



WASHOE COUNTY BOARD OF ADJUSTMENT **DRAFT** Meeting Minutes

Board of Adjustment Members

Clay Thomas, Chair
Rob Pierce, Vice Chair
Don Christensen
Kathie Julian
Brad Stanley

Thursday, March 2, 2023
1:30 p.m.

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

Secretary

Trevor Lloyd

and available via
Zoom Webinar

1. Determination of Quorum

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

Members Present: Clay Thomas, Chair
Rob Pierce, Vice-Chair
Don Christensen
Kathie Julian (Zoom)
Brad Stanley

Members Absent: None

Staff Present: Chris Bronczyk, Senior Planner, Planning and Building Division
Courtney Weiche, Senior Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Member Thomas led the pledge of allegiance.

3. Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

4. Appeal Procedure

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

5. Public comment

Mark Neumann (Chambers) said, "I am on the Sun Valley CAB Advisory Committee. I'm here to speak for some of our citizens in Sun Valley. Originally, when the Chocolate Drive project came to the meeting at Hobey's Casino, many people lived in that area, and we were not very polite to some of them. But most of them, just like any of you, if you had a beautiful empty lot across the street from your house for 40 years, somebody comes in and says they're building apartments, you'd probably be a little upset about it. But for the most part, the residents of Sun Valley were okay with houses. Because it was originally zoned under the Sun Valley general master plan to be a medium density three houses per acre, and even another development down the road, we even allow them to build the 4.6 houses per acre. They are single-family homes, and the people of Sun Valley were okay with that. So down the road, the Planning Commission voted on it, and all of the members said no to it except for one who said yes. The Citizens Advisory Board was against apartments. The whole meeting was against apartments, and when it came to the County Commissioners, the County Commissioners kind of like said, 'okay,' and it was a four-to-one vote that said yes. High density at the very end of Sun Valley with very poor access. When item E comes up, I'll present a traffic situation presentation. Thank you."

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

6. Approval of the March 2, 2023 Agenda

In accordance with the Open Meeting Law, Member Julian moved to approve the agenda of March 2, 2023. Member Stanley seconded the motion, which carried unanimously.

7. Approval of the February 2, 2023 Draft Minutes

Member Pierce moved to approve the minutes of February 2, 2023 as written. Member Stanley seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Administrative Permit Case Number WADMIN23-0001 (Kosin Garage) [For Possible Action] – For hearing, discussion, and possible action to approve an administrative permit for a ±4,000 sf detached accessory structure that is larger than the existing ±2,699 sf main residence.

- Applicant/Property Owner: Greg & Kathleen Kosin
- Location: 745 Linterna
- APN: 076-361-23
- Parcel Size: 10.03 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- Email: cweiche@washoecounty.gov

Sr. Planner Weiche provided a presentation via Zoom. Applicant, Greg Kosin was available via Zoom to answer questions.

Chair Thomas said the documentation on page 19, Exhibit B, NRS 534.180, highlighted has to do with wells. It says, 'obtain approval for that use or purpose from the local governing body or planning committee and whose jurisdiction a well is located.' Does that mean that this has to go before the Planning Commission? Or can we handle it here?

Secretary Lloyd said no in this case. That's a statutory requirement. Typically, the Planning Commission would grant the authority to approve the appropriate governing agency. So no, it would not need to go before the Planning Commission.

Public Comment:

Clark Carter (Chambers) said, "I was born and raised here. I'm here on behalf of my parents. They own an adjoining property in which the driveway goes into the Kosin property and runs right by. My only question would be, just looking through the paperwork, is there any potential for rental space out of that accessory structure, being that there are three 15 to 16-foot garage doors, and stalls within that structure. And then also any road improvement that might need to be addressed on that drive down to their property? I know at the bottom corner; it runs through a natural drainage which has washed out in the past. That would be my questions today."

There were no more requests for public comment, Chair Thomas closed the public comment period.

Member Stanley said I think the question that was asked about usage is a good one. I wonder if we could have asked the applicant.

Sr. Planner Weiche said, the approval or request before you today is for an accessory structure, a garage, or storage for the RVs and boats. There is no proposal for an accessory dwelling, it does not have all of the components that would make it a dwelling unit and therefore would be allowed to be rented. In fact, the last condition, 1.G. we actually have a deed restriction that will be required, stating that the structure will not be used for dwelling purposes. If the applicant wants to convert this into a dwelling, they will have to go through that process which would require a similar type of permit and administrative review permit. Mr. Kosin can speak to if he has any interest in doing that down the line, but today the application is solely for the use of a garage or a detached accessory structure.

Member Stanley said for more clarification, other than an accessory dwelling for living purposes, is it designed for personal use or no commercial intent?

Mr. Kosin said this dwelling is for my personal use and just storage of my personal property and not to be used for renting out.

Motion: 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 Administrative Permit Case Number WADMIN23-0001 for Greg and Kathleen Kosin, 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:

- (a) 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;**
- (b) 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;**
- (c) Site Suitability. That the site is physically suitable for accessory structure, and for the intensity of such a development;**

- (d) **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;
- (e) **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.

Member Julian seconded the motion which carried unanimously.

B. Administrative Permit Case Number WADMIN23-0002 (LaCroix Barn) [For Possible Action] – For hearing, discussion, and possible action to approve an administrative permit for a ±2,867 SF detached accessory structure that is larger than the existing ±2,490 SF main residence.

- Applicant/Property Owner: Elizabeth La Croix
- Location: 13945 Red Rock Road
- APN: 079-332-28
- Parcel Size: 12.64 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: North Valleys
- Development Code: Authorized in Article 306, Accessory Uses and Structures and Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- Email: jolander@washoecounty.gov

Planner Olander provided a presentation. Applicant representative, Dan McGill was available for questions.

Member Stanley said I'm going to ask the same question here that was asked by one of the neighbors earlier that we asked the last applicant as well. Do we know whether or not this is a private or commercial endeavor or any contemplation of being commercial?

Planner Olander said at this point, it's private. They only house their own horses on the property.

Member Christensen asked if any comments or objections were posed by the neighbors when they were sent their mailing. Planner Olander said, I did not receive any emails or phone calls.

Member Julian said I think the table on page seven needs to be updated for the actual comments, because I believe there were conditions that are not reflected there from the environmental health agency. Can you look into that? I don't see any "x's" there. But they did respond with some conditions. Planner Olander said there's conditions in my conditions of approval from James English. He has two conditions. It's on page 15 of the staff report. Member Julian said it's the staff report that needs to be updated on the table on page seven.

Member Julian said, and secondly, I think someone mentioned something about the non-reflective roofs. Is there a reason why that hasn't been included in this application? Planner Olander said the applicants provided an already existing barn. This is not a barn that's been constructed for the site. It's already constructed.

Applicant's representative, Dan McGill said "I'm a retired civil engineer, neighbor, and a friend of the applicant. And we're here to answer any questions you may have."

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

Chair Thomas said just to reiterate what was said by staff that this is for private use, is that correct? Mr. McGill said that's the intention. It's a fairly large barn, but it was previously constructed on another property about 20 years ago, north of the proposed site, and they no longer wanted it. And the applicant acquired it. It's been on her property for a while and I'm helping her get a building permit.

Member Stanley said it looks like a clean project.

Motion: 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 Administrative Permit Case Number WADMIN23-0002 for Elizabeth La Croix, 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:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valley Area Plan;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for accessory structure and for the intensity of such a development;
- (d) **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;
- (e) **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.

Member Stanley seconded the motion which carried unanimously.

C. Special Use Permit Case Number WSUP22-0036 (Southwind Drive Grading) [For Possible Action] – For hearing, discussion, and possible action to approve a special use permit for major grading to allow for a driveway to traverse 30% or greater slopes. The request also addresses unpermitted grading that previously occurred on the subject parcel. Additionally, the applicant is requesting to vary the following grading standard. WCC 110.438.45(c) to allow for fills in excess of 10 feet.

- Applicant/Property Owner: Fuquay Land Co LLC
- Location: 21 Southwind Drive
- APN: 046-060-20
- Parcel Size: 5 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits; and Article 438, Grading

- Commission District: 2 – Commissioner Clark
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Sr. Planner Bronczyk provided a presentation. Applicant representative, David Snelgrove provided a presentation, applicant representative Billy Anderson was available via Zoom, and available for questions.

