lake Tahoe on the cottage green just west of the Lone Eagle Grill. Approximately 500 people will be in attendance. Catering and parking will be provided by the Hyatt. The dates of the conference are October 12-14, 2021, and the event hours will be 9:00 a.m. to 10:00 p.m.

- Applicant: Red Carpet Events for Hyatt Regency
- Property Owner: Hyatt Regency Lake Tahoe
- Location: 981 – 993 Lakeshore Blvd, Incline Village
- APN: 127-280-02
- Parcel Size: 8.561 acres
- Master Plan: Tahoe – Incline Village Tourist
- Regulatory Zone: Tahoe – Incline Village Tourist (TA_IVT)
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Katy Stark, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3618
- Email: krstark@washoecounty.gov

Chair Hill recused herself as she assisted the applicant with the preparation of the application.

Member Thomas took over as Chairperson. He called for member disclosures. There were no additional member disclosures.

Katy Stark, Planner, provided a staff report presentation.

Karen Nichols, the applicant representative, was available to answer questions.

DDA Lindsay Liddel inquired about event hours. Ms. Stark noted the hours had been updated. DDA Liddel stated she didn't believe it was a fatal flaw but wanted the Board to be aware, but it could be a potential issue. Member Thomas asked if the conditions needed to be changed. Ms. Stark stated no. She added the tent wasn't going to be used, but the conditions were phrased for the possibility it would be used.

Mary Clay, Hyatt representative, (via Zoom) asked about the comment regarding the potential issue as referenced by the DDA. DDA Liddel stated the issue was a potential issue with open meeting

law, requiring a clear and concise statement. She said it was stated as 9 a.m. to 10 p.m. She stated her opinion is that it's not a fatal flaw; however, if a member of the public challenged based on open meeting law, there could be a potential liability there.

Member Thomas asked for clarification of hours. Ms. Stark stated it's 8 a.m. to 11 p.m. on the list of activities. The dinner activities could run until 11 p.m., and breakfast speakers can begin at 8 a.m.

With no request for public comment, acting Chair Thomas closed public comment.

Member 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 approved Administrative Permit Case Number WADMIN21-0011 for Red Carpet Events for Hyatt Regency, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. 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 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 an alchemy conference on the cottage green at the Hyatt Regency Lake Tahoe, 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

Chair Hill returned to the meeting.

B. Special Use Permit Case Number WSUP21-0022 (La Calma Court Grading) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for grading on a slope of 15% or greater for excavation of one thousand (1,000) cubic yards or more to facilitate the construction of a driveway, new single family residence and detached garage.

- Applicant/Property Owner: KZDS Trust
- Location: 620 La Calma Ct
- APN: 076-310-32
- Parcel Size: 10 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 438, Grading; and 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

Julee Olander, Planner, provided a staff report presentation.

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

Member Pierce 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 WSUP21-0022 for KZDS Trust, 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 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 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 the proposed 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 WSUP21-0024 (Bryan Canyon Grading) [For possible action] – For hearing, discussion and possible action to approve a special use permit to allow 9.6 acres of land disturbance, 29,062 cy of cut, 29,003 cy of fill, create a dam structure to build a pond and rectify illegal grading done in the past and a request to vary grading standards to allow for more than 10ft of difference from the natural grade. Currently, approximately 145,000sf of ground disturbance with up to 12ft of excavation has been completed illegally.

- Applicant/Property Owner: SC Advisors, LLC
- Location: Approximately 6390ft West by North of the intersection of Eastlake Blvd and Interstate 580
- APN: 055-301-38
- Parcel Size: 346.48 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: South Valleys
- Development Code: Authorized in Article 438
- Commission District: 2 – Commissioner Lucey
- Staff: Dan Cahalane, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.gov

Dan Cahalane, Planner, provided a staff report presentation.

Dave Snelgrove, the applicant representative, provided a PowerPoint presentation. Mr. Ed Thomas with Lumos and Associates was also available.

