



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

## Board of Adjustment Members

Clay Thomas, Chair  
Rob Pierce, Vice Chair  
Don Christensen  
Peter Ghishan  
Kathie Julian

Thursday, July 6, 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

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### 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  
Peter Ghishan  
Kathie Julian

Members Absent: None

Staff Present: Chris Bronczyk, Senior Planner, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Roger Pelham, Sr. 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 Julian led the pledge of allegiance.

### 3. Ethics Law Announcement

Senior Planner Roger Pelham recited the Ethics Law standards in the temporary absence of Deputy District Attorney Large.

### 4. Appeal Procedure

Senior Planner Roger Pelham recited the appeal procedure for items heard before the Board of Adjustment in the absence of Secretary Trevor Lloyd.

## 5. Public Comment

There was no response to the request for public comment.

## 6. Approval of the July 6, 2023 Agenda

In accordance with the Open Meeting Law, Vice Chair Pierce moved to approve the agenda of July 6, 2023 with the exception of Agenda Item 8, the resolution of appreciation for Brad Stanley. It was removed because Mr. Stanley could not be present. Member Julian seconded the motion, which carried unanimously.

## 7. Approval of the June 1, 2023 Draft Minutes

Vice Chair Pierce moved to approve the minutes of June 1, 2023 as written. Member Julian seconded the motion, which carried unanimously.

## 9. Public Hearing Items

**A. Special Use Permit Case Number WSUP22-0027 (Ophir Hill Grading)** – For hearing, discussion, and possible action to approve a special use permit for major grading in excess of the 5,000 cubic yards of excavation threshold established in Washoe County Code Section 110.438.35. To grade a total of 491,792 square feet (or 11.29 acres); and to grade an additional 35,719 square feet (or 0.82 acres) located on Federal Lands. The proposal includes 22,050 cubic yards of cut, 16,750 cubic yards of fill.

- Applicant/Property Owner: Burdick Excavating Co. Inc
- Location: 632 Old US 395
- APN: 046-032-02; 046-032-04; 046-032-05
- Parcel Size: 5.29 Ac; 2.48 Ac; 3.58 Ac
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark
- Staff: Chris Bronczyk, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Senior Planner Bronczyk conducted a presentation and reviewed slides with the following titles: Note; Request (2 slides); Phase 1; maps (2 slides); Phase 2; map; Neighborhood Meeting; Noticing; Amended Conditions; New Conditions; Amended Conditions; Financial Assurance; Findings; and Possible Motion.

Mr. Bronczyk indicated the County gave the applicant six months to complete phase 1 as opposed to four because they anticipated potential technical issues like weather. The first map in the presentation showed the locations of all existing stockpiles. The second map showed the property line, and everything below that, including several stockpiles, belonged to the Bureau of Land Management (BLM). He added that the County gave 12 months to complete phase 2 as opposed to six for the same reasons given for phase 1.

One amended condition, Mr. Bronczyk continued, pertained to the financial assurance; bonding was not allowed by Washoe County. The condition addressed that language and required the

applicant to meet the condition within 60 days of approval, if granted. He reviewed the forms of payments accepted by the County, saying this constituted real money, not bonds. He stated that, in addition to the five standard findings, two additional findings needed to be made related to the South Valleys Area Plan. He said staff was able to make those findings and recommended approval with conditions.

Questions for Staff:

Member Julian requested clarification about the revegetation condition. Mr. Bronczyk responded this was a standard condition that enforced the requirement for revegetation as well as enforcing the irrigation requirement in the subdivision area. The required documentation showed that BLM agreed to move forward with the revegetation efforts on their property. Member Julian asked whether the efforts were detailed in Appendix A, to which Mr. Bronczyk replied the only thing included in Appendix A was the seed mixture provided by the BLM.

Chair Thomas recalled that code enforcement took action in 2016, resulting in the applicant's application for a special use permit (SUP) to correct what was found in the inspections. They were granted a four-year window to complete that. He asked about two issues which were supposed to come into compliance by March 1, 2021 but which he understood did not occur. Mr. Bronczyk confirmed the appellant did not comply with those conditions. However, around that time the applicant submitted a parcel map which carried over many of the conditions of the 2016 SUP, acting as an extension to complete the grading work that was done. Grading plans were submitted in September of 2022 to attempt compliance, but staff felt amendments were required to move forward. That was why the item was being heard today as opposed to eight months prior.

Member Julian sought confirmation that a stop order had been issued in the interim. Mr. Pelham said a code enforcement officer issued a stop action order the previous year, and there had been no major movement on the property since that order was in place.

Referencing the slide which showed stockpiles on BLM land, Chair Thomas inquired whether there had been illegal dumping there. Mr. Bronczyk said there was no authorization to utilize that land, but it was used as a storage area. He confirmed Member Julian's assumption that the material from the operation which was stored there consisted of boulders, rocks, and fill.

Member Ghishan asked about an active tentative map. Mr. Bronczyk said the applicant submitted a tentative parcel map which was reviewed concurrently with the application; the map would be heard by the Parcel Map Review Committee in a week. Member Christensen asked whether the Burdick's owned the land in 1983 when the debris was originally deposited. Mr. Bronczyk said that question would be better answered by the applicant.

John Krmptic, speaking on behalf of Linda Burdick of Burdick Excavating Co., Inc, conducted a PowerPoint presentation. He explained he was only familiar with the events of the prior 12 to 18 months, and the applicant could address any questions about earlier events. He reviewed slides with