Member Christensen said this Board is always interested in pre existing, unpermitted violations, but we're not an enforcement board. The point being, would it be safe to say, in your opinion, as the planner and your staff, that the plan for the finished product of this grading, though it exceeds the normal standards for grade slope, sufficiently mitigates the work that was unpermitted and this is an improvement overall in the grading plan? Mr. Bronczyk said this is definitely an improvement, specifically for that turnaround that was created. As mentioned, the unpermitted grading, they jumped the gun, they went ahead and went through this process specifically to do the percolation test and the leach field test. This special use permit request, while it does cover the driveway, is also intended to address and rectify that unpermitted grading. Member Christensen said so then we can interpret that to mean that you as the planner are satisfied with the overall results? Mr. Bronczyk confirmed.

Member Julian said on page 14, I think there is a typo in the condition that should be corrected before any consideration of the of the motion, and that is, 'if Special Use Permit is approved...and approval based on condition 5.B.' You have condition 2. I think that was taken directly from the comments from the agency.

Member Stanley said thank you for the remark or the analysis that included that it conforms to area plan. I'm going to follow up on a question that Don had asked a little differently. Would there have been another, easier way to get a Perc test done successful and the leach field confirmation done? Did you need to grade your way up there? Mr. Bronczyk said I think that might be a better question for the applicant. The only thing that I could say is, if the applicant waited and had gone through the special use permit process, the grading to do those tests would have been covered under the SUP and would have been legal at that time.

Member Stanley said the conservation group had asked a question about tree replacement for the trees that are lost in the grading process and building process. Is that addressed here? Mr. Bronczyk said as part of their amended application, due to some of that unpermitted grading, they are saving additional trees. It should be mentioned that the Conservation District is advisory. We do take their conditions into consideration. Member Stanley said I'm reading that as a 'no.' Do we know how many new trees if any, would be planted, and how many existing trees would be lost? Mr. Bronczyk said that would be a question for the application.

Chair Thomas said if I understand this correctly, it's okay to grade to do a Perc test and a septic test. It's just not okay to grade to get to the location to do it? Mr. Bronczyk said that is correct. The actual grading, the volumes, the calculations associated with a specific testing is exempt from Article 438. The issue at hand is they graded a path, and driveway to get to the location to adequately do those tests and that's what was not permitted. Chair Thomas said once it was brought to their attention, they returned it to the original condition the best they could and then came forward basically to have a SUP. Mr. Bronczyk said as far as I know, they did not return it to the original condition. What they did was they took the already done work and they included it as part of the overall application again, to address that unpermitted grading.

Member Stanley said I didn't see anything here. We've been asking for mobilization times. Is the area densely populated enough to require that mobilization clause that we've been adding

recently or is it independent or remote enough where that might not be an issue? Mr. Bronczyk said it's certainly much more sparse in population; however, I have no issues with adding that specific condition. That is part of code anyway. They would still have to meet that requirement.

Member Stanleys said I have a question that was raised in one of our advisory inputs to our process, about how many trees will be lost? How many will be replaced?

Applicant Representative, Mr. Snelgrove, said let me see if any maps have the tree locations on them. Billy Anderson is the engineer on the project who is available on zoom. Billy Anderson, Loomis and Associates, said three trees would be lost due to the grading. Member Stanley said the other part of that question is a request from the advisory agency to replace those. Is there an intent to do that? Mr. Snelgrove said we don't have a full landscape plan for this. It's not part of the submittal requirements for this type of work. However, they will be planting trees around the revegetated and landscaped area, and I'm sure they'll go equal-to or greater than that number. And they'll probably be pretty sensitive to wanting to block their views with future vegetation. But trees will be planted in and along the driveway. I imagine the number of trees will far outstrip the number lost. However, I can't state that as 100% fact, but I'm pretty sure they will have trees in their landscaping.

Member Stanley asked what the maximum grade on the driveway is. Mr. Anderson said 14%. We worked that out with Truckee Meadows Fire to make sure that was acceptable to them, and it was. Mr. Snelgrove said that's the max percentage for the driveway. And that's what that 50-foot easement that goes straight down the slope; that's where they'll need to work with it. There's probably a way to do that in cooperative working between the neighbors to make something happen in the future, but they need to deal with that as part of their building application.

Public Comment:

Amanda Hald (Chambers) said "I own the 17 acre parcel right underneath where they're wanting the grading permit. My concerns are the excess grading could create an obstruction for our potential new build. And this is unheard chartered territory obviously because none of this land is developed. So that is why I'm here today. Just to make sure that you all know that we will be building there. And some of these permits can have an effect on the surrounding properties. It'd like you to take that into consideration. Thank you."

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

Member Julian said I would appreciate it if staff could respond to that last query made about the potential impact on the view.

Mr. Bronczyk said while we recognize that there are parcels surrounding this request, without formal plans, it's unknown how this potential project could impact development plans that have not been submitted. As of right now, the development plans that have been submitted for the application in question is fully on their parcel and is fully contained.

Member Stanley asked for a little bit more detail. So that SUP is really largely around the grading required to get that 14%, and get the folks up the hill, is that correct? Mr. Bronczyk said SUP is specific to the driveway, the traversing 30% slopes, constructing a four-and-a-half-foot earthen structure and the amount of fill that will go on slopes 15% or greater.

Member Stanley asked if you don't anticipate much downhill issue; it's more of a side issue from the road. Mr. Bronczyk said that's for engineering, and don't know how to answer that. Secretary Lloyd said the applicant will be required to follow up with a grading set of plans that will be reviewed by engineering to ensure that there are not any deleterious effects on neighboring properties.

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 approve with conditions Special Use Permit Case Number WSUP22-0036 for Fuquay Land Co, LLC, with the conditions included as Exhibit A to this matter (Condition 2 should read Condition 5.B.) having made all five findings in accordance with Washoe County Code Section 110.810.30, and South Valleys Area Plan Policy SV 2.16:

- (a) **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;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for major grading and for the intensity of such a development;
- (d) **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;
- (e) **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.

South Valleys Area Plan Policy SV.2.16

- (f) **SV.2.16** 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.

Member Pierce seconded the motion which carried unanimously.

D. Special Use Permit Case Number WSUP22-0038 (Goodwin Personal Storage) [For Possible Action] – For hearing, discussion, and possible action to approve a special use permit for grading and the construction of a personal storage facility. Proposed ground disturbance is 1.3 acres, with approximately 2,240 cubic yards of cut and 5,300 cubic yards of fill. The personal storage facility is proposed to have 120 individual storage units and an on-site office building.

- Applicant: Martin Goodwin
- Property Owner: Goodwin and Sons, Inc.
- Location: 0 Reno Park Blvd.
- APN: 081-140-19
- Parcel Size: 5.35 acres
- Master Plan: Suburban Residential, Commercial, Rural
- Regulatory Zone: Public/Semi-Public Facilities (24%), Neighborhood Commercial (42%), General Rural (34%)
- Area Plan: Cold Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- Email: cweiche@washoecounty.gov

Sr. Planner Weiche provided a presentation via Zoom. Applicant representative, Eric Lerude was available in Chambers to answer any questions.

Member Julian said there is a reference to the landscaping noted in the staff report, is there a reason why it isn't in as a condition? There is a reference to the revegetation of the disturbed areas that have been graded, but not the other. And I guess I look for consistency with staff reports in these items.

Ms. Weiche said I agree it may actually be better suited to have a condition of approval that specifically references the requirement to comply with what was proposed and presented to you today as part of their landscaping plan. I may defer to Planning Manager Lloyd on whether or not this is common practice. And we should maybe amend the conditions to explicitly state that it is required; however, anything that was presented as part of the staff report is applicable and is enforceable. I do think that that could be a better approach going forward that is memorialized in the conditions of approval. I was unaware of that it may be a common practice to reference those standards. Secretary Lloyd said we don't always condition all of the application materials. There is a standard condition that the approved plants must comply with the submitted application, and I believe that's one of the first conditions in the list of conditions.

Member Stanley asked if Ms. Weiche could speak to the status of the commercial well versus private, and the status of that application.