Sharon Smith, Bryan Canyon Road resident, said the road to the project goes through her property. She also owns another property on Bryan Canyon Road. She said she built her property with all the permits in place. She asked the Board if they would have approved the project if it had come before the Board before he started grading. If you grant this SUP now, after the illegal dig, are you setting up precedence for people to do the work and ask for forgiveness. It will tell the community that all will be forgiven. What is this hole going to be filled with, obviously water. She said it would be filled the water from the aquifer and affect the wells down from this pond. She said her house is in the canyon and the dam is at the top of the canyon. She said during an earthquake; she could be flooded. During high water years, the creek runs and comes up to her house. Water is an issue. Why put a dam at the head of a creek. Right now, we are in a drought. She thanked the Board for their consideration. She said she is worried about getting flooded out. She and her neighbors have ponds, but not the size of this one at the top of the mountain.

Brian Guerin, Bryan Canyon Road resident, said he had two main concerns. One is well depletion and the other is flooding. He is concerned with the use of water. He said 2.6 volume of water is hugely off. He said he would have to refer to someone else to confirm. After the pond is filled, it will deplete due to evaporation and seepage and deplete our wells. He said the valley is wide at the top and narrows as it comes down to our homes. We have seen that water four feet deep. If there is overflow, it could have a disaster. There is no natural flow into the pond. All the water in the pond will be from the wells. We are worried about our wells. Potential flooding is another concern. There is potential for an earthquake. There are multiple houses along the creek. It could cause a problem with a wash out.

Karen Guerin, Bryan Canyon Road resident, echoed everything that had been said. She said it was started illegally and the Board needs to do their due diligence and keep monitoring this. There was so much up there that we weren't aware of and concerned he wasn't considering us down the way. She said she heard this pond may be going from private to public Parks and Recreation. She said there is only one way for ingress and egress. The fire people said it wasn't a good idea as there needs to be another way in and out. As a private pond, it won't be a problem, if approved. But the traffic is a problem if it's the only way in and out. The applicant should have known better because he was in this line of work. Please take this seriously. We don't want any major problems or mass flooding.

Adam Terrero, representative for the owner, said he wanted to reinforce some points. He said there is no plan to make this public and to infringe upon the neighbors and their lifestyle. If you look at the project and numbers allocated by the water rights, that we have. Those water rights were established before most other residents lived there. We purchased the property with the water rights allocated. We are just putting them to beneficial use. We haven't done any work other than improving what the previous owners had done. He said flooding is a valid concern. As part of creating access to this area, we have improved the flow and structure of the land. The creek goes down near the neighboring properties. We reinforced a bank. During the winter, a bank had washed out, sending materials down to the neighbors. We have corrected that issue and that should not happen again. On the application, the allocation for water is a large amount. It's a real concern. He said we have three well professionals, we will never accumulate what we are allowed to have. He said the professionals looked at it and it won't even be at half capacity. We started work with a construction company that was unclear with the scope of work and the County's requirements. We have eliminated that company and hired Lumos and Associates to correct this. We are going to correct the wrongs.

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

Chair Hill asked if there is a single-family dwelling on the parcel. Mr. Terrero said there are no homes on the property. The Weiss family used to own it. There was a 10x5 ft. structure that will be removed. She asked where the owner lives. He said Lake Tahoe. Chair Hill asked if this is an accessory use to the primary use. She asked how you can build a pond without anything else being there. Mr. Cahalane said this isn't an accessory use. This is grading similar to if you cleared a pad

for building a structure provided you get permits. She said it's a pond on a vacant lot. He said you could do that with proper permits. She asked if there was any enforcement or penalties. Mr. Cahalane stated, as mentioned in his presentation, there was a 'stop-action order. She asked if there was any monetary penalty. Mr. Torrero said we were issued a stop action order and worked with the officer who cited us. It was the peak of COVID. We had trouble finding an engineering and construction company. The officer gave us time to get it together. There was no monetary penalty. Chair Hill asked if the applicant thought they could do this. Mr. Torrero said we spoke with a construction company who said if we graded under a certain amount, there wouldn't be a problem with permitting. He said based on the numbers and based on the professionals, we will need a larger pond circumference. He said he works with the owners as an administrative assistant. Chair Hill said 3 acres feet of water is very small. He said it's a very small area. It's high in elevation but flat. He provided clarification it's 20-acre feet of water. Mr. Thomas with Lumos and Associates stated the 2.5 acre-feet was how much water would be above the normal water surface to the top of the dam. The volume of the reservoir is 20-acre feet.

