



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Thursday, September 2, 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**

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The Washoe County Board of Adjustment met in regular session on Thursday, September 2, 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  
Rob Pierce – via Zoom  
Brad Stanley

Members Absent: Don Christensen

Staff Present: Chris Bronczyk, Planner, Planning and Building Division  
Roger Pelham, Senior Planner, Planning and Building Division  
Trevor Lloyd, Planning Manager, Planning and Building Division  
Jennifer Gustafson, 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]

Chair Hill led the pledge of allegiance.

## 3. Ethics Law Announcement [Non-action item]

DDA Gustafson 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 September 2, 2021. Member Thomas seconded the motion, which carried unanimously with four in favor and none against. Don Christensen was absent.

## 7. Approval of the August 5, 2021, Draft Minutes [For possible action]

Member Stanley moved to approve the minutes of August 5, 2021, as written. Member Pierce seconded the motion, which carried unanimously with four in favor and none against. Don Christensen was absent.

## 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 WADMIN21-0010 (Benefit Concert) [For possible action]** – For hearing, discussion, and possible action to approve an administrative permit for an outdoor community event for the Incline Village Hospital Foundation with a Beach Boy Benefit and Fundraising Concert. The event will be held at 1047 Lakeshore Blvd. on September 19, 2021, from 1:00 p.m. to 6:00 p.m. with approximately 400 people in attendance.

- Applicant: Karli Epstein
- Property Owner: KWS Nevada Residential LLC
- Location: 1047 Lakeshore Blvd.
- APN: 130-230-16, 17 & 18
- Parcel Size: 3.5, 1.0, 1.0 acres
- Master Plan: Mill Creek
- Regulatory Zone: TA\_MC
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3627
- Email: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Trevor Lloyd, Planning Manager, provided a staff report presentation in Ms. Olander's absence.

With no requests for public comment, Chair Hill 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 approve Administrative Permit Case Number WADMIN21-0010 for Karli Epstein, 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 a one-day event 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. Administrative Permit Case Number WADMIN21-0012 (Renown Hospital Foundation Event) [For possible action]** – For possible hearing, discussion, and possible action to approve an administrative permit for an outdoor community event for the Renown Hospital Foundation with a Beach Boy Concert. The event will be held at Montreux Golf & Country Club Inc., 17150 Bordeaux Drive on September 2, 2021, from 3:30 PM to 8:00 PM with approximately 500 people in attendance.

- Applicant: Renown Hospital Foundation
- Property Owner: Montreux Golf & Country Club Inc.
- Location: 17150 Bordeaux Drive
- Assessor's Parcel Number: 148-010-55
- Parcel Size: 56.17 acres
- Master Plan Category: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: Low Density Suburban (LDS) & General Rural (GR)
- Area Plan: Forest
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner (Lucey)
- Staff: Trevor Lloyd, Planning Manager  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3612
- E-mail: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

This item was withdrawn by the applicant.

**C. Administrative Permit Case Number WADMIN21-0009 (5100 W 1st) [For possible action]** – For hearing, discussion, and possible action to approve an administrative permit for a 200-unit apartment community on 9.992 acres of land located at the NE corner of McGuffey Road and W 1st Avenue. The proposal also includes grading standards associated with the development.

- Applicant: Ulysses Development Group, LLC
- Property Owner: Stan Lucas
- Location: 5100 W. 1st Avenue
- APN: 085-820-31
- Parcel Size: 10 Acres
- Master Plan: Urban Residential (UR)
- Regulatory Zone: Medium Density Urban (MDU)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 302, Allowed Use; and Article 438, Grading Standards

- Commission District: 3 – Commissioner Jung
- Staff: Chris Bronczyk, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3612
- Email: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chris Bronczyk, Planner, provided a staff report presentation.

Connor Lara, the applicant representative, provided a PowerPoint presentation. He introduced Jeff Frame, Matt Sutherland, and Ryan Watt. Dave Snelgrove presented site suitability and slopes analysis.

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

Member Thomas stated in 2015, the Planning Commission changed the suburban/urban residential and public/semi-public to medium density urban. He asked if this was the reason for making the change. Mr. Lloyd stated that is his understanding. That was several years back, but it was to accommodate a higher density development on the site. Member Thomas asked if they received input from the community at that time. Mr. Lloyd confirmed they performed significant outreach at that time. Member Thomas inquired about a traffic analysis. He said he was surprised that traffic wasn't an issue, especially considering how close this proposed development is from the main thoroughfare. He asked if a private company or NDOT did the main traffic analysis. Mr. Bronczyk noted the traffic study was done by Headway, a private company. NDOT and RTC reviewed the traffic study and determined no improvements needed to happen at the intersection. Member Thomas said there is only one entrance in and out of the development. There is a back gated area. Mr. Snelgrove stated there is a second gated emergency access. He referenced the map of the site plan. He spoke about their challenge with making grades work and getting access to line up with existing residential streets.