Ms. Weiche said I was looking at that specific section. We did have the water rights manager review the application. They indicated that water service would be required from either Great Basin Water Company or under inactive water rights for commercial/quasi-municipal purposes. So, essentially, the water rights manager assures that whatever water rights are needed or necessary will be required. From what their comment letter states, it looks like a couple of options are afforded to them. The first being to obtain them from the Great Basin Water Company. As far as the existing well, I'm unsure if I understand the question.

Member Stanley said it seemed like the water group was asking for either commercial or hookup to the existing systems that are out there. And there was concern among some of the comments about water table. So I was asking whether or not an application was filed for commercial or if that plan is to go ahead and use the existing water services that are available in that area without a well. Ms. Weiche said I don't know if I could speak to what they plan to do. It comes across as if the kind of path of least resistance is to obtain water service from the Great Basin Water Company. And if that is not an option, they have to acquire adequate water rights from the Cold Springs Valley Hydrographic basin and provide proof of water service or an active water right approved by the Nevada State engineer prior to grading or construction. So there is a condition of approval that will require that those water rights are obtained before any work is done. However, until that time, I wouldn't be able to say exactly way they will be meeting that condition only that they will be required to meet that condition. Member Stanley said at this point, nothing had been applied for either way because it's still open. Ms. Weiche said the applicant may be able to speak to that, whether or not they have started the process to obtain this water.

Chair Thomas said on page 22, Exhibit B, a traffic statement says, "this development is supposed to have 87 individual storage units" And yet earlier, we heard there were supposed to be 120. Can you clarify that for me? Or what document should we be looking at? Ms. Weiche said my understanding is that there is 120 storage units. The applicant could clarify that, but in looking at the site plan, it does indicate 120 storage units.

The applicant representative, Eric Lerude, said the original application requested 87 units, but we want to put in 120. Regarding the water application, I'm not aware that it is done yet. We are looking to a third party source. Chair Thomas said this traffic impact was for 87, and it's 120. Does that mean that you need to go back and have that recalculated to get a more accurate number? Secretary Lloyd said from the County's perspective, because the number of trips are going to be well below the threshold needed for a traffic analysis, we would not require an additional traffic

study. Chair Thomas asked do you know what that number is? Lloyd said it's essentially 80 peak hour trips, this is an 87. They're identifying about six trips per day. So if you were to double that at 12 trips per day, that would be well under the 80 peak-hour trips required. Chair Thomas said it's your opinion then that a further traffic study probably would not be warranted. Secretary Lloyd confirmed.

Member Stanley said I would like to pursue that question on groundwater versus the system water? Could you speak to that issue with a bit more clarity? You mentioned you weren't certain that anything had been filed. But what's the inclination of the project to use a commercial well, or is it to hook into the existing water services system? Mr. Lerude said it is to get water from a third party. We won't be using the existing well there.

Chair Thomas asked what the approximate square footage of these units you will be putting in is. Mr. Lerude said they are 10 x 10 x 20, the standard size for this type of project. Chair Thomas asked if there would be a little larger or smaller. Mr. Lerude said there might be some larger ones, but they will be the minority.

Public Comment:

Phillip Preenay (Zoom) said, "I'm the owner south of the 21-acre parcel. I have no problem with this. I look at it as an improvement in fire safety. One time, I was going to do storage on my property. But I decided then that I was unsure if that's what I wanted to build."

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

Member Christensen said this is the fourth permit or grading permit or special use permit that we've addressed this afternoon. With exception, this last gentleman who spoke to us, I'm not convinced that our CAB functions are working right or the mailings are going out. We're not getting any real feedback and it seemed to drop off some time ago. Can you explain what exactly the CAB mission is now compared to what was originally? Secretary Lloyd said the role of the citizen advisory boards have changed drastically since many of you have been on the Board. Originally, the citizen advisory boards were reviewing almost exclusively development projects. Now, the CABs are looking at almost every other community element other than development projects. We've created a new process to engage the public through a neighborhood meeting, where we mirror essentially the same noticing requirements we use for these public hearings and send those out. And we ask that the applicants host a neighborhood meeting specific to each development project. And that's what's taken place, but not on all of these projects but most of them. For example, some of the smaller scale administrative review requests do not involve neighborhood meetings. So there is not that public engagement for those but the bigger ones like this one, any commercial project, any tentative subdivision map, and most of the special use permits do involve a neighborhood meeting. You'll find depending on the project itself, some of them we do get a good deal of engagement, participation, and feedback. Some of the smaller scale projects such as this, we don't get a lot of feedback on those projects. We also have created a webpage. Our neighborhood meeting HUB site lists all the upcoming neighborhood meetings. And included is a survey that's conducted for each of those neighborhood meeting projects. We don't get a lot of feedback in the surveys, but from time to time, we do. But it's someplace that folks can go to look at the big projects that are coming forward. We also will require that these neighborhood meetings occur before submitting an application, which is also a big change from the previous CAB. Before this, the items would go to the CABs but after application submittal. It also creates an opportunity for applicants to build the comments and concerns that were raised into their application before it's submitted.

Member Christensen said thank you, that answers my question. I'm searching for more input from the public. I would hate to approve this project and find out that someone was excluded from that review process. I'm satisfied. I really go on the record is supporting community involvement in all

of our projects and everything that we hear, some of them are relatively small. I'm still concerned that we're not getting a lot of feedback from from the public.

Member Julian said I want to follow up on that point. I didn't see it reference to a neighborhood meeting for this project. It would be helpful if Exhibit C on page 28, had an actual paragraph that said whether or not a neighborhood meeting was held, and if so, how many people attended. And if there was a neighborhood meeting held, then a brief summary of what went on in that neighborhood meeting or perhaps a link to the recording of the meeting. Similar to what was done with the next project for the apartments. I spent this afternoon listening to that neighborhood meeting. I think that would help us get more comfortable with the fact that there is some public involvement here. If we know which ones do have neighborhood meetings, and a summary of that in the actual staff report.

Chair Thomas said if in fact, there is a staff meeting, and if there is any public comment that comes in to your department that is forwarded to us and is part of the documentation.

Ms. Weiche said we received a neighborhood meeting summary included as Exhibit E. The meeting took place on November 28. Mr. Robertson did use the template provided by the County, which I summarize public concerns, changes made to the proposal, and any additional comments. So that was included as Exhibit E. This was perhaps an oversight on my part with our template. I know going forward, we do have the templates for permits that require neighborhood meetings as a subsection of the staff report. That was an oversight on my part. It does not appear that the staff report included a reference to Exhibit E; however, it was included as an exhibit. Going forward, we'll make sure that staff reports include language or template as a trigger to the planner to ensure we summarize what took place at that neighborhood meeting.

Secretary Lloyd said I agree. I believe that was an oversight. Typically, we summarize the neighborhood meeting in the staff report. I know that we have the memo, Exhibit E, at the end of your packet, which discusses all of the concerns raised by the public members. But that is part of the staff report template to include a summary.

Chair Thomas said we can save that for the 'Information Request From Staff,' item when we get to that. Right now we're hearing this, so if we can keep our questions directly related to the issue that is in front of us and the application.

Member Stanley said just for clarification on Exhibit E. Everyone's speaking about the meeting. If I'm reading this correctly, on Exhibit E, there were two attendees, is that correct? It looks like there were six total attendees, four of which were associated with a project. So there were two neighborhood attendees. Is that correct? Ms. Weiche said I'm looking at the same document that you are in don't see a specific question on how many attendees were at the neighborhood meeting, other than a reference to four members of the Goodwin family attended. Eric, would you be able to provide a little bit more insight into the attendance? Eric Lerude said in addition to the representatives of the Goodwin family, there were two neighbors there, including Phillip who called him today and another adjoining neighbor, and neither one had express any opposition that evening.

Motion: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0038 for Martin Goodwin, 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:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs Area Plan;**
- (b) 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;

- (c) **Site Suitability.** That the site is physically suitable for personal storage, and associated major grading, and for the intensity of such a development;
- (d) **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;
- (e) **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.

Member Pierce seconded the motion which carried unanimously.

The Board took a brief recess.

