



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Kim Toulouse, Chair
Clay Thomas, Vice Chair
Kristina Hill
Lee Lawrence
Brad Stanley
Trevor Lloyd, Secretary

Thursday, May 3, 2018
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, May 3, 2018, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Members present:

Kim Toulouse, Chair
Clay Thomas, Vice-Chair
Lee Lawrence
Brad Stanley
Kristina Hill (Arrived at 1:54 p.m.)

Members absent:

None

Staff present:

Trevor Lloyd, Planning Manager, Planning and Building Division
Kelly Mullin, Senior Planner, Planning and Building Division
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division

2. *Pledge of Allegiance

Member Toulouse led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

4. *Appeal Procedure

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

5. *Public Comment

As there was no response to the call for public comment, Chair Toulouse closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of May 3, 2018. The motion, seconded by Member Thomas, passed unanimously.

7. Approval of April 5, 2018 Draft Minutes

Member Stanley moved to approve the minutes of April 5, 2018. The motion, seconded by Member Thomas, passed unanimously.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

Chair Toulouse asked for member disclosures regarding public hearing items:

Member Stanley said he spoke to CAB members regarding this project and he has also visited this site. Mr. Edwards asked for more clarification. Member Stanley wanted to understand more about the CAB dialogue regarding this item. No opinions or commitments about the outcome were made. Just information sharing.

A. Special Use Permit Case Number WSUP18-0004 (Tru Reno B&B) – For possible action, hearing, and discussion to approve a special use permit to operate a bed and breakfast establishment with five guest suites and one suite for the operator. The use is proposed to be located within an existing residence that the applicant has indicated was designed to meet appropriate standards for a bed and breakfast.

- Applicant: Troy Underwood
- Property Owner: Tru Reno Enterprise, LP
- Location: 15030 N. Timberline Drive
- APN: 049-871-10
- Parcel Size: ±1.5-acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/ Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits and Article 320, Bed and Breakfast Establishments
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 34, T18N, R19E, MDM, Washoe County, NV
- Staff: Kelly Mullin, AICP, Senior Planner, Washoe County Community Services Department Planning and Building Division
- Phone: 775-328-3608
- E-mail: kmullin@washoecounty.us

Kelly Mullin, Washoe County Planner, provided a staff report presentation. She said they are recommending additional conditions 1(e)(xx): for onsite activities/services offered by facility are limited to overnight/paying guests, no services shall be offered to anyone other than paying guests and 1 (e)(xxi): applicant shall cease and not engage in unlicensed business activity until all requirements/licenses are obtained including rental of accommodations.

Member Thomas asked about the 2006 special use permit. Ms. Mullin said a special use permit was issued for similar use with conditions. Conditions of Approval weren't completely complied with and business permit was never obtained, so the permit expired.

Member Stanley asked about the nature of the business. He said he researched other bed and breakfast ads. A person pays for time and breakfast. He asked how cooking classes fit into this application. It seems more like a boarding school. Ms. Mullin said she received additional information from the applicant. The activities are for paying guests in order to prevent any additional negative impacts to the neighbors. Member Stanley said if adverse stipulations came up, they would have to be dealt with. He said he hasn't seen so many caveats. Ms. Mullin said specific to conditions of approval, there was one related to codes specific to bed and breakfasts. Member Stanley asked about impacts to the neighborhood. Ms. Mullin said in regard to character to the neighborhood, noise and traffic were potential impacts. Mr. Edwards said Mr. Stanley is looking at finding number 2. Member Stanley asked about the mitigation. He asked what is anticipated and the possible mitigation. Various agencies provided comments for potential issues to be addressed. Ms. Mullin said we look at possible impacts in order to mitigate. Specifically with traffic, she said we spoke with the traffic engineer and traffic team; the traffic count is under the threshold to produce a traffic impact report. Additionally, it's under the threshold to require outside improvements. Onsite parking and pull through were also considered. Member Stanley asked what if traffic impacts were more than anticipated and how is that addressed. Ms. Mullin said if conditions of approval weren't complied with, we would investigate conditions and compliance. Failure to comply shall render this approval null and void.

Trevor Lloyd, Planning Manager, said for traffic conditions, we could limit traffic to guests only. Member Stanley asked about findings for Forest Area Plan. Mr. Lloyd said based on the nature of the use, there are more findings and conditions with bed and breakfast use types.