Member Stanley thanked them for having a community meeting and paying attention to the concerns.

Member Pierce 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 WADMIN21-0009 for Ulysses Development Group, LLC, with the conditions included in Exhibit A: add a condition to require vegetation between retaining walls and replace conditions 8(a) and 8(b) as stated in the staff's presentation, 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 a multi-family apartment community, 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 WSUP21-0007 (Hidden Valley Reclaimed Water Tank)**  
**[For possible action]** – For hearing, discussion, and possible action to approve the construction of a 1-million-gallon water tank. The request also involves modifying and varying grading standards and approving major grading to facilitate the construction of the water tank. The proposal includes the excavation of 22,863 cubic yards of earthen material, the importation of 6,000 cubic yards of earthen material, and the disturbance of 5.8 acres.

- Applicant/Property Owner: Washoe County
- Location: 4740 Parkway Drive – Hidden Valley Regional Park
- APN: 051-330-01
- Parcel Size: 480 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits; and Article 438, Grading Standards
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3612
- Email: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chris Bronczyk, Planner, provided a staff report presentation.

Mike Railey, the applicant representative, provided a presentation.

Chair Hill opened public comment.

Edward Vehorn, Lonehorse Drive resident, west of the proposed tank, stated he will be looking at the tank. He said he has been there for 31 years. He asked about the location of the tank. 4780' is the bottom of the tank elevation. He asked why couldn't the tank be located where the existing tanks are located. Those tanks are at 4700' elevation. He said if you stand at the elevation of his home, 70% of the people will see that tank from their front door or back door. Why can't it be located with the other tanks. He said he doesn't see any infrastructure or how it's going to serve the park. How will you get the water out of this tank to service the parks and golf course. He stated there is already an existing access road if you build this tank next to the other tanks. He asked where the access road will be built for the proposed location. He said its going be very visual. He said he doesn't understand why they want to scar the mountain. He referenced the master plan and wondered if there will be any other deviancies. He said it's a nice park.

Earl Hausen stated he is Ed Vehorn's neighbor. He stated this is going to scar this mountain. He said they have to live through this construction. He said he agrees with the concept, but not sure he agrees with the residents having to bear the burden for the benefit of the golf course, Nevada farmlands, and free up water rights for these entities to sell at our expense. He thanked Chris for clarifying the gallons. He said he went through the materials, and they state tanks cannot be located in open space and near trails. That is what Hidden Valley is. He said he doesn't understand. He asked how will the water go out to the farmlands, golf course, parks. He said he understood the code and request for variance. He said when you waive those; it becomes open-ended; there needs to be some parameters. He said the materials are missing comments from HOAs and CABs. He said they

need to do the right thing by getting community feedback. He asked about pines and vegetation being planted near the tanks. He thanked Chris for always returning his calls.

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

Chair Hill asked about water distribution to the golf course. Scott Benedict, the project engineer said the water will come from South Truckee Meadows Water Reclamation Facility (STMWRF), and there will be a water main installed at Alexander Lake Road. The main will cross Steamboat Parkway and go up Reno Highlands Drive. Another water main will extend toward the golf course and to West Hidden Valley Drive. It will come in at the 15<sup>th</sup> hole and route to the pond by the clubhouse. Chair Hill asked if those mains will be part of this project. Mr. Benedict stated not to the golf course. He stated right now we are talking about getting the transmission and storage tank being constructed. Without the storage tank, we cannot serve the golf course. As part of this project, we will construct the mains and tank, and at a later phase, the golf course will come online. Chair Hill asked how long will this phase of construction last. Mr. Benedict stated it will take 8 – 10 months. He said they can tighten things up with the schedule by doing things simultaneously. Chair Hill asked if there is a condition for dust. Mr. Benedict stated that is part of the Washoe County requirements. Chair Hill asked about native landscaping. Mr. Benedict stated there would be a stormwater permit by NDEP for that. The landscape will be brought back to 80%.