E. Special Use Permit Case Number WSUP23-0001 and Administrative Permit Case Number WADMIN22-0029 (Chocolate Drive) [For Possible Action] – For hearing, discussion, and possible action to approve an administrative permit for a proposed multi-family residential use type consisting of twenty 2-story buildings (240 units) with associated amenities such as a playground, clubhouse, covered and garage parking spaces, and swimming pool; and to approve a special use permit for major grading and associated modifications to Article 438, Grading Standards and Article 412, Landscaping. The project triggers the following major grading thresholds, Section 110.438.35.(a)(1)(i)(C), (1)(ii)(A), (2)(i)(C), and (2)(ii)(A). The project is proposing grading on slopes less than and greater than fifteen (15) percent on approximately 25.13 acres across APN's 502-250-09 and 502-250-10. The total grading proposed is 156,688 cy of cut, 43,512 cy of fill, and 113,175 cy of export.

The modifications being requested are to Section 110.412.60(k)(4) to reduce the required turf area to 21%, to Section 110.438.60 to allow grading within 2-feet of the setback for proposed Chocolate Drive improvements, and Section 110.438.45(c) for finish grading to vary from the natural slope by more than ten (10) feet in elevation.

- Applicant/Property Owner: Chocolate Group, LLC
- Location: 0 W Gepford Pkwy, Sun Valley, NV 89433
- APN: 502-250-09; 502-250-10
- Parcel Size: 45.51 Acres; 2.75 Acres
- Master Plan: Urban Residential (UR); Rural (R); Open Space (OS)
- Regulatory Zone: Medium Density Urban (MDU); Open Space (OS);
- Area Plan: Sun Valley (SN)
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 3 – Commissioner Garcia
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Chair Thomas said before we hear from staff, I just want to advise the Board that I have received an email from a developer representative who had offered to speak with me if I had any questions about the project. I did respond to him, thanking him for the email, and just advised him that I thought it was better that we do this in a public setting to which he was agreeable. As a disclosure,

I just wanted to make sure that that got out there. But I appreciate the opportunity they presented me with and the direction we decided to go.

Sr. Planner Bronczyk provided a presentation. Dwayne Smith, Director of Engineering and Capital Projects, provided a presentation. Representatives Brett Nasset and Ryan Rodgers provided a presentation.

Member Pierce said I couldn't find the traffic study. What page did you put that on? Mr. Bronczyk said I don't know if it would have been part of the project as a whole. It was available online the entire time it was part of that process. Chair Thomas said there is an item on page 23. That addresses traffic. I don't know if that will suffice.

Mr. Bronczyk said, looking back through this, it was not part of the exhibits. It was part of the overall public process. It was publicly available on our website throughout the entire process.

Chair Thomas said just as a point of clarification within that traffic, and it does say approximately 90 6 a.m. peak hour trips and approximately 120 2 p.m. peak hour trips to the surrounding road network. Member Pierce said it seems a little low compared to how many units they're building. That's just my personal opinion.

Member Stanley said there were some questions about the impact on schools which was one of the things that came out in the neighborhood conversation. According to the matrix, we're missing a response from the Washoe County School District. Mr. Stanley said this was sent to Washoe County School District; we did not receive any comments back related to this project. I'm going to hand that over to the applicants.

Member Stanley asked do we have any sense of the impact on the schools? In other words, what's the intended demographic of the residents? And how many of those might be school-aged children? Mr. Bronczyk said that typically, that would be handled by the school district in their response. They provide that sort of matrix and analysis. Again, because I didn't receive anything specifically from them, I don't have that information. I do believe that the applicants will have that.

Member Julian said there's a reference in the public meeting; there were assurances given to the public that there would be somehow ATV access. But when I look at the document, there are conditions evidently put in by the open space people that there would be barriers to off-road vehicles. Can you discuss that dynamic and whether that has been communicated to the public and how? Mr. Bronczyk said I don't know if that information has been addressed to the public. However, I do have Faye Marie Pekar here, who can speak to the requirements for prohibiting off-road vehicles.

Faye Marie Pekar, Washoe County Park Planner, said in terms of the off-road vehicles for the Red Hill Open Space, its deed restricted to ensure that off-road vehicles do not go on to this property. So one of our incentives for this project and this development is helping to reduce the ability to have off-road vehicles on the Red Hill Open space itself. So one of our requests within our conditions is that this development only act as a physical barrier to the Red Hill Open Space for off-road vehicles but also for three access gates to be blocked and keyed to keep off-road vehicles from entering the space itself.

Member Julian said I understand that developers would very much like to give that open space to Red Hill Open Space, but Red Hill has raised some concerns about overall maintenance down the road. Where does that stand now? Ms. Pekar said that within our recommendations and condition from our Parks and Open Space, currently, the Parks program does not want to accept additional open space immediately adjacent to new development. It's because of the steep hillsides. A lot of the recommendations are for keeping up with fire and fuel reductions, and just trying to keep up with general open space would be a burden on our maintenance itself. So it's not beneficial for us to take on this additional land beside our open spaces adjacent to this property. However, there is the open space dedication for the trailhead itself with the eight parking spots and the ability to have accessibility to our Red Hill Open Space, which is also part of our

master plan from 2012 for the Red Hill. So this plan does support keeping accessibility to our trailheads and open space and the future Sun Valley Rim trail itself.

Member Julian said I take it the open space that the developer has identified would remain undeveloped and would simply be there until somebody perhaps wants to take it in the future. Is that your understanding? Ms. Pekar said I'd have to rely on the consultants to answer that, but I don't believe there's an indication for that to be developed in the future. Mr. Bronczyk said within the actual open space that follows the perimeter of the entire parcel, that's zoned open space, that's also a master plan designated open space. No development can ever take place there, to begin with. If there's any dedication in the future, the only way it could go is to Washoe County, which at the time, that's not how Washoe County is trending.

Chair Thomas said I was out there doing a site inspection today. I noticed that on Fifth Street, as you get to the top, that's a very large opening at Fifth and Chocolate. It looks like that's where everybody goes into the open space area. If we block that off, and you can get your ATVs and motorcycles up there, are we creating a problem by shoving them somewhere else where they'll find access? Mr. Bronczyk said my understanding is there are going to be multiple gates across the entirety of Chocolate Drive, not just up at West Fifth Avenue, where the proposed trailhead is, to try and restrict that off-road vehicle access.

Ms. Pekar said for the off-road vehicles, the Red Hill Open Space adjacent to this property is restricted to not having off-road vehicles in that area. So any motorized vehicles should not be allowed on that property to begin with. But the trailhead near the west Fifth Avenue intersection of Chocolate drive serves as a public trailhead and public area for people to access the trails on Red Hill open space. So that'll be a dedicated space in order to get to the Red Hill Open Space itself. So that's not restricting the ability for anyone to get there. It's incentivizing to have a parking area, a dedicated trailhead, and the area itself. The gates we're asking for are on the western portion of the property, across open space access easements for the water tank and other easement areas. But we want to make sure that that's restricted to just proper use of those easements to get to the utilities and not for the public to access that with a motorized vehicle.

Chair Thomas said if I was an off-road enthusiast and I brought a vehicle or motorcycle up there from Fifth Street and Chocolate, would I be able to access the hills from there? Ms. Pekar said we would be asking for barriers within that area for the public trailhead, so that would be restricted. Chair Thomas said that would then displace these individuals if they had to go somewhere else to find access. Ms. Pekar said for off-road vehicles, they would be moved to a more appropriate area that allows off-road vehicles versus the Red Hill Open Space, which is deed restricted to not having off-road vehicles in that area already. Chair Thomas asked if there are dedicated areas in that area now for off-road access. Ms. Pekar said, unfortunately, I don't know the answer to that. I'm your newest Park Planner from December. So in the past three months of organizing information, I don't know the answer off the top of my head, but I can get you that information.

Member Julian asked where the nearest school is. How far from the location? What is the path that will take the kids to school? In the public meeting, some people complained that there would be a problem with traffic going from Chocolate Drive to Sun Valley Boulevard through their paved access roads. Can you address how that is being addressed? Mr. Bronczyk said the nearest school directly to this project's south is Lois Allen Elementary School. The sidewalks, as our proposed, will be on the west end of Chocolate Drive. And if constructed, it will extend from Second avenue to West Fifth Avenue. The school, Lois Allen Elementary, is directly off of West Second. And regarding your second question, I don't know if I have an answer. I don't know if Dwayne has any answers related to that. The intent of Chocolate Drive is to try and bring as much traffic onto that road as possible to offload them onto West Fifth and West Second primarily.