Member Stanley said the original problem was stated in 145,000 square feet, 3.5 acres. The remediation is 9 acres. He asked if it takes 9.6 acres to fix 3.5 acres. Mr. Thomas from Lumos and Associates confirmed. We are trying to spread the earth out and not have to take the fill down the hill. Member Stanley said they have acre-feet of water, but what is that in gallons. Mr. Snelgrove said it's 325,800 gallons per acre-foot of water. The identifications of the 2.9, which is closer to 20-acre feet, may merit a continuance. We want to do it right. He said mistakes happen. He said he would appreciate their consideration. The acre-foot could create an issue. He asked for a one-month continuance so the acre-foot can be appropriately addressed and everyone understands. Mr. Pelham said given this change; he asked the applicant to request a 2-month extension. This is a large change. He said his experience concludes this needs to go to the reviewing agencies. Chair Hill asked about winterizing the site, stabilization, and erosion control for the winter. Mr. Cahalane stated that it is required under the grading code if left undisturbed for 90 days. He will reach out to code enforcement to move forward with that. Mr. Pelham said we could ask the applicant to provide documentation for stabilization. Chair Hill said that should include photos.

Member Stanley said there were concerns about earthquakes. He asked if there is a faults study. He said there are faults in that area. Mr. Cahalane said a geotechnical study within the current application identifies the active faults in the area. The dam's engineering will need more detailed engineering studies, which will happen at the building permit level or dam construction study. Member Stanley asked about the liquefaction study and how it impacts the fault analysis. Mr. Cahalane said the liquefaction study shows what the soils will do under stress from earthquakes, such as acting as a liquid, making structures less stable, and cause catastrophic damage.

Chair Hill asked if this item will be continued until December. Member Thomas stated that is if the Board approves the continuation. Member Stanley said some things will need clarification if we vote to approve the extra two months. DDA Liddel stated the Board can ask more questions but recommends taking action prior to closing this hearing at the Board's pleasure.

Member Stanley said the fishing pond idea is cool. There were a lot of letters that went out to agency partners and there was a sparse amount of feedback. He said he was surprised Parks & Recreation didn't provide any. He said if this is extended, he would like them to be contacted for input. He asked if there was an agency in charge of the creek or riparian area. Mr. Torrero stated that although the creek itself comes off a stream, goes underground, and resurfaces and goes several hundred feet away from the property, it creates a creek. It's probably 1,000 feet in length before it hits asphalt at the next property line and into other properties. It's a naturally occurring stream. He said we have a naturally occurring 10x10 pond that borders the proposed pond. It has surface and groundwater. Member Stanley asked about wildlife being impacted and NDOW didn't respond to the request for comment. He said if a project impacts wildlife, you would think there would have input. Mr. Cahalane said the stream is not a protected critical hydrological resource per article 418. He said an NDEP permit is required and an air quality permit with the amount of grading required. They will

weigh in when they request those permits.

On page 9 of the staff report, Member Christensen said that Washoe-Storey Conservation District had no response and no conditions. He said what we received today was dated August 27; there are very serious concerns. He asked why this information was delayed. Mr. Cahalane said it came to him late after sending the staff report to admin staff for noticing for ten days per NRS. Member Christensen said we have a letter from Mr. Rod Smith dated September 22. It's a very well-written letter and wondered why it wasn't in the staff report. Mr. Cahalane stated we have to have our staff reports done approximately 20 days prior to provide time for mailing ten-day noticing requirements per NRS. He said he wrote his staff report three weeks before the hearing.

Member Pierce asked why they requested a SUP to build a dam when they don't have a dam permit. Mr. Thomas, Lumos, and Associates, spoke about the steps to apply for the dam permit. The County supplies a SUP for grading permits and conditions; Washoe County requested we speak to the division of water resources, state engineer to ensure we don't need a state dam permit as we don't cross the threshold, but they can require it. Order of permit is SUP and grading permit.