Chair Hill asked if there was a reason why this tank wasn't located with the existing tanks. Mr. Benedict stated those other tanks are for a potable water system. They are on a different hydraulic grade line for pressure for the homes immediately to the west. The hydraulic grade line for the reclaimed water is quite a bit higher. They are two different pressure zones. He said they could grade down to that zone but to back feed and to provide reclaimed to customers, this tank is located at a higher hydraulic rate. Mr. Benedict stated the location is based on current pumping at the treatment plant and dictates where the tank is located. He said they are pumping from a treatment plant with vertical turbines. Chair Hill asked how far away the treatment plant is located. Mr. Benedict stated its 6 miles. He said the special use permit is for the construction of the tank and pipes within the park. He said Phase 1 is going on right now with transmission from the treatment plant through Alexander Lake Road and Veterans Parkway. That is being constructed now. He said Phase 2 is the transmission from that location to the tank. As part of that phase, they will have the tank within the park and transmission within the park. Phase 3 is the golf course. Chair Hill stated it's hard to understand the whole project when we are looking at just a tank. She asked how will the water get to the tank and then to the golf course. And how come it's not near the other tanks to be less visible to the residents. Mr. Benedict stated the topography above the existing tanks is probably more visible. He spoke about access roads and grading scar detriments.

Member Stanley stated he heard 3 phases. Mr. Benedict stated potentially four phases. Allen Jones, Senior Engineer, said there isn't timing on each of the phases. The County runs STMWRF, a zero discharged system in which all reclaimed water is used for beneficial uses. Hidden Valley Park and hopefully Hidden Valley Golf Course will be served. The fourth phase would be potentially tying into the City of Reno's reclaimed system. This is a big project with many phases. It's been in planning for four years. As the treatment plant is expanding, they need good places to send the reclaimed water. This is only one of the projects they are looking at. Member Stanley asked if they were looking at alternatives. Mr. Jones stated it's a challenge to find alternative locations for reclaimed irrigation. He stated he understands that tanks are ugly and they look to hide them. The scars are big. The concrete tanks can be buried and expensive, but they are doing as much as they can to make as little disturbance as possible.

Member Thomas asked if the infrastructure is in place to get water from the treatment plant to the tank. Mr. Jones stated when they bid the project, it will include the phases that include the transmission main from STMWRF to Alexander Lake Road and to the park. He stated they have worked a lot with the park. They have just updated the master plan of the park with this reclaimed water. Mr. Lloyd reminded the Board that they are looking at the request before them, not the other phases. Member Thomas stated if the Board oks the tank, but never approved the infrastructure to

the tank; then they have a tank just sitting there. He said it's a manner of order. Mr. Jones stated they won't build a tank if the other main and right-of-way and BLM isn't approved.

Member Thomas said the engineers have done a great job to help screen the tank. He said he noticed the tank will be visible from different angles. He said he understands there will be landscaping to help screen it. He stated he spoke with Ms. Kirschenman, Park Planner, about the landscaping to help mitigate the visual circumstances from the community with pinion pines along the ridgelines. He said they had come to an agreement that Parks was going to consider it to help mitigate the visual impacts. Mr. Jones stated he doesn't object. Sophia Kirschenman spoke about the condition of approval with a revegetation plan using native species, monitoring provisions; they want to ensure it gets established and looks nice. She spoke with Eric Crump, Operations Divisions Director, about existing vegetation on-site, including existing pinon junipers at that elevation and supporting additional native vegetation as part of the revegetation requirements. The only concerns from parks perspective are that they don't plant trees that don't survive at that elevation and require prolonged, permanent irrigation. That would put the responsibility on Park staff to maintain over the long run.

Member Stanley said pinion and juniper are extremely hard to find in a mature form. He asked what mechanics would be required to get these trees in and the placement of the vegetation. Ms. Kirschenman stated she would rely on their natural resources planner to provide recommendations. We do photo point monitoring of now and over time until it's established and doesn't need irrigation. They are difficult to establish. Irrigation will be required until they grow and thrive. Member Stanley said that would make them non-ornamental. Ms. Kirshenman confirmed. More native vegetation would make it blend better. Member Thomas stated there was a reference to the Bureau of Land Management; he asked about stewardship of the larger animals. Ms. Kirschenman stated the Hidden Valley Park is on a Recreation and Public Purposes Act patent from the Bureau of Land Management required in 1960, which means whatever they do with the park has to comply with that legislation. She said they have preliminary discussions with BLM and as long as it serves the park and public good they would make sure this is in conformance with the act.

Chair Hill asked if this is also a variance or a SUP. Mr. Bronczyk noted this is a special use permit to include the tank and infrastructure within the park boundary. As part of the SUP, the applicants can asking to vary standards but that does not trigger a variance as allowed by the SUP process.

Chair Hill allowed another public comment.

Edward Vehorn noted he knows the horses in the area. He said he has worked in construction with a schedule of projects. He said it would be nice to see the plans of the infrastructure. He asked if 1 million gallons would be going to the park or will it be going elsewhere. He asked how much water will be used in the park. He said there is already access to the existing tanks. He said he believes there is room for another tank with the other tanks.