Member Pierce asked if it's your understanding that the property behind this development on Red Hill is closed to motorized vehicles as it stands today. Mr. Bronczyk said, based on questions from our park planner, no, it is not. Mr. Pierce said I ask because I've heard that they don't want ATV

vehicles up in that area. There is a shooting range on the other side of the hill, and there are some safety concerns from the college. That's why I asked. I had heard that it was closed.

The Applicant Representative provided a presentation.

Member Stanley asked about the demographics you anticipate that you'll be serving with this project. Mr. Rogers said affordable housing typically caters to young professionals, service workers, retail, firefighters, and paramedics. For this development in particular, we would be targeting individuals that make between about \$40,000 to \$67,000, as their income. We are income restricted, so they have to be within that. That does change yearly, because it's driven by HUD data that's provided, determining what those capital limits are. And with inflation, those limits typically go up as the years go by much faster than before. So that's typically what we find is being used in our development and why that need is there. Because right now, retail workers, those types of young professionals trying to start their careers, are having a very difficult time living and working in the communities they want to be in.

Member Stanley asked how they would assess the number of school-aged children. That doesn't sound like that would be high? But what's your analysis on that? Mr. Rogers said I could provide you a portfolio analysis. I don't have that on me. But typically, I would probably say you're looking at about a point five for a two-bedroom apartment; it's very low on this minuscule for a one-bedroom, usually a newborn and somebody who may be in transition. And then it's usually about two children for three bedroom apartment. Member Stanley asked what the math is on that.

Mr. Rogers said that would be 96 plus 60. So about 156 children for the development. And again, there's a lot of flux in that. Because we have rent restrictions, we also have to document the family size because that's how the rents are determined. So unlike some market-rate developments, we have tighter control over how many individuals are in each unit. What's required to be underwritten every single year that they remain in the unit? So some parameters exist in restricting and overfilling an apartment with bedrooms. I don't know if they look small or big, but that's about where they land.

Member Stanley said I would assume some of the design is driven by qualifying for the home consortium funding and so forth. Mr. Rogers said yes, it's in addition to that, it's we would get 4% tax credits that the Nevada Housing division, and tax-exempt bonds, and the consortium funds or federal home funds administer it. And all of those together would require us to do these types of intake when we're taking in individuals to document their income to make sure that they qualify for these lower rents and that we limit the number of individuals in each unit. Member Stanley asked if those are federal programs, correct? Mr. Rogers confirmed.

Member Christensen said I'm concerned about the drainage. I see the illustration on page seven, there are two detention basins. I'm concerned about ownership and maintenance of the stormwater infrastructure. I have a lot of experience in other projects where that become a real burden on the County. Tell me if I'm wrong, but this is a project that is wholly owned, and it's not a condominium where it will have multiple ownership. Is that correct? Mr. Rogers said it's one owner of the entire development. They're responsible for owning and maintaining these drainage basins and the associated drainage. So for our loan, we will be vetted by HUD. Such things as the cost of maintenance are typically vetted by our lender and the equity group that would come in as part of the partners of this development in the ownership. Things that would look at are the potential future cost of maintenance. So typically, we'll have reserves and all kinds of different things that we will have to consider in our budget for the upkeep of different parts of development that we need to maintain throughout the period ownership period.

Mr. Nasset said so, one note about the maintenance, there is a Chocolate Drive component to this that Mr. Smith and staff noted earlier will be a County road. So there are some County owned facilities within that right-a-way, but everything outside of that, such as the detention basins that are on the site, will be privately maintained. And so those will be worked through with staff as part

of our grading permits, and then part of our stormwater management permit that will be privately maintained.

Member Christensen asked about the outflow from these basins. Where does that go?

Mr. Nasset said we did a full hydrology study, and when we looked at this, everything's coming down on a hillside, and straight into the development. So we're going to capture that in a series of channels and storm drains, and it's going to get funneled into these detention basins. The control structures will control that runoff to release it to a smaller rate. So these ponds will stage up and then it's going to head mainly to the north is where the drainage will go. We're working with the County on the capacity of that system that we're putting in and evaluating if there need to be changed to that system to allow for greater capacity. It's certainly directing runoff away from the existing residences. And on the west side of Chocolate Drive is where all the ditches and stormwater management facilities are, and then it's taking the runoff to the north.

Member Christensen said so it's safe for me to infer that this is definitely a stormwater improvement, where the water isn't just going to flow into the neighborhood, as it has in the past. So there's going to be a connection to the existing county stormwater system. Mr. Nasset said yes, what we've done now is we've identified the hydrology; we identified the stormwater management. When we get into the final construction drawings and improvement plans, the County will review our stormwater calculations and the capacity we're showing. We have to show conformance with the code regarding how much we're releasing versus how much is allowed and where that's going. There's going to be a lot more scrutiny after today. We haven't provided a full drainage report yet, because it's not necessarily at this stage, but we've done a lot of the calculations to identify it, and the infrastructure will be required. When we get into final grading plans and final improvement plans to include Chocolate Drive, there will be additional calculations of stormwater runoff and how it's been handled.

Ariana Wolfe, Kimley-Horn Engineering, said I have worked closely on this project as well. And I did want to say a little bit of a clarification. There are two on-site detention basins. Those were designed simply to offset the detention that is coming from the actual development. As we continued working with Washoe County, we had to decide to help offset additional runoff that was just going completely unchecked into all those properties. And we actually worked with them to size two additional basins, more south of our development, that have nothing to do with the on site development runoff, but just to help capture some of the flow that's going in so that we can help maintain and just significantly improve the stormwater that's going out there right now. I will say it is a massive problem. And we've looked at this closely with Washoe County, we've done site visits, field visits and we haven't even done a drainage report yet. So we have looked at this very closely and this will not solve everything. It is a huge problem. However, we are working with them, and this will be a significant improvement.

Member Julian said what exactly will a detention basin look like in a very wet period of the season?

Mr. Nasset said a detention basin is a depression. It's not intended in probably other climates in the country. There might be water in it all the time. Normally, there won't be any water in these detention basins in Northern Nevada. It'll be dry. And there will be landscaping, and it will have to meet the county code requirements regarding how the slopes are maintained and stabilized. So you'll see a small depression, and in some of the spots in the development, it's a big impression. As water comes into the development, and it gets captured by channels, and storm drains, that pond will start to fill up. And so what we do is we will run calculations to understand, and we look at several different storm events to include 100-year event. What happens to this pond is it will eventually fill up to a point where it will start to spill into the control structure, and that thing just controls the runoff and sends it at a metered rate over time instead of all of it coming at once. There will be water in these stormwater basins during larger events, which is good, because that's the point. We want to hold this runoff instead of sending it uncontrolled. We will retain that water for a period of time after the storm event. And it allows it to slowly meter it out and allows the system to have the right capacity to convey it.

Member Julian said one of the comments from the public was on the increased traffic coming from these residents. Did you consider speaking with RTC about bus service that might come by the units?

Mr. Nasset said our traffic engineer that prepared the traffic report is here tonight. And he can speak to the presented data and a little bit of the calculations behind there.

David Jackman, Traffic Engineer, said your question was about the RTC bus service. So with every traffic study we submit, it is also shared with the RTC for further comments. It is ultimately up to the RTC to decide where they would like to provide bus service. So that is not a recommendation or a decision made by a traffic study.

Secretary Lloyd asked before you go to public comment if I could ask Ms. Pekar to stand up and clarify one of the questions asked by the Board regarding the off-vehicle traffic.

Ms. Pekar said I misinterpreted the question that was asked earlier. I do want to clarify my response. I believe the question was if there is a legal document that's restricting off road vehicles for the Red Hill open space, and that is correct. Washoe County received this land from the American land conservancy, and a deed restriction of prohibiting the use of off road vehicles on the Red Hill open space is in play. So legally, we're not wanting to actuate any illegal activity on the Red Hill open space itself. I thought the question was more towards is there physical barriers that are out there right now restricting the accessibility to area. And that answer is there's limited physical barriers currently on that open space area. But in general, this is an illegal activity on the Red Hill open spaces the use of off of vehicles. And then just one more comment that I do want to stay to Washoe County is interested in having an easement dedicated to ourselves for parks and open space for that Trailhead. Just want to make sure that's also clarified as well.

