



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Kim Toulouse, Chair  
Lee Lawrence, Vice Chair  
Philip J. Horan  
Robert F. Wideman  
Vacant  
William Whitney, Secretary

Thursday, June 5, 2014  
1:30 p.m.

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

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The Washoe County Board of Adjustment met in regular session on Thursday, June 5, 2014, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

## 1. Determination of Quorum

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

Members present: Kim Toulouse, Chair  
Lee Lawrence, Vice Chair  
Philip Horan  
Robert Wideman

Members absent: None; one vacancy

Staff present: William Whitney, Division Director, Planning and Development  
Grace Sannazzaro, Planner, Planning and Development  
Roger Pelham, Senior Planner, Planning and Development  
Sandra Monsalvè, AICP, Senior Planner, Planning and Development  
Trevor Lloyd, Senior Planner, Planning and Development  
Eric Young, Planner, Planning and Development  
Eva Krause, AICP, Planner, Planning and Development  
Greg Salter, Deputy District Attorney, District Attorney's Office  
Sara DeLozier, Office Support Specialist  
Donna Fagan, Recording Secretary

## 2. Pledge of Allegiance

Member Wideman led the pledge to the flag.

## 3. Ethics Law Announcement

Deputy District Attorney Salter recited the Ethics Law standards.

## 4. Appeal Procedure

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

## 5. Public Comment

There was no response to the call for public comment. Mr. Whitney introduced Donna Fagan, training to assist Sara DeLozier, Recording Secretary. Chair Toulouse called for public comment again.

Mike Spray spoke on the Verizon cell tower. He believes it would not be a pleasant sight to look at from his yard. He is opposed to the cell tower.

No further public comment.

## 6. Approval of Minutes

No minutes were approved.

## 7. Approval of Agenda

In accordance with the Open Meeting Law, Member Wideman moved to approve the agenda of June 5, 2014. The motion, seconded by Member Horan, passed four in favor and none opposed.

## 8. Planning Items and Public Hearings

### Agenda Item 8A

**Public Hearing: Special Use Permit Case Number SB14-002 (Verizon Wireless)** (Continued from the April 3, 2014 agenda) – To allow for the construction of a Wireless Communications Facility consisting of a 17 foot high faux water tank concealing six antennas situated on top of an 83 foot high tower (total height 100 feet) and an equipment shelter containing telecommunication ground equipment, all of which shall be enclosed within a 50 foot x 50 foot fenced area on a ±35.73 acre parcel. Three easements to be located on the subject parcel are also included in the proposal; two of which will be 6 foot wide Verizon Wireless utility easements for overhead utility poles; and one will be for a 15 foot wide Verizon Wireless access and utility easement.

- Applicant: Sacramento Valley LP dba Verizon Wireless
- Consultant: Complete Wireless Consulting
- Property Owner: Washoe Valley Storage
- Project Address: 205 US Highway 395 N, Washoe Valley, NV; located on the west side of US 395, across the highway from Old Washoe Drive
  
- Assessor's Parcel Number: 046-080-42
- Total Parcel Size: ±35.73 Acres
- Total Project Size: 50 feet x 50 feet (2,500 square feet)
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
  
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 24, T17N, R19E, MDM, Washoe County, NV
  
- Staff: Grace Sannazzaro, Planner  
Washoe County Community Services Department  
Planning and Development Division
  
- Phone: 775-328-3771

- E-mail: [gsannazzaro@washoecounty.us](mailto:gsannazzaro@washoecounty.us)

Chair Toulouse opened the public hearing; no disclosures were made at that time.

Grace Sannazzaro started by stating that she and all Board Members had received an email from David Downs, Verizon representative, requesting a continuance until the August 7, 2014 Board of Adjustment meeting. Ms. Sannazzaro said the applicant presented new information at the May 8, 2014 CAB meeting that was not in the original application and there may be new information forthcoming that staff hasn't had a chance to review. As a result, Mr. Whitney and Mr. Downs agreed on the following conditions in the event a continuation was granted:

1. Complete application submitted by July 3, 2014. Nothing after that.
2. Applicant takes all application information to the CAB with no new information.
3. Agree to appear at the August 7, 2014 meeting with application information. Nothing new.