Dwayne Smith, Engineering Director, spoke about the overall benefit they are trying to acheive. He thanked the community for their feedback. It's important to the public to understand they are listening. Cost is always a consideration, but it is also a responsibility to spend money to put pre-stressed tanks into the ground to help hide them and get a variance to help mitigate the impacts. They will want to work with the public. He understands people don't want to see this behind their house. He said this tank wouldn't work at the same elevation as other tanks with the hydraulic grade. Those were considerations the design team looked at. There were certain considerations for alternatives. He said he wanted to express what they want to accomplish. It's more than bringing the water to a golf course, park and preserve potable resources—resiliency and sustainability by using reclaimed water.

Earl Hausen said there would be things that happen down the road that they need to be aware of. He said he had done construction with projects packaged together. They don't present one piece at a time. They are doing a great job, but getting water from 6 miles away doesn't make sense to him.

Douglas Barker said the County's engineer is requesting a special use permit that is mainly pertained to the inefficiencies in the County's code. This would be allowed in the City of Reno. He said he hasn't looked at the cuts or fills, though.

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

Member Stanley asked about remediation of scaring and grading. He said there will be access roads and scaring from the grading. He asked for the remediation plan for the scaring and reducing visual impact. Mr. Jones stated the revegetation plan is the way to help blend the scaring. He said good design, good plant mixture, and temporary irrigation to help it establish. Member Stanley asked if the access roads will be treated with the same approach. Mr. Jones confirmed.

Member Thomas said he takes into account the neighbors' concern with the visual impacts of the tanks. He said if they put it back where the other tanks were, it would look like a tank farm. It's been stated why this tank needs to be elevated. He said the County has done a fairly good job to conceal it the best they can and by following up with Parks' revegetation plan to mitigate the view. He asked if there needed to be an adjustment to conditions to specify the pinion pines. Mr. Lloyd said if the Board wants to be specific in the condition, he suggested adding that language. Member Thomas recommended that under Washoe County Parks and Open Space condition 2(b), 'prior to issuing building and grading permit, a revegetation plan to include the planting of native trees should be reviewed by Washoe County Parks.'

Member Stanley asked if the Board should leave it up to the experts to identify the trees and location. Member Pierce stated they should recommend leaving that to the experts. The other Board members agreed. Amended condition 2(b) to include the pinion pines to mitigate the site issues. DDA Gustafson stated in the event they recommend approval of this case, she suggested they add to the end of the motion that they are approving the requested variances to development code standards that staff has requested with landscaping and grading which are listed on page three of the staff report and move to approve. Mr. Lloyd stated he doesn't believe the type of tree needs to be specified, but rather native trees.

Chair 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 WSUP21-0007 to include the variances for landscaping and grading standards and including modification to conditions of approval 2(b) (to include native tree species) as part of the revegetation condition for Washoe County, 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 Southeast 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 1-million gallon water tank, 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.



**E. Special Use Permit Case Number WSUP21-0009 (Cheyenne Drive) [For possible action]**

– For hearing, discussion, and possible action to approve a major grading permit on 3 parcels. The proposed grading includes, 3,170 cubic yards of cut, 80 cubic yards of fill, and a disturbance of 0.42 acres on slopes greater than 15%. The proposal includes a variance to the front yard setback, requesting to reduce the required 30-foot front yard setback to 10 feet, as well as allowing maximum fill in the front yard setbacks up to 4.5 feet, and to allow for a maximum of 10-foot-tall retaining walls within the setbacks.

- Applicant/Property Owner: American Patriot Homes
- Location: 145, 155, and 165 Cheyenne Drive
- APN: 045-221-06; 045-221-07; 045-221-08
- Parcel Size: 1.15 acres; 1.04 acres; 1.1 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Development Code: Authorized in Article 438, Grading Standards; and Article 810, Special Use Permits
  
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3612
- Email: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chris Bronczyk, Planner, provided a staff report presentation.

Derek Kirkland, the applicant representative, provided a presentation.

Chair Hill opened public comment.

Shanda Crane, a resident that backs up to Cheyenne Drive, said they are not opposed to new development and want to ensure it is done correctly. She said they are concerned about erosion and drainage issues. She is a resident at the end of Cheyenne. There is a known issue with the canyon. She said when the Galena Creek bridge was constructed; there was additional runoff that came down through that canyon. She said she is concerned about the dust control on the lots during grading, and irrigation and landscaping when they are constructed. She said if it goes down the canyon, it will disturb the residents on the south side. They have seen issues with flooding, which they tried to mitigate.