Member Christensen asked whether you said off-road vehicles were illegal as it exists now or illegal use.

Ms. Pekar said it is an illegal use. So it is not allowed. The use of off-road vehicles in the open space area is prohibited.

Public Comment:

Luis Godoy (Chambers) said, "I appreciate you guys being here. It's a long day for you guys. One thing I brought up, and this proves the point. We're fighting a giant here. They have money; they have resources. We can't. I brought up regarding the andesite buckwheat. I spoke with Janelle Johnson and I had an email with Dr. Keaney as well from the Nevada Division of Natural Heritage who brought up concerns regarding this. I sent it to them. I'm a native Nevadan. I was born. Here. One notable thing is certain species like this found in certain spots, Red Hill, Peavine, and up in Virginia City. Dr. Weisberg, our expert in this, said he did a previous study which says development of all stressors in comparison to fire or drought is actually the biggest concern. It surrounds all of this, and the development affects it. And it was brought up previously by the previous Commission or the Planning commission and actually denied the rezoning. One of the things I wanted to mention also is with regard to detention. I know there are earthquake fault lines on there. Two earthquake fault lines along there are going to be built on or disturbed somehow. I'm not sure. I'm not a seismologist. I'm a scientist now. I think that when you start building and messing on land, it will affect earthquake fault lines, possibly in a certain way. And if these 10 water detentions are there, where's the flooding for us residents that live downstream of this? They have landscaping going on and everything. We're really taxing our natural resources here in a desert. And I'm going to speak briefly as a former EMS person. When I worked 15 years ago, we were taxed in the hospital, with increasing populations. It taxes our first responders, and law enforcement. They mentioned they have money and allocations and everything again, we can't fight it. That's why they have all these people here. I'm taking time out of my PhD. I do lifesaving research on cardiac function. I'm taking time out of that to be here because that's how important this is to me to be here to speak on behalf of everybody. I've read reviews on Pedcor online briefly,

all negative regarding property management. The people that live there have complaints about them. How is that going to change now? Even people that work for them have mentioned how bad this corporation is. This is our community; please protect it. Please listen to the people; please listen to your community. Please say no."

Carol Burns (Chambers) said, "I've been a resident of Sun Valley since 1970. And I'm also on the CAB of Sun Valley. I want to start out with the Master Plan for Sun Valley. 'Vision of Sun Valley was to manage growth and its associated impacts on Sun Valley. Open vistas of surrounding ridges and public lands managed by BLM and Washoe County are an important characteristic of the Sun Valley planning area; retaining the lands as open space and continued access to these lands is paramount through the valley's character. To maintain open vistas of the surrounding ridges and hills and minimize the visual impact of hillside development. Structures shall be located to eliminate or minimize silhouettes against the skyline.' I read this to the planning commission when we started on this, and this was when they denied this proposed development. However, the county commissioners approved it, because they said we need low-cost housing. I don't think \$40,000 to \$60,000 a year doesn't seem like low-cost housing to me. But I would like to mention we're talking about the buckwheat up there in the original development plan or proposal that was before the planning commission. There is also a bat cave up there. And, of course, if this development goes in, that's the end of the bat cave as well. We never heard anything about the last two approvals on August 21 and the other one, or we would have been there when this was approved. I would like to also mention that the Pedco company is not a desirable business that we want in our area. If you would go online, there are 30 pages of complaints about this company. They're from Indiana. They go around the United States and develop these proposals or developments. And after five years, they leave they're saying, 'we're going to be there forever,' but they are not going to be there forever."

Mark Neumann (Chambers – provided a PowerPoint slideshow) said, "I'm a Sun Valley resident, said I'm also a resident of Washoe County for better than 60 years, and I've seen some developments over the years. My father was a contractor. I made my living on construction. So I'm not against construction. I just like to see some construction that properly. As you can see here the picture. This is the proposed development. Right down here is Second Street. Right here's where the elementary school is. And here's the existing water tank servicing this and most of that neighborhood. As you can see, there are all kinds of trails, and the main runoff comes down. It's going to be coming down right through their main project. And as you can see, with their black arrows, one is coming off of Chocolate Drive. Chocolate Drive continues to Seventh Street. You have Fifth Street. You have Gepford. Fourth Street and Second Street. Second Street, they are claiming, will be the only entrance because it's the only one paved all the way through. This worries me with people walking to the bus stop and any children that need to go to Gepford park to play baseball or anything else. Right here is where you're coming through, and they're exiting. Their exit to their whole entire complex exits right into Gepford Parkway. Gepford Parkway is a dirt road right now. Second Street is the only one that's wide and paved with sidewalks. Fourth and Fifth Street are not paved very wide nor have any kind of a sidewalk on any access. So anybody leaving these apartment complexes and walking down any of those streets to get to the bus stop on Sun Valley Drive will have major problems because if you got emergency vehicles coming up, you have to almost pull into the ditch as it is right now. Those roads are going to need to be improved. And finally, on this one here, you can see where the major run-offs, through all of those ditches. So all the main run-offs are already going to be going right into their apartment complex. When they talk about traffic at 96 cars per a.m., and 122 per p.m., they're putting parking spots in for 470 cars. That's only 218 cars that they're talking about doing any traffic. I don't know about you guys. But when I go to work and I come home from work, I generally go out again. So now you're talking about an extra trip. And they're talking to all of it just going on to Second Street. Sun Valley Drive, as it is now in the morning, it backs up to Fourth Street. Do you think these cars will just sit there and wait to get let in? They're going to be taking Fourth Street and Gepford. They

won't go all the way down to Fifth Street and try to go all the way around. So there must be some infrastructure improvements badly before this development takes place. Thank you."

Kathy Simeon (Zoom) said, "I just want to add, have any of you gone without having your garbage picked up for five weeks? I have. I have. We don't have garbage picks up because Chocolate is a muddy mess. Number one, Waste Management comes out, and because of the muddy mess, they will put containers out on Gepford or on Fifth. And then people in Sun Valley will put all their trash in those containers. We can't put our trash in there. We can't get medical people to come out. I can't get utility people to come out. It's ridiculous. And I am all for this plan. Thank you very much.

Suzanne Boyd (Chambers) said, "I can't believe you guys think nobody's going on Fourth Street to go to this place. The road is very damaged right now after this winter. And I can imagine that you won't have all your construction trucks driving up Fourth street. And it's a mess as it is. This whole thing is just unbelievable. And the security issue that they brought up. He spoke to the security of the project and then said there would be 24-hour management on the property. But there's not going to be. I think we addressed this at one other meeting. There is no security on the project. There's a lot of illusion going on here. This is a huge project. And I don't know if we need to put a sign at the bottom of the hill. This is a private road, with no construction vehicles to protect that road, or is that going to be taken into consideration for the people on Fourth Street? I'd see now they're going to Fifth Street. I would just assume the whole project went away. But we voted that way initially. And then, of course, the commission over overrode that with the acceptance. So very discouraging to be railroaded. But it happens a lot. So thanks for having me."

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

Chair Thomas said if you're going to have 240 units there, I want to make sure I understand. Are you going to have two ingress and egress locations, Fifth Street and Second Street, or are you looking at moving all the traffic when they leave onto Second street? Mr. Rogers said I believe in the plans from the traffic report; it's all coming out of the Second Avenue entrance. That's the main entrance to the clubhouse. Fifth Avenue would be a second emergency access right now. And we would be paving that road from Chocolate Drive as its completion would go to Fifth Avenue, which is currently paved. So traffic would head from our development towards the south portion and head to Second Avenue.

Chair Thomas asked if there is a consideration for at least two exit points, Second and Fifth Street.

Mr. Rogers said I'm not sure about that. Chair Thomas said to be honest with you, and just as it stands now, for all of the residents to come out on to Second Street and go down Second Street, there's a lot of congestion going down there. At least if you have two locations, they can decide which direction they want to go. Fifth, which is a larger road. I drove the area today, and I'm familiar with it. And at least if you go down to Fifth Street, you can definitely get out onto Sun Valley. And if you go down Second Street, get out on the Sun Valley also. And actually, both streets, I know there was some sort of discussion earlier that Fifth Street not paved, but Fifth Street is paved. And it ends right there at Chocolate, just like Second Street also does. I would be more in favor of allowing at least two points of entry and exit from your development rather than trying to push everybody right down onto Second Street. If someone can answer that question for me, maybe I got it wrong, and there will be two ways to get in and out.