Staff recommends continuation of the hearing to August 7, 2014

Chair Toulouse asked Mr. Downs if he'd like to speak. Mr. Downs said that he is requesting a continuance as the existing facility will reach capacity in about 10 months and it would give him more time to poll the community on wireless facility options before presenting to the BOA.

Chair Toulouse stated, Mr. Downs requested a continuance at the last meeting in April. Asking, why didn't he address public opinion between then and now, Mr. Downs replied that he received many comments from the CAB. He also said he had received the staff report just 48 hours ago recommending 'denial' due to non-compliance with SV12.5, "silhouettes sky", which was new news to him. Due to the circumstances, Mr. Downs said they'd need to do a text campaign polling all affected customers. Member Horan said he was dismayed by the request after the amount of effort put forth by BOA, Staff and the community for the meetings, that the case hasn't advanced very far. He indicated he wouldn't be inclined to continue. Member Lawrence said he thought, at the April meeting, protecting vistas and skylines had been addressed. Ms. Sannazzaro said it had been addressed in the staff report and at the CAB. There was no new information. Member Wideman recalled that one of the hurdles at the last meeting was the 100-foot lattice tower not being compliant with regulations. Nothing has changed since then except the top of the tower. A continuance was approved at the April meeting as a way to be fair and get issues corrected. The conditions haven't changed and he's not clear what's going to change the next time. Member Wideman was prepared to make a decision last time and is prepared this time. Member Toulouse concurred that there won't be material changes in the future.

Member Wideman moved to deny the request of continuance. Member Horan seconded the motion which carried unanimously.

Ms. Sannazzaro reviewed her staff report dated May 13, 2014.

David Downs spoke to the Board saying he planned to give a presentation with team members, Verizon radio frequency engineers, third party visual consultants, etc, but was not prepared at this time. Member Lawrence asked if the next presentation would be about the height or moving the facility. Mr. Downs said they would consider it. A water tower is currently the best stealth design and better looking. Member Lawrence asked how low they would

consider lowering. Mr. Downs said 15-feet max. So, the tower would be 75 feet. Chair Toulouse asked, if you lower it 15 feet it'll still be in line to reach Pleasant Valley. Mr. Downs said yes. It'd be able to supply Pleasant Valley, Washoe Valley and the roadway. The tower could be moved but would need an additional facility. If the tower is installed in this location it would still silhouette the sky.

Chair Toulouse opened the public hearing.