Lacey Kerfoot, Recording Secretary, explained that the staff reports were due to legal by September 10 and admin for noticing on September 17. She said a lot of public comment comes through Washoe 311; it is a matter of the timeliness of forwarding to staff.

Member Stanley asked when the development review request would go out. Mr. Pelham said the development review cycle is about ten weeks altogether. We get an application and within the next three days it goes out for agency review. The agencies have ten days to provide comments. The staff has then 7-10 days to synthesize into a staff report and get it to legal and management who review for one week and it goes back to staff for any last edits and then goes out to admin for posting public process. Agency's has a week or a little more. The staff reports need to be done a little less than a month before the meeting. He said we have state-mandated timeframes.

Member Thomas asked about the elevation of the pond. Mr. Thomas, Lumos and Associates, said the water surface is 5,924 feet. Member Thomas asked about the depth of the pond. Mr. Thomas said less than 20 feet. Member Thomas asked the maximum allowable height of the pond. Mr. Thomas said there isn't a maximum depth of water. To be regulated as a pond, with the state of Nevada, they measure the spillway to the toe of the slope. A lot of the grade is below grade, which is not considered part of the dam. He said the maximum depth is 16 feet depth maximum. Member Thomas asked if the dam height would be 6+ feet. Mr. Thomas said that is the maximum grade above existing ground at the dam, but we are higher than 16 feet. Member Thomas asked if the dam height from the top of the dam to the toe of the dam is 19 feet. Member Thomas asked if they would be using well water. Mr. Thomas said this is the applicant's consumptive use of his well water. Member Thomas asked if they would have to use a generator to make sure the water supplies the pond. Mr. Torrero said yes, it would require a generator. He said we are in the works of a solar power generator to avoid fuel. Member Thomas asked about the previous statement about improving what the prior owner did. He asked if the previous owner graded and then you came in. Mr. Torrero said no when purchased; the property had an existing settling pond. There was a small structure from the previous owner. We are responsible for the grading. At the spot in question, at some point, the foilage was cut down. That was not us. Member Thomas asked prior to grading, did you contact the neighbors. Mr. Torrero said no. The construction company we used stated that we didn't need to if the grading was under a certain area. Mr. Cahalane stated a solar panel is considered a detached accessory structure and would require a main residence for it to be permissible per code.

Member Stanley asked for clarification on the height of the dam. Mr. Thomas said dam height is from the top of the dam to where the toe reaches the ground. We slope the dirt down and it ends up below the bottom of the pond. The depth of the water in the dam is less than that of how the earth slopes out. Member Stanley asked the actual number. Mr. Thomas said the depth of the pond is between 14-16 feet. The height of the dam is 19 ft. Mr. Pelham asked if Mr. Thomas had a cross-section to show the toe of the dam and natural grade. Mr. Snelgrove and Mr. Thomas showed a

cross-section and explained it.

Mr. Pelham stated he recommends a 60-day continuance and it would go through another agency review. Mr. Snelgrove accepted that and appreciated the consideration.

Member Stanley said he was dismayed with the lack of response from the agency's such as NDOW and Parks and Recreation. There was a timing problem with information coming in and he understands that. He said his disposition is coming into this that a continuance would make a lot of sense. It's gracious to suggest and request a continuance, so this could be thought through and analyzed.

Chair Hill asked if they would winterize. Mr. Pelham said that is a requirement per the article 438 grading code. Member Thomas stated he takes issue with individuals who take it upon themselves and commit a violation and asking forgiveness. More often than not, they commit a violation and get an SUP and washed clean. He said for this application; he said he isn't in favor of a continuance for this. He said the elevation is 6,000 ft, and the frost line is at 5,000 ft. You will get an earlier freeze and it will last longer. He appreciates the idea of wildlife drinking from it, but it's a double-edged sword. They drink from it in summer and can drown in it in the winter or spring when they step on the ice and fall through. There was no input from the neighbors. They could have gotten together and discussed this. It's for esthetic purposes only, so not sure if site suitability can be made. They mentioned a solar panel which requires an outbuilding. He said several things out there might not be addressed in two months to the level we need to make a decision.