Mr. Nasser said we are not restricting access to Fifth. The traffic study evaluated vehicles going to Second because that was the likeliest path of travel when you looked at the distribution of traffic. There is no restriction on residents leaving the development to go anywhere. Any of these roads could be used. They will likely take the path that is going to be the quickest, which is likely

Second. So that's what we looked at in the traffic study. But there will not be a permanent barrier to Fifth Street at all for this project. It will be accessible for an emergency, and we're required to have two points of ingress and egress for an emergency. So that's there for that. But when we look at the evaluation of Second, that would be the most likely thoroughfare for vehicles leaving and going back to Sun Valley Blvd.

Chair Thomas said I'm not looking for the emergency entrance or exit, i.e. those are usually gated, and then there are opened up when there's a reason for it. I'm looking at potentially two locations of 240-unit complex to be able to decide which way is best for them to get out and get on to Sun Valley because we do know that Sun Valley is in fact getting crowded right now. So Mr. Smith, I believe you want to jump in here.

Mr. Smith said I don't mean to push aside the consultants or the developer. But I think traffic is something that I'm pretty passionate about. I want to set some understanding here. We can talk about numbers, and we can talk about those things. But I first want to start and let you know, of course, that any development in Washoe County will comply with Washoe County's design standards, including this project. So we require them to use the ITE, the Institute of Transportation Engineers, 11th edition design manual for multi-family housing, to determine the number of trips generated for this project. I looked at those numbers, as well. And I had the same thought. I went back and verified that they were following the correct best practices under the current engineering design standards. I just want to make sure that we're clear on that, number one. Number two, when they first came to us and we looked at this, we wanted to make sure that several considerations were met. Primary access is always key; that has to be designed and built to Washoe County standards. If there are off-site improvements that are required, those off-site improvements will be done and will be paid for by the developer. The second thing we look for is emergency access. I know you've seen projects where there has been secondary emergency access. And in a lot of those cases, those areas are gated. You'll see a 20-foot wide paved, because it has to meet the requirements for axial loading; it has to meet the requirements for the Fire Protection District; it has to meet the requirements for emergency service providers, not just to gain access themselves, but for residents to evacuate areas under certain conditions. So we have rigorous requirements from all of us, including the Fire Department, to ensure that those secondary emergency accesses meet those standards. In this case, this development, like all, must have second secondary access, Fifth Street. It is not going to be gated. It's not going to be restricted. It is secondary access. I just want to be clear, don't get hung up on the term secondary emergency. It is access. So this will allow for the distribution of traffic as we see fit. The gentleman, Mr. Neumann, and I have spoken before the board meeting, and he brings up a great point. There need to be adequate sidewalks and transportation pathways throughout this area. Every time we see new development, we condition them to make those necessary improvements. But we cannot condition every development to do everything. So, Washoe County also has a good history in the Sun Valley area, seeking grants to construct sidewalks and other accesses. We've seen that with the (CDBG) Community Development Block Grant programs. So those are things that I'm committed to, and our department is committed to as we continue to see the needs grow in this area, and other areas of Washoe County, too. So, it's not just Sun Valley. We're looking at all areas as well. But I just wanted to step in. I don't mean to cut anybody short. But I just want to make sure that everybody understands that our requirements will be met with this project. We're going to review those traffic control plans that are going to be put into place when they identify what their haul routes are. So don't forget about haul routes with construction. We're going to make sure that those meet our requirements. If they damage Washoe County infrastructure during construction on those haul routes, they fix that. So we go out, inspect, video, and ensure that the haul routes are identified. That's where the construction traffic goes. We ensure that the development meets the minimum ITE requirements per design. And we've had those discussions with the traffic engineers. So wanted to give you a little bit of clarity on those things.

Chair Thomas said thank you, Mr. Smith, just to make sure I understood you correctly, and the board members understood you correctly that there will be free access at two locations: Second

Street and Fifth Street to come in and out of that project. Mr. Smith said yes, there will not be an emergency access gate or control on the new Chocolate Drive as enters Fifth Street.

Member Stanley said there was some concern about traffic on unpaved roads. As you said, you're excited about getting Chocolate paved properly. Are there plans for those some of the other roads such as Gepford? Are there any plans on your books? Maybe apart from this project, but on your books for paving some of those roads? Mr. Smith said not currently.

Member Julian asked a follow up question on the construction vehicles. Is it in the capacity of the County to tell the construction vehicles cannot go on those unpaved roads? And who owns those unpaved roads like Gepford? Is that private roads or those county roads?

Mr. Smith said I'm hoping you can see this on the overhead. To answer the first part of the question: will construction traffic be able to drive randomly anywhere they want to drive in? The answer's no. That's what a traffic control plan with a haul route is required for every project that will be put in place. Have we had issues in the past where maybe one of the drivers wasn't aware of that? Yes. Will that occur on this project? I would guarantee you that something will happen. But, at that point, we have conversations with our contractor partners, developer, and representatives to address those issues. Mr. Smith showed an overhead of the project site: So right here on edge is the project. And this is the existing easement, Chocolate Drive, the dirt area. This is Fifth. This is Second down here. You can see how Second is blue. And you can see how some of these other roads are blue. But you can see where Gepford stops here. And it's not blue to the west. Blue represents Washoe County-owned roadways. So those are the roadways that are in our current inventory. Those are the roads that we repair, clean roadside ditches, plow snow, and do all those things that are expected of the community because those roadways are built to Washoe County standards, and therefore we can accept them. The other dirt road areas here are also access easements, just like Chocolate Drive. So those are not part of this project. And Commissioner Stanley, you asked me, 'Do I have any plans? Or does Washoe County have any plans to pave through these areas?' And like I said, 'No,' but it doesn't mean that we haven't, and continue to look for grant opportunities and funding sources and other ways to make improvements to our communities because this is an area where we have a pretty good history, but there's a whole lot more that we could do. I hope that helps answer your question, Commissioner.

Member Pierce said I think it's a good, good project. I know there are some drawbacks, and there are with everything, but we need affordable housing, county commissioners, and regional, and everybody has already changed all the zoning. I have no hesitation in approving this.

Member Christensen said I concur with my colleagues at the end of the podium. I've lived in this area for over 40 years. I've watched Sun Valley expand and contract in its growth. I heartily agree about affordable housing. I'm quite familiar with this location. I think this is a quality development that will enhance the lives of many people in that area and those that would come and live there. This is probably the very edge of the development for reasons of the topography, but I think the developer and the owner have addressed the drainage problem which is always a problem in our desert. Yes, there are problems that I think overall, I can do nothing but support this project as written.

Chair Thomas said I'd like to congratulate the staff, for I thought it was a very thorough job on this. I thought you addressed the topic point by point. And the positions that you took were well laid out. So I do appreciate that. On top of that, I also want to take a moment and thank the applicant, who supplied some clarifying information and some good supporting documentation along with other representatives from Washoe County. And that is not to exclude anybody from the Sun Valley area if they're taking their time out of their busy day to come here and express their point of view too. I think that's also very important. That being said, it would appear to me that, looking through the document in and of itself, when it came to conditions, what I found very interesting in the years that I have been on this Board was the number of conditions that were required for this project to go forward. They were extensive. There were eight pages of conditions.