Chair Toulouse asked Mr. Edwards about Member Hill's late arrival and her participation in this item. Mr. Edwards said Ms. Hill arrived at 1:54 p.m. and we are early in the presentation. As long as Ms. Hill is up to speed with the staff report, we can move forward. She confirmed she is up to speed.

Member Lawrence asked how many homes have been built on north Timberline since 2009. Ms. Mullin said she doesn't have those numbers. Member Lawrence asked about the distance to the nearest home to the bed and breakfast. She said they have to meet the buffering requirements.

Chair Toulouse asked about additional requirements for road improvement. Ms. Mullin said she spoke to neighbors about those concerns. The previous special use permit, regional road impact fee had to be paid, but no offsite improvements were required with that initial special use permit. That is what is listed currently. TMFPD has access requirements.

The applicant, Troy Underwood, said he came up with this idea for a health oriented bed and breakfast. They would eat healthy and learn how to cook healthy food. He focuses on mindfulness and stress reduction. All the insurance companies have not made improvement with the nation's health care; not sickness care, but health care. He said he wants employers to send their employees to retreat at the bed and breakfast, in intimate groups, immersed in a healthy environment to learn to cook healthy. It's not a normal bed and breakfast. This location was chosen because it gives enough space to go hiking. He said there wouldn't be a negative impact. He said they want to comply with the rules.

Member Hill asked about guest transportation. Mr. Underwood said they can Uber or taxi from the airport. He said he doesn't believe they will be bringing their own car. She asked about a shuttle service. Mr. Underwood said that isn't his goal.

Member Lawrence asked if alcohol would be part of the program. Mr. Underwood said no, we don't plan to serve it, and the stipulation is no alcohol, drugs, or tobacco use. Mr. Underwood said he lives there too.

Member Stanley asked how this fits in with the character of the neighborhood, and how far did Mr. Underwood go to speak with neighbors. Mr. Underwood said at the last community meeting, there weren't any objections. There won't be any more of an impact than a regular large single family home. No negative impacts, but people might have a negative opinion. He said the website is up, but can't book anything until November in hopes to receive the permit by then.

Member Thomas asked if someone doesn't want to take the classes that are offered, but rather go skiing instead. Mr. Underwood said we won't force them to take classes or eat breakfast. He said we don't have a structured requirement.

Public Comment:

Evelyne Harvey said she lives right above B&B/wellness center. She said her family chose this location for the low density, single family zoning, quietness, and peacefulness. She said they would not have purchased knowing this B&B was going in. She said she is concerned about increased traffic. There will be numerous vendors making deliveries. This business would bring 45 trips per day on Timberline. The entire neighborhood would be impacted. Timberline is narrow. The road can't handle it. In case of an emergency, an emergency vehicles needs to easily access the neighborhood. Guests are not stakeholders. 3,500 visitors to the neighborhood per year. They may not be aware of the acute fire risk of the area. The volume of visitors will change the character of the area. She asked what value does this B&B add to the area. She asked the board to step into the shoes of the neighbors, and vote no for special use permit.

Bill Garecht said he lives in the home to the south of the subject property. He said he is losing buyers when he discloses what is going in next door. It's a B&B, cooking school, and retreat. Timberline feeds the Logan Meadows, Rock Farm homes, and more homes planned to be built. There will be an increase in traffic just by normal residents. He encouraged the board to take a drive on the road. The entrance to Whites Creek is crowded in the summer. The hikers parked on the road take up 1/2 the road which leaves 8 feet. A fire truck requires 10 feet. Families, kids, dogs, bicyclists, skiers, snowshoers use the area. We don't need more traffic up there.

Steven Smith said he lives on Timberline. He said he agrees with what has been said about parking and traffic on Timberline.

Dereck Barrett, homeowner on Timberline, spoke about the article regarding Bed & Breakfast. There are 6 requirements under Article 320 to grant a bed and breakfast. Most have been satisfied, but two need to be addressed. First, traffic concerns. We are already at capacity. Second, the commercial nature of the bed and breakfast; it's not traditional of a bed and breakfast. A bed and breakfast is an impact to the character of the area. We don't want any business on that street. It will impact traffic and change nature of the neighborhood.

Pat Phillips said she walks through Legend Trails to Timberline to get to Whites Creek. She said the trips per room were quoted as 8.92, but with the operator and occupants, it's more like 53.2 trips per day, not what was quoted. Maximum amount of days allowed to stay is 7; but how many days away until they can come back and stay to make sure it's not long term. She asked about onsite sewage and said increased trash service which adds more traffic. She is concerned for safety of hikers, bikers. She asked that the board deny this application.