John Tegan said he has two properties adjacent on Cheyenne. He thanked the developers for addressing his concerns, including stick-built versus modular. He spoke about the concerns with drainage and water that comes down the canyon, and there will be more due to the recent fire that burned the vegetation.

With no further requests for public comments; Chair Hill closed public comment.

Member Stanley asked about the walls. Mr. Kirkland showed the slide with the retaining walls. He described where the different walls will be location. He noted the walls will be capped.

Chair Hill asked if the Board could condition that a modular homes will not be allowed there. Applicant, Doug Barker, noted that CCRs already state that modular homes are not allowed there. He noted it's worded that no pre-built structure can be put on the property. He said there are sheds violating the CCRs in this neighborhood. He said the County does not have anything to do with CCRs.

Chair Hill asked about impervious surfaces on the site. Mr. Kirkland said they will look at the drainage surrounding the area, and we cannot create additional runoff. They will be improving the drainage and fixing a lot of issues on the property currently. He said they will have detention ponds.

Mike Vicks, the design engineer, stated infiltration might not be proposed. He said they will see the permeability of the site. He said they would provide storm detention on the site. He said erosion and drainage are concerns with the slope and burned vegetation. He said the improvements would help stabilize that slope. The proposed development will be a buffer. He said they are eager to address these concerns.

Member Stanley followed up on the statement regarding the County's ability to condition the stick-built. Mr. Lloyd stated per code the county doesn't have the right to impose that condition, but the applicant can volunteer a condition imposed by Board. DDA Gustafson said since this application is for a grading permit and variance of development standards related to grading, she didn't recommend the Board add that condition. If the applicants agree, the Board can memorialize it but it seems out of the scope of the request that is currently in front of this Board. In response to Chair Hill's inquiry, DDA Gustafson said on page 3 of the staff report; it summarizes the applicant's request for setback and grading standards.

Member Stanley asked how that motion would read. DDA Gustafson said at the end of the motion language – move to approve the applicant's requested variances to the grading standards and the setback standards listed on page 3 of the staff report. And if you wanted to read the codes, you could. Member Stanley asked if this is where they could memorialize the stick-built condition if the applicant volunteered. Mr. Lloyd stated, as previously stated, you could; however, it's not appropriate with the grading request.

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 WSUP21-0009 for American Patriot Homes, 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 and also including conditions varying grading and setbacks outlined on page 3 of the staff report. 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 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 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.

**\*\*\*Board Recess – 3:50 p.m. – 3:55 p.m.\*\*\***

**F. Special Use Permit Case Number WSUP21-0020 (St. Nicholas Orthodox Academy) [For possible action]** – For hearing, discussion, and possible action to approve the establishment of a private school including three temporary modular classroom buildings. The applicant is also requesting to eliminate all required parking and landscaping standards.

- Applicant: St Nicholas Orthodox Academy
- Property Owner: JLC Realty, LLC
- Location: 16255 South Virginia St
- APN: 045-210-01
- Parcel Size: 13.96 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: South Valleys
- Development Code: Authorized in Article 810
- 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](mailto:rpelham@washoecounty.us)

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

Member Pierce returned from recess at 3:58 p.m.

Mike Railey, the applicant representative, provided a presentation.

Dr. Janet Cummings was also available via Zoom.

Chair Hill asked if there is a condition for parking and landscaping. Mr. Pelham stated its included in current development codes. It's required by code and they don't have to say it. They reference the codes. They are not varying those standards.

Member Stanley asked if there were existing codes issues, which would clean it up and bring the project into conformance. Mr. Pelham confirmed. Member Pierce stated it looks like a good project.

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 Special Use Permit Case Number WSUP21-0020 for St. Nicholas Orthodox Academy, with the conditions included as Exhibit A to this matter, and does not vary any generally applicable development standards, 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 private school, 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; and
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.
6. The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

7. No significant degradation of air quality will occur as a result of the permit.

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

**A. Future Agenda Items**

Mr. Lloyd said there would likely be Board of Adjustment new member training in November.

**B. Requests for Information from Staff**

Member Stanley asked for an update on the new CAB process. Mr. Lloyd said the details are still being worked out.

Chair Hill requested the varying conditions within the motions. Mr. Lloyd stated he would make sure that is included to make it clear in addition to the Special Use Permit request. The varying standards is different than a variance.

**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 an agenda as an action item.

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

**12. Adjournment** [Non-action item]

The meeting adjourned at 4:11 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on October 7, 2021

*Trevor Lloyd*

Trevor Lloyd

Secretary of the Board of Adjustment