Member Stanley asked if this was denied; there is an appeal process. He asked the applicants' choices; can the applicant clean up the issues and re-apply for the SUP request. Mr. Pelham said the applicant does have the opportunity to come into compliance. They can get a remediation plan approved through the County engineer to return the site to pre-disturbance as possible under article 438. This would include stabilization and revegetation. After that, the applicant can bring in the set of plans and say what we want to do and with an additional review, modifications if possible, and an SUP might be approved at the discretion of this Board. He said the recommendations you have from staff are technical evaluations that can be made to make code. They are not advocating for or against. They are evaluating to meet code. He said there are three avenues.

Mr. Snelgrove asked if remediation can go forward without an SUP. Mr. Pelham said yes. The only thing is returning it to pre-disturbance condition through remediation plan; there are a certain number of requirements including the county engineer determining potential harms, which in this case there is, since it's a drainage way. Each is unique. This course is open to the applicant.

Chair Hill agreed with Member Thomas. She said she is tired of forgiving projects that have violated the code and allowing them to go forward without penalty or fine. She said she doesn't see how they can continue this project, so they come back. It won't make the project any better. It's an earthen dam controlling a body of water above these people's homes at risk of earthquake and flood and something very serious. They need to come back with another plan. There isn't a resident on the property but only a pond to fish in. They would have to put fish in there. She said she wasn't ready to continue it but rather denial.

Member Thomas was interested to hear what others have to say. Member Pierce said he originally was ok with a continuance, but after hearing what everyone had to say, he said he had more questions. He said he doesn't know if the applicant can meet all the demands in the two months.

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 the Special Use Permit Case Number WSUP21, not having made all five findings in accordance with Washoe County Code Section 110.810.30, specifically findings #3 and #4. Member Thomas seconded the motion which carried unanimously. Mr. Pelham read the appeal procedure.

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.

9. Chair and Board Items [Non-action item]

A. Future Agenda Items

Member Stanley inquired about training. Mr. Pelham stated he isn't aware but will follow up.

B. Requests for Information from Staff

Chair Hill inquired about the CAB program. She asked if they had been discontinued. Mr. Pelham stated the CAB has been retained, but not for consideration of development projects. Going forward, there will be neighborhood meetings. The format is being worked out. He said the applicant would be required to hold the meeting to get input from the community. Member Stanley said reading the Board of County Commissioner minutes, Commissioners Lucey and Hartung spoke about re-constituting the CABs and working with the community. He said he volunteered to support that but hasn't heard back. He asked Mr. Pelham how that process would work. Mr. Pelham stated that is being steered out of County Manager's office. He said he apologized he didn't have a lot of information. Member Stanley said he hopes to get a description on how these groups will operate as they will have input to us. Mr. Pelham stated he understands there won't be the direct input to the Board, but the applicant would collect and include it in their application. Mr. Pelham stated he apologized for not having more information.

Member Thomas stated the project description was read and that was a change. Mr. Pelham said he remembers doing that. He said he thought that's what we did that Board of Adjustment. DDA Liddell stated it's not required. Some Board do that at the meetings. It does no harm.

Member Thomas initiated a conversation about the format of the hearing. He said he would rather hear from an applicant or staff at one point instead of asking them to come back up. Chair Hill stated Trevor recommended – staff presentation, applicant presentation, public comment, Board questions, and Board comments. This format has cut down on time. She said she prefers it. Member Stanley agreed and was remiss, thanking them for being here. Getting the public in the process is good. Chair Hill said she gets a lot of her questions answered during the presentation and then it's good to hear the different viewpoints from the public. Member Thomas asked if it's allowable to take a shotgun approach and not allow a public member to come back up. DDA Liddell said public comment is closed as Board members are welcome to ask public members directly. The procedure is at the Chair's discretion of how to ask questions between presentations or at the end. Mr. Pelham said it's up to the Chair to run the meeting within the rules. DDA Liddell stated the Chair could welcome additional public comment as she sees fit. Ms. Kerfoot stated that if you re-open public comment, you have to give the opportunity to everyone.

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]

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on the agenda as an action item.

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

12. Adjournment [Non-action item]

Meeting adjourned at 3:30 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on November 4, 2021

Trevor Lloyd

Trevor Lloyd

Secretary of the Board of Adjustment