There were four group representatives and eight individuals who asked to speak. Bill Casparis, part-owner of Washoe Valley Storage, whose property the pole would be constructed on, requested approval of the application. He said Verizon chose the "best site" for the tower. The new highway has made the area an "economic wasteland" and the "hillside is full of scrub". He thinks the tower would be "in our economic best interest". He doesn't know why staff is against it. William Naylor, with Washoe Valley Alliance, referred to a seven page handout he distributed with five reasons why the tower was not a good idea. He supports the recommendation of denial. He believes the photos are not accurate, the tower height and design are misleading. They also don't depict the equipment area and utilities that would be required. Fred Woodside, CFO of St. James Village and Sierra Reflections sub-divisions, was opposed to the tower. The 100-foot height would obstruct Sierra Reflections' views of the Mt. Rose area and would obstruct St. James Villages' view of the Washoe Valley area. He believes it would devalue their properties. Mr. Woodside submitted two maps to the Board. Lori Wray, with Scenic Nevada, spoke in opposition of the cell tower as it was detrimental to the scenic views, is not within the South Valleys area plan to not impact or silhouette views. She voiced concern as the tower would be placed in the Pacific Flyway and near the Wildlife Management Area. Maureen O'Collins said that at the May 8, 2014 CAB meeting, the Verizon representative said they could provide other options for the location of the tower. She said she has experienced "no dropped calls in the area" and doesn't understand why they need to have additional coverage for the five mile area on the map. Terri Thomas attended the last BOA and CAB meetings and said "a view is a terrible thing to lose". She agrees with previous comments and opposes the cell tower. Karen Critor is in opposition. She agrees with staff's recommendation for denial. Gary Houk wanted to know what the plans were for the 20-foot wide road up the side of the mountain to access the site. Also, would the road be paved, would utilities be under the road or visible. He recommends denial. Brien B. Walters, owns 27 acres adjacent and east of the property. He concurs with previous statements. He's concerned that the tower will be obsolete soon and the sound of the Genset, generator, would be loud and running day and night. He requested that if the application is approved part of the contract should be; if the cell tower and related equipment becomes obsolete, the equipment be demolished, removed and the site be restored to its original condition. Sonny Ivanaez lives across from Washoe Valley Storage and agrees with all, in opposition. He is concerned about the health effects of the cell tower and it "beaming down" on Pleasant Valley School. He "moved to the area to get away from such technology". Mike Spray spoke against the cell tower as he believes it'll "look horrible" and property values will go down. Marilyn Naylor suggested to deny the tower as recommended by the staff report. A denial validates hundreds of hours of collaboration between invested citizens, planners and people who developed the South Valley area plan. Denial validates the investment in grant funding from Scenic Nevada, NDOT, Washoe County Parks, etc. Chair Toulouse closed the public comment period. Chair Toulouse asked if there were any disclosures. The disclosures were made; all Members had received numerous emails, none in favor. There has been no personal contact.

Member Wideman said that this was an unpopular proposal and that it was not compliant with the area plan but telecommunication is important just as water, power, sewer, etc. He indicated, if the Board denies without prejudice, that would give Verizon an opportunity to re-evaluate the circumstances and come back with a plan that would comply.

Chairman Toulouse and Member Horan supported Member Wideman's comments.

Member Wideman moved to deny without prejudice, not making findings 2 and 3. He was also, unable to make finding 3 of Section 110.324.75, wireless communication. And the lattice tower is not compatible with the South Valley's area plan as part of the Washoe County Master Plan. Member Horan seconded the motion.

Deputy District Attorney Salter clarified which finding could not be made by Member Wideman. Member Wideman was concerned that the tower was still lattice and is not compatible with the South Valleys area plan. Mr. Salter asked if finding 2 could be made and Member Wideman said he was not sure if it could be made or not. Mr. Salter asked if finding 3 could be made, Member Wideman said no. Mr. Salter asked if finding 4 could be made, Mr. Wideman said he could make that finding.

Member Horan re-seconded the motion that carried unanimously.

Mr. Salter indicated there was one more motion that needed to be made; the telecommunication facility is governed by State and Federal law which requires specific written orders and finding. Mr. Salter recommended the motion read, "to instruct council and the Board secretary to prepare a written decision, as required by State and Federal law, setting forth the grounds for denial of the application and the documents, testimony and evidence relied on and discussions of this Board. The appeal period shall start upon mailing of the written decision to the applicant". Member Horan stated, "I so move" and Member Wideman seconded the motion that carried unanimously.

The denial was based on the inability to meet all the following findings:

Findings from Section 110.810.30:

1. Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;
2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. The site is physically suitable for the type of development and for the intensity of development;
4. Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Findings from Section 110.324.75:

6. That the wireless communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of the Planning and Development Division and/or his authorized representative;
7. That public input was considered during the public hearing review process; and

8. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Policy SV.2.16, of the South Valleys Area Plan:

9. The approval of the 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.

### Agenda Item 8B

**Public Hearing: Variance Case Number VA14-004 (Ronning)** – To reduce the required side yard setback from eight (8) feet to three (3) feet for construction of a new single-family dwelling.