Dr. Mary Lahsen stated her belief that Mr. Underwood is VP for an insurance company. The zoning is low density suburban. No one wants a for-profit enterprise. Once he gets the permit, who will come out to make sure it won't become a rehab facility. She stated her belief it's a conflict of interest if he is a VP for an insurance company. It should be denied and sanctioned for trying to get passed. The road cannot accommodate another 50 cars a day. There are accidents trying to get onto Mt. Rose Highway. There is no traffic light. It's a one lane road, most of the winter. There are places for these types of enterprises. She said they moved out there to enjoy the peace and quiet.

John Snatic said this is a wellness center disguised as a B&B. These types of businesses get morphed into a rehab treatment center. The website talks about phlebotomy. He asked if someone is licensed to conduct that. He spoke about the traffic concerns and safety. Residents are concerned with extreme fire danger. There is only one way in and one way out. This commercial venture will impact property values.

Derek Amen said he lives on Timbercrest Trail. He appreciates the Board listening to concerns. He opposes this for the following reasons: SUP provides substantial benefit, but this project won't benefit the neighborhood. He said he is concerned about traffic, the road, and substantial public safety issues during fire. A majority of the homeowner's oppose; please reject.

Gail Hoskins said she opposes the commercial use in residential. It's hardly a B&B. It's a wellness center. In the original information, it was never indicated to be something other than a B&B. There will be deliveries and instructors. There will be a lot of activity on the property. On exhibit A, the property would be used by guests only and not to host parties or weddings. She asked how they can ensure the classes being offered are for overnight guests only; will it be monitored to make sure no outside guests attend.

Cheri Suttelmeyer said she would not have purchased her home if she knew a B&B would go in there. She said the initial information didn't indicate anything other than a B&B which is of concern.

Rachel Evanson said she moved into the area 5 years ago to grow the family; for the low density and good schools. She said she is concerned with traffic and safety. This is a neighborhood. She said when she first received notice it was presented as a B&B, which is misleading. It's not transparent. She asked what is not being disclosed. There will be negative impacts. It will impact safety and privacy. She asked the Board to not approve this special use permit.

Kim Lundeen said she bought a lot and the home next to the lot. She tolerates hikers looking into her window. Her neighbor started an unlicensed business and she reported it. She is a yoga instructor and supports wellness, but doesn't want this in her back yard. The road is not managed. There are forest walks through her property. The trails are becoming well established which means she has to fence her yard. Hikers throw out their trash; they disregard because it's not their neighborhood. People who come for commercial reasons have no regard for the residents. It's no place for a commercial use. There will be more parking and more traffic. Please deny this application.

Carmel Briggs said she lives on Timberline to the left of the subject property. She said they know everyone in the neighborhood. It's a close knit community. She said they notice those who come out of town; they drive faster. They don't know the narrow, low visibility in the road. She said she doesn't want to see an accident. It negatively impacts property values. Please don't approve this. It would impact the character feel. It brings no benefits. It brings added traffic. The impacts are uncertain with the nature of the business. It makes it harder to sell homes.

Cathy Brandhorst, spoke about subjects of concern to her.

Hearing no more requests for public comment, Chair Toulouse closed public comment period.

Member Stanley asked about maximum length of stays. Ms. Mullin said Development Code for that specific case is a maximum of 7 contiguous nights. With a break in the stay, 7 additional contiguous nights would be allowed.

Member Lawrence asked about onsite sewer. He asked if the applicant has provided info on how that will be dealt with. Ms. Mullin said the applicant said a commercial septic permit onsite will be obtained. They would work with NDEP to prove the existing system would meet their standards. Member Lawrence asked if it didn't meet their standards, would there be a holding tank, or regular service for removal. Ms. Mullin said the applicant would need to work with NDEP for alternatives if their septic doesn't meet the requirements or improve existing system. He asked if this application would stop if they cannot obtain approval from NDEP. Ms. Mullin said it's a condition of approval, therefore, they have to meet all the conditions to receive a business license.