And in all my years here, I have never seen eight pages of conditions. 43% of all the agencies that were contacted responded with conditions on this project. So it wasn't myopic in nature. A whole bunch of different people looked at it, and a whole bunch of different entities had the insight to make sure that if this is voted on in favor, it will be a quality project when it is ultimately done. In addition, I give the applicant credit that they went beyond what they needed to do when they were actually contacting the property owners. I believe 30 owners were originally required to be contacted, and it was 128 that were contacted. And then, second to that, 202 notices went out, which I thought was pretty impressive. So there was a large contingency of the Sun Valley area residents that at least were notified of what was going on here. In addition to that, I went out there today. I looked at Chocolate Drive and came up both Second Street and Fifth Street and saw some of the area where this will go. I believe it to be truly advantageous that when it is done if Chocolate Drive is paved they can work with the landowners to have an irrevocable offer of dedication to Washoe County. I think that would help Chocolate Drive in and of itself; that would help to eliminate some of the runoff; eliminate some of the Waste Management issues. I am in favor of this project. I do believe that it will ultimately be a good thing. I also give credit to the representatives that you're right about the change in the master plan as it did change. The maximum density would have been 850 units by that change. And they're asking for 240. And it's not too often that you see developers go toward the minimum rather than the maximum when they want to take full advantage of the assets that they have afforded to them. There were no objections to the by the Truckee Meadows Fire Protection District, the Washoe County School District, the Washoe County Emergency Medical Services oversight program, or the Washoe County Sheriff's Office when they were given information on this project, which I think also is a plus in favor that there was nothing that was outstanding or a real concern to them. One other thing, I think that was interesting too, and they do talk about the heights of the buildings. Having been on this Board, height and distance become a factor when dealing with many of our issues here. So over time, what I've done is I've come into this room with a tape measure, and I've measured things out, so I got a better idea of distance. From that gate right there to that gate, right there is 32 feet. That's the maximum height of the buildings for the APEX of your roof. So it's not overly high, in my opinion, compared to many other projects we get requests for. So it gives me a visual of what you would be getting. Those are some of the factors we consider, and I would favor this project as it has been presented to us here today.

Member Julian said I agree. I'm very supportive of affordable housing. And this looks to be an excellent opportunity for affordable housing. I also acknowledge the concern about things like the access and the issue of the buckwheat. And I do note that there is a condition in the presentation that should they find these plants on that property, there needs to be a revision or a submission of a plan to Washoe County Regional Parks and Open Space. I hope this would generate some action consistent with the environmental goals here if that were to happen. Overall, Washoe County needs affordable housing, especially professionally managed rental housing. I would support this project.

Member Stanley said I agree with my colleagues on most all of these points. And the driver, as everyone knows, affordable housing. I also want to commend the staff and the planners for an excellent package that makes a very complicated and detailed situation, pretty understandable. And I also want to point out that Mr. Smith's input to this was a key, I think. It's an advantage to everyone to get in and out efficiently. I, too, support this resolution.

MOTION (Administrative permit): Member Pierce moved that after giving reasonable consideration information containing staff report information received during the public hearing, the Board of Adjustments approve Administrative Permit Case number WADMIN22-0029 with amended conditions for Pedcor Investments LLC, with the conditions included as Exhibit A in this matter, and amended conditions: The proposed trailhead shall be completed per the approved construction improvement drawings prior to the issuance of the certificate of occupancy of the first multi-family building, to the satisfaction of the Community Services Department Director of Operations, and having

made all five findings in accordance with Washoe County development code section 110.808.25.

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs Area Plan;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for personal storage, and associated major grading, and for the intensity of such a development;
- (d) **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;
- (e) **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.

Member Christensen seconded the motion which carried unanimously in favor.

MOTION (Special Use Permit): Member Pierce moved that after giving reasonable consideration to the information in the staff report and information received during the public hearing, the Washoe County Board of Adjustments approve with conditions Special Use Permit case number WSUP-0001, with amended conditions for Pedcor Investments, LLC, with the conditions included in Exhibit A to this matter, having made all five findings in accordance with Washoe County code section 110.810.30:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs Area Plan;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for personal storage, and associated major grading, and for the intensity of such a development;
- (d) **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;
- (e) **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 Thomas seconded the motion which carried unanimously.

9. Chair and Board Items

A. Future Agenda Items -

Member Julian said I would like to discuss how we deal with neighborhood meetings and how those are reported in the packets. And also, when a concern is raised at a neighborhood meeting, vis-a-vis, let's say, as an example, an impact on schools, it would be helpful if we could have that kind of information when the staff receives a no comment from the school district. Yet that comment has been raised by the public in a public meeting. I would hope for more follow-up on such matters. And if we can discuss that would be helpful.

DDA Large said we could put an item on a future agenda, addressing the neighborhood meetings and addressing public comments, because I think that is something that is a recurring theme that I think we need to address to the Board because there are multiple layers of that in an individual project, and as a policy matter regarding how the CAB are done. I think it's appropriate for this Board to have a separate item that we present on. Perhaps in a meeting when we don't have a long agenda.

B. Requests for Information from Staff -

Chair Thomas said I guess what we discussed here earlier, and I don't know how we go about this. I know it was brought up during tonight's meeting to have more interaction or hear more from the public. I don't know how we can do that. To get more information. I would probably just say maybe if the staff obviously does get it in, and I believe they do this already. But when we do get information from staff, a letter or an email or something, it gets attached to the report for us anyway. I think we're pretty good at that. Member Stanley said it's an issue you and I spoke about. And it is the idea that Washoe County school districts are not responding or not being marked as responding in the matrix, but then it pointed out to me that they've been essentially off-site discussions that didn't have an objection. But when we look at who's reporting and their comments, that's what we're looking for. I was disappointed that 156 potential school kids impacting one school weren't addressed. DDA Large said we could put that on a future agenda to discuss. I would also say that we can't make our commenters care about certain things. Member Stanley said if I may, you notice how much better it's getting, and whatever's happening seems to be working. DDA Large said we could not make them condition things. Chair Thomas said I could understand both sides. But if staff send something out to an agency and says, 'do you have any input? This is what's coming,' and they get nothing back, then all they can say to us is, 'we got nothing back.' Now if a citizen goes to the school and talks to the principal and says, 'you know, I'm sorry about that, or I gave him some different information,' that's beyond our control. All staff can do is send the information out and request, if they have an issue with it, to notify us so we can address it. Secretary Lloyd said depending on the issue, too, we certainly will follow up and pester said reviewing agencies; we often do that as well. And we're under very tight, you know, statutory time limits for these applications, which also becomes part of the equation. Chair Thomas said I do think that the more input we have from different entities, such as the school board or the sheriff's office, will help us make better-informed decisions. But we've got to go with what we have. Member Julian said it's especially important when in a public neighborhood meeting; the public has raised that question, which falls into what I had mentioned earlier.

10. Director's and Legal Counsel's Items

- A. Report on Previous Board of Adjustment Items - None
- B. Legal Information and Updates - None

11. Public Comment:

Mark Neumann (Chambers) said, "I'm also on a CAB. I go to all the CAB meetings throughout Washoe County because on the Senior Services Citizens Advisory Board for District three. So I give presentations at all the different CAB meetings throughout Washoe County. Years ago, they took all of the voting rights away from all the CAB members. Now they do the public meetings. And under the public meetings, anybody within that area of 750 feet is the one that gets notified.

So if he lives 800 feet away from the project, he doesn't get notified of it unless one of his neighbors tells him. And that's why you don't get a big public outcry at these public meetings, because hardly anybody's notified. And then the County's initiated the HUB site project. I guarantee you any one of you will get on the computer tonight when you get home and try to find a development that's going on in the HUB system in your area and when you can make public comments about it. Good luck. It's a heck of a deal. I'm still worried. My whole thing was the kids that are going to be going down Gepford to get to Gepford Park, and that road isn't going to get improved. And Fifth Street, you think you're going to go all the way down the Second street and then go back up Sun Valley Drive, you're going to be cutting down through all those streets. And Second Street in the morning, right now, traffic's backed up 15-20 cars from just the people that live there trying to get on a Sun Valley drive because that traffic gets backed all the way to Fourth Street. And it's going to get really ugly. If everybody is trying to get out on Second Street. They'll be backed up in their parking lot in their apartment, trying to get out. It's kind of getting ugly over there. I don't live on that side. I've just been asked by many of the citizens on that side of the valley that have to work. Since I'm retired, I speak for them on behalf of pedestrians and the children. Because even if it's low income, and people have to walk to the bus stop, they won't walk down Second Street and down. They're going to go down to Gepford or Fourth or Fifth, and none of those have sidewalks, dirt, and drainage. It's going to get ugly for many people on his development. You guys have a great evening."

There was no further response to the request for public comment.

12. Adjournment

The meeting adjourned at 5:19 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on April 6, 2023

Trevor Lloyd
Secretary of the Board of Adjustment