- Applicant/Property Owner: Grable Ronning
- Location: 400 Gonowabi Road, Crystal Bay, NV
- Assessor's Parcel Number: 123-145-04
- Parcel Size: .52 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, Township 16 N Range 18 E  
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3622
- E-mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Roger Pelham reviewed his staff report dated May 13, 2014.

Chair Toulouse asked if the applicant would like to speak. Wayne Ford, residential designer for the project, stated that his clients parcel could be a turning point in how "hardship" could be defined in the regulatory zone called Tahoe. Mr. Ford believes this property meets the definition of a "hardship" for the following reasons: the subdivision was created in 1939 with a lot sized minimum width of 80 feet. Mr. Ford stated that the property is 95 feet wide and 230 feet deep but is misleading in terms of its use due to the existing boulders and trees. He said that, "under 30.4.5 of the TRPA plan, they are required to build around the boulders, relocation of coverage cannot create a greater disturbance and they must mitigate for any trees that are removed to place hard surfaces. The turn on Gonowabi Road uses up 50 percent of the lot, causing additional "hardship". Mr. Ford indicated that 20 plus of the 39 properties on Gonowabi Road received variances in order to build while meeting the Washoe County and TRPA requirements. He also went on to discuss placement of the garage and additional parking within the constraints of the property. In addition, there is a "tram" on the property that the resident would like to have available in the future, which if removed, is not allowed to be relocated or replaced. Mr. Ford does not believe he is asking for "special privilege", he's just looking for the same relief that other properties on Gonowabi Road, have received. After Mr. Ford's presentation, Member Wideman verified that the requested setback reduction would be from eight feet to three feet. He asked what portion of the residence would be in that five foot setback. Mr. Ford said it was the master bedroom that would be in the setback. Member

Wideman asked why the design could not be altered to fit within the current eight foot setback. Mr. Ford referred to the garage and the ability to have the best transition to the street when backing out and ability to have extra parking. Member Horan didn't believe that the transition from garage to street was as extreme as the applicant has presented. Member Horan asked if they would be building over the boulders. Mr. Ford said they would be building on columns to raise the master bedroom above the boulders and that would extend into the setback. Member Horan asked if they could build a smaller room. Mr. Ford indicated that the room was 16 feet wide and that there was no development on the side that they want to decrease the setback. He said if there was something built on that side they would not have requested a variance to decrease the setback. Member Horan voiced his concern about staying within the setbacks and designing smaller.

Chair Toulouse opened public comment; the only disclosure made was emails to the Board Members with no personal contact. There was no public comment.

Member Horan reiterated his concern about the size of the design with respect to the size of the lot. Even with the boulders and such, the design could not stay within the setbacks. He indicated part of the hardship was brought on by the design and size of the house. Member Wideman agreed with Member Horan's comments. He had a hard time getting past the idea that the setback was known before the design was started which would eliminate the need for the variance. Member Horan referred to the comment by Mr. Ford that if there was something built on that side they would not have requested a variance, meaning there were options but they chose this one.

Member Horan moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number VA14-004 for Grable B. Ronning, being unable to make four of the five findings, numbers one through four, required for approval of a variance under Development Code Section 110.804.25.

The denial was based on the following findings:

1. No Special Circumstances. Because of the lack of special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property;
2. Detriment. The relief will create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is requested;
3. Special Privileges. The granting of the variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Not Authorized. The variance will authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of a military installation.

Mr. Whitney read the appeal process.