Member Hill said she missed the presentation but read the staff report. Member Hill said there are 6 bedroom suites, including the owner's room. It generates 44 trips per day. She asked if that traffic analysis is based on a chart or 10 trips per bedroom. Ms. Mullin said the application didn't trigger a traffic study, but the County's traffic engineer anticipated based on the Institute of Traffic Engineer guidelines determining 8.9 per room per day. Member Hill asked about the meals. Ms. Mullin said they will be providing 5 meals per day. Member Hill asked if guests have access to the kitchen. Mr. Underwood said they don't have to eat the meals. Member Hill asked what if they want to go to the movies. Mr. Underwood said the guests will spend their time at the house, or they could go into town for a movie. No one will be driving up and down that road as everyone anticipates. It would be the same as a large family home. There won't be any negative impacts. There were statements that were incorrect. He said he isn't VP of an insurance company. He said people aren't backing out of purchasing houses because of this business. He said he doesn't own the lot adjacent to the property. Member Hill said visitors aren't the same as a house full of kids. The visitors will want to go to the casino. They won't just stick around the house; they will want to explore. She understands

the concerns from the neighbors about this commercial permit. Mr. Underwood said it's approved in the current zoning with a special use permit. Member Hill said it's a case by case basis.

DDA Edwards said there have been references to the title of 'Bed and Breakfast' and meals served. He read the definition of the use in the Development Code, Article 304, under lodging use, subset is bed and breakfast.

Mr. Underwood said the rooms do not have cooking facilities.

In response to a question from Chair Toulouse, Ms. Mullin said 37 property owners were noticed.

Chair Toulouse said he is familiar with the area and has trouble making the findings. He said the road is narrow and not developed as an urban road which is of concern. He said he has heard the concerns during public comment. He said there isn't enough of an adequate road for use. He said development of bed and breakfast is a good idea, but not in this spot; it would be detrimental to the neighborhood. He said he struggles making the findings.

Member Thomas said he familiar with the area. There is a lot of traffic now. There will be even more people. He said he is aware of the narrow road.

Member Lawrence said he lived in a residential neighborhood with a noisy, unreasonable neighbor. He didn't have the quality of life and expectations. These people on Timberline bought into a quality of life. He is concerned with their invasion of privacy and expectation of quality of life. He can't support the plan. He appreciates the concern for the health of the Country, but it doesn't belong in the neighbors' backyards.

Member Stanley echoes what has been stated. There were 8 mentions of traffic, 3 mentions of fire. He spoke about quality of life. He said property values are being diminished. He said people won't know what they will be buying into with the zoning.

MOTION: 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 deny Special Use Permit Case Number WSUP18-0004 for Troy Underwood, being unable to make findings 3 and 4 in accordance with WCC Section 110.810.30. Member Hill seconded the motion to deny. Motion carried unanimously.

The motion was based on the following findings:

Required Special Use Permit Findings (WCC Section 110.810.30)

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest 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 bed and breakfast establishment, 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.

Required Bed and Breakfast Findings (WCC Section 110.320.20)

- a. Traffic. The residential character of the neighborhood will not be changed due to increased traffic in the neighborhood caused by the use.

- b. Commercial Nature. The residential character of the neighborhood will not be changed due to the commercial nature of the use.
- c. Dwelling Exists. The single-family dwelling has been constructed.
- d. Private Controls. The proposed use does not violate the provisions of any applicable covenants, conditions and restrictions governing the property. The burden shall be upon the applicant to provide appropriate documentation to support this finding.
- e. Noise Levels. The proposed use will maintain acceptable residential noise standards as specified in Article 414, Noise and Lighting Standards.
- f. Hours of Operation. The hours of operation are consistent with the residential character of the neighborhood.

Required Findings for Special Use Permits within Forest Area Plan

- F.2.13** The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.
- F.12.3** The granting of special use permits in the Forest planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit.

Trevor Lloyd read the appeal procedure.

9. Chair and Board Items

***A. Future Agenda Items**

No items were discussed.

***B. Requests for Information from Staff**

No items were discussed.

10. Director’s and Legal Counsel’s Items

***A. Report on Previous Board of Adjustment Items**

He wanted to remind the board that the July meeting was moved to July 11, 2018.

***B. Legal Information and Updates**

There were no legal updates.

11. *General Public Comment

Cathy Brandhorst spoke of subjects of concern to her.

12. Adjournment –

Meeting adjourned at 3:09 p.m.

Respectfully submitted,

Misty Moga, Recording Secretary

Approved by Board in session on _____, 2018

Trevor Lloyd
Secretary to the Board of Adjustment

DRAFT