## Agenda Item 8C

### **Public Hearing: Administrative Permit Case Number AP14-003 (Lake Tahoe SummerFest)**

– To approve an administrative permit and outdoor community event business license for the Lake Tahoe SummerFest, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on August 1, 2, 3, 8, 9, 10, 15, 16, and 17, 2014. The proposed outdoor concerts will be held between the hours of 7:00 p.m. and 9:00 p.m. on August 1, 2, 8, 9, 15, and 16, 2014 (Fridays and Saturdays) and between the hours of 4:00 p.m. and 7:00 p.m. on August 3, 10 and 17, 2014 (Sundays). Two additional concerts will be held on the Sundays of August 10 and 17, between the hours of 11:00 a.m. and noon. These concerts are focused on family themes and will not include any of the catering services available at the evening concerts. All proposed concerts will be unamplified classical music venues located within a portable tent erected on the College for the event. Primary participant and spectator parking will be within the College campus, with additional off-site (overflow) parking at the Incline Village General Improvement District (IVGID) Recreation Facility, if needed. Event organizers estimate that approximately 1,300 participants and spectators will take part in the event during any one three-day event period, with a maximum of 500 participants and spectators on any one day of the event. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of Adjustment may approve the issuance of the administrative permit and business license with conditions, or deny the application.

- Applicant: Lake Tahoe SummerFest  
Attn: Georgette Porter
- Property Owner: Sierra Nevada College
- Location: 948 Incline Way, Incline Village, NV 89451
- Assessor's Parcel Numbers: 127-040-10 (College) and 127-040-07 (IVGID Recreation Center)
- Parcel Size: 17.05 acres (College), 1.4 acres (Recreation Center)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Uses and Structures; and WCC Chapter 25, Business Licenses, Permits and Regulations
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Within Section 23, T16N, R18E, MDM, Washoe County, NV
- Staff: Eric Young, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3613
- E-mail: [eyoung@washoecounty.us](mailto:eyoung@washoecounty.us)

Eric Young reviewed his staff report dated May 7, 2014. This event has been approved the last two years. Member Horan asked if there had been any negative feedback on the event. There has been none. Chair Toulouse said it was a good event and he had only heard good things.

Chair Toulouse opened public hearing; no disclosures were made by members of the Board. As there were no requests to speak, Chair Toulouse closed the public hearing.



Member Horan moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number AP14-003 for Lake Tahoe Summerfest, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Wideman seconded the motion which carried unanimously.

The motion was based on the ability to make all five of the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for an outdoor community event, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

#### **Agenda Item 8D**

**Public Hearing: Administrative Permit Case Number AP14-004 (Incline Village Fine Art Festival)** – To approve an administrative permit and outdoor community event business license for the Incline Village Fine Art Festival, an outdoor art display event to be held at Preston Field in Incline Village, Nevada on August 15, 16, and 17, 2014. The proposed event will be held between the hours of 10:00 a.m. and 5:00 p.m. (Friday through Sunday). The event will consist of approximately 50 artists, 3 food booths, acoustic entertainment (no amplification or stages), and possible wine tasting. Each artist will set up their own 10' x 10' canopy in which to display their original art work. Primary parking is proposed on-site utilizing the existing parking for Preston Field. Event organizers estimate that approximately 50 participants and a maximum of 500 spectators will take part in the event during any one day of the three-day event period. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of Adjustment may approve the issuance of the administrative permit and business license with conditions, or deny the application.

- Applicant: West Coast Artists Corporation  
Attn: Ronda Mills-Beck
- Property Owner: Incline Village General Improvement District.
- Location: 700 Tahoe Blvd.  
Incline Village, NV 89451
- Assessor's Parcel Number: 124-032-33
- Parcel Size: 5.09 acres
- Master Plan Category: Rural (R)

- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Uses and Structures, and WCC Chapter 25, Business Licenses, Permits and Regulations
- Commission District: 1 –Commissioner Berkbigler
- Section/Township/Range: Within Section 16, T16N, R18E, MDM, Washoe County, NV
- Staff: Chad Giesinger, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3626
- E-mail: [cgiesinger@washoecounty.us](mailto:cgiesinger@washoecounty.us)

Chad Giesinger reviewed his staff report dated May 23, 2014. Member Horan asked if the applicant was there to speak. The applicant was not in attendance. He went on to voice real concern about adequate parking at the event site and overflowing beside the road. He said parking at the event “could be dangerous”. All Members voiced parking concerns and traffic flow issues. There was discussion about possible parking alternatives.

Chair Toulouse opened the public hearing; no disclosures were made by members of the Board. There were no requests to speak.

Mr. Whitney suggested tabling the public hearing until August 7, 2014 so the Applicant could address the parking issues.

Member Wideman moved to continue case AP14-004 to the August 7, 2014 Board of Adjustment meeting. Time certain. Member Horan seconded the motion which carried unanimously.

**Recess for 10 minutes at 3:41 p.m.**

### **Agenda item 8E**

**Public Hearing: Special Use Permit Case Number SB14-006 (Incline Village/Crystal Bay AT&T Mobility Wireless Facility)** – To install a 120 foot tall mono-pine wireless facility for the purpose of providing wireless coverage in the surrounding area.

- Applicant: AT&T Mobility
- Property Owner: Washoe County
- Location: 625 Mt. Rose Highway, Incline Village
- Assessor’s Parcel Number: 124-032-34
- Parcel Size: ±6.14
- Master Plan Category: Rural (R)
- Regulatory Zone: Public/Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 324, Communication Facilities; and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkbigler

- Section/Township/Range: Section 16, T16N, R18E MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3620
- E-mail: [Tlloyd@washoecounty.us](mailto:Tlloyd@washoecounty.us)

Trevor Lloyd reviewed his staff report dated May 16, 2014. Chair Toulouse asked if AT&T representative, Charlotte Perrault would like to speak. She said she agreed with staff's recommendations and agreed to amend the application to reduce the overall pole height from 120 feet tall to 93.75 feet tall, and/or 103.75 feet tall if collocated with another wireless carrier. She also recommended, in the future, contemplating height when approving cell poles, in order to "collocate", the decision needs to be made before the pole is installed.

Chair Toulouse opened the public hearing; no disclosures were made by members of the Board. As there was no public comment Chair Toulouse closed the public hearing.

Member Wideman 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 approves Special Use Permit Case Number SB14-006 for AT&T Mobility to grant the wireless facility with a maximum pole height of 93.75 feet and/or 103.75 feet if collocated with another wireless carrier, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 and three findings required for telecommunications facilities under Section 110.324.75: Member Lawrence seconded the motion which carried unanimously.

The motion was based on the ability to make the following findings:

Findings from Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for type of development, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;

Findings from Section 110.324.75

1. The proposed commercial antenna is necessary to meet the applicant's and the public's needs;
2. The location of the commercial antenna is compatible with existing and proposed

uses in the general vicinity; and

3. The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.

### Agenda Item 8F

**Public Hearing: Special Use Permit Case Number SB14-009 (Alibi Ale Works)** – To permit the use of a commercial building as a craft brewery and tasting room at 204 E. Enterprise Street, Incline Village.

- Applicant: Kevin Drake
- Property Owner: Steve Feinberg
- Location: 204 E. Enterprise Street  
Incline Village
- Assessor's Parcel Number: 132-222-18
- Parcel Size: ±0.228
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Tahoe, Incline Village Commercial Community Plan
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 15, T16E, R18N, MDM, Washoe
- Staff: Eva M. Krause, AICP, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3796
- E-mail: [EKrause@washoecounty.us](mailto:EKrause@washoecounty.us)

Eva Krause reviewed her staff report dated May 16, 2014.

Kevin Drake and Rich Romo, applicants, spoke in agreement of the findings.

Chair Toulouse opened the public hearing; no disclosures were made by members of the Board. As there was no public comment Chair Toulouse closed the public hearing.

Member Horan voiced a parking concern but indicated that if the business became that successful, the business could change locations.

Member Lawrence 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 SB14-009 for Kevin Drake (Alibi Ale Works), having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Wideman seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water

supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for a Craft Brewery with a tasting room, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

### **Agenda Item 8G**

**Public Hearing: Special Use Permit Case Number SB14-011 (RESC, LLC) – To permit Storage of Operable Vehicles on a property zoned General Commercial (GC).**

- Applicant: RESC, LLC
- Property Owner: RESC, LLC
- Location: 14810 Kivett Lane, Reno
- Assessor's Parcel Number: 017-055-32
- Parcel Size: ±1.179
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Southeast Truckee Meadows, Toll Road Character Management Area
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 302, Allowed Uses; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 27, T18N, R20E MDM, Washoe
- Staff: Eva M. Krause, AICP, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3796
- E-mail: [EKrause@washoecounty.us](mailto:EKrause@washoecounty.us)

Eva Krause reviewed her staff report dated May 20, 2014.

Mike Burgess, representing the property owner, said the property was already fenced and slatted and the property owner uses it for his own storage purposes. A complaint regarding storage, other than the owners on the property, resulted in having to apply for a Special Use Permit. He indicated conditions on the permit are requesting lighting and paving. He's asking that the lighting and paving conditions be removed as the area will be used to store personally owned vehicles, tracked vehicles, footed tanks and vessels following assembly at the next door facility. Paving would be damaged by the equipment being stored. In further discussion, Mr. Burgess said that the property is used to store equipment and that the owners RV's and personal vehicles are only stored there because the storage is available. Chair Toulouse stated that the property sounds like it's being used as a commercial business. Mr. Burgess said yes, items are being assembled in the paved facility and being stored in the storage yard, sometimes for months.

Chair Toulouse opened the public hearing.

There were two individuals who requested to speak. Mark Hain, of Foothill Storage, voiced his concern that the property will eventually be used as public boat and RV storage which would hurt his business. He also is concerned about current and future drainage as there is a flooding problem in this area. Donald Lee voiced his concern regarding drainage in the area as it is prone to flooding. He had previously taken out a grading permit to prevent flooding.

Chair Toulouse closed the public hearing. Member Lawrence disclosed that he was an acquaintance of Donald Lee through a previous employer.

Member Wideman felt that Mr. Burgess was sincere but he had concerns that in the future, without lighting and paving, the property owner could run a storage facility in a "non-conforming" manner although, currently, the lighting and paving would not make practical sense.

Deputy District Attorney, Greg Salter, suggested approval of the Special Use Permit and advised the Board and applicant to apply for a Variance to exclude the paving and lighting portion of the conditions.

Member Lawrence said, in light of the flooding concerns, it would probably be best to keep it as a gravel type lot.

Member Wideman 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 SB14-011 for RESC, LLC having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Lawrence seconded the motion which carried unanimously.

Mr. Whitney read the appeal process.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for storage of operable vehicles, and for the intensity of such a development if the site is developed to commercial standards and conforms to the Southeast Truckee Meadows Character Statement;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

#### **Agenda Item 8H**

**Public Hearing: Special Use Permit Case Number SB14-010 (Amundson Grading)** – To grade approximately 3,500 cubic yards (±83,315 square feet) of dirt for the purpose of preparing the property for a residence, agricultural building and horse riding arena.

- Owner/Applicant: Christina M Herbert Trust
- Location: 0 Mountain Ranch Road
- Assessor's Parcel Number: 150-250-48
- Parcel Size: ±2.476
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 438, Grading Standards; and Article 810, Special Use Permits
  
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 26, T18N, R19E MDM, Washoe County, NV
  
- Staff: Trevor Lloyd, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
  
- Phone: 775-328-3620
- E-mail: [TLloyd@washoecounty.us](mailto:TLloyd@washoecounty.us)

Trevor Lloyd reviewed his staff report dated May 16, 2014.

Jared Krupa, K2 Engineering representing the applicant, said he agreed with the presentation and findings.

Chair Toulouse opened the public hearing; no disclosures were made by members of the Board. As there was no public comment Chair Toulouse closed the public hearing.

Member Horan 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 SB14-010 for Christina Amundson, having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Wideman seconded the motion which passed unanimously.

The motion was based on the following findings

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for type and scale of grading, and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

### Agenda Item 8I

**Public Hearing: Special Use Permit Case Number SB14-005 (Lemmon Valley Verizon Wireless)** – To install a wireless telecommunications monopole, up to ±60 feet tall, to be placed within a 50 x 50 fenced area, to include three (3) sectors with four (4) eight (8) foot tall antennas per sector, six (6) RRU-12 units, a pre-fabricated 11'6" x 16'-10.5" unmanned equipment shelter, and a 48kw stand-by backup diesel generator, all other necessary ancillary equipment related thereto.

- Applicant: Verizon Wireless c/o Epic Wireless  
Attn: Andrew Lesa
- Property Owner: Randall Scott
- Location: 600 E. Patrician Drive, southwest of intersection of  
Freemont Way and E. Patrician Drive
- Assessor's Parcel Number: 080-730-29
- Parcel Size: ±45.94 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 324, Communication Facilities;  
and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 34, T21N, R19E, MDM Washoe County,  
NV
- Staff: Sandra Monsalve, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3608
- E-mail: [smonsalve@washoecounty.us](mailto:smonsalve@washoecounty.us)

Sandra Monsalve reviewed her staff report dated May 22, 2014.

Andrew Lesa, representative for Epic Wireless, said that staff did an excellent job with the presentation.

Chair Toulouse opened the public hearing; no disclosures were made by members of the Board. As there was no public comment Chair Toulouse closed the public hearing.

Member Wideman motioned to approve. Member Horan seconded the motion. All Members approved. None opposed. Motion is unanimous.

Member Wideman moved to adopt all of the eight findings listed in the staff report and based on those findings approve Special Use Permit Case Number SB14-005 for Verizon



Wireless, subject to the conditions contained in Exhibit A to the Staff Report. The Findings are adopted based on individual consideration of information contained in the Staff Report (including, but not limited to the staff comments regarding the findings) and all exhibits as well as testimony and exhibits presented at the public hearing. Counsel for the Board and the Board Secretary are hereby directed to prepare a written Action Order consistent with this motion. Member Lawrence seconded the motion that carried unanimously.

The motion was based on the following findings

Findings required by WCC Section 110. 810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven of the Development Code;
3. Site Suitability. That the site is physically suitable a for a telecommunications facility (monopole) for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Findings required by Section 110.324.75:

1. That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development, Planning and Development, and/or his/her authorized representative;
2. That public input was considered during the public hearing review process; and
3. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

## **9. Chair and Board Items**

### **A. \*Report on Previous Board of Adjustment (BOA) Items**

There were none.

### **B. Future Agenda Items and Reports**

There were none.

### **C. Consider and adopt a Resolution commending Philip Horan for his service to Washoe County.**

Chair Toulouse read the Resolution and thanked Member Horan for his valuable expertise and service. Particularly, his knowledge of the Incline Village area.

Director Whitney thanked Mr. Horan for his service and presented him with the signed Resolution.

Member Wideman moved to adopt the Resolution. Chair Toulouse seconded the motion which carried unanimously.

## 10. Director's Items

### A. \*Legal Information and Updates

Chair Toulouse noted that the Board of Adjustment will now be two members short.

Director Whitney indicated that District 1 has a vacancy and there is an applicant going to the BCC for approval at the June 24, 2014 meeting. District 3 has a vacancy and we will be advertising for that position.

## 11. Public Comment

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

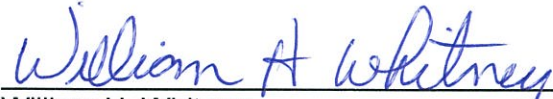
## 12. Adjournment

The meeting adjourned at 5:06 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Donna Fagan, Recording Secretary

Approved by Board in session on Oct. 2, 2014

  
\_\_\_\_\_  
William H. Whitney  
Secretary to the Board of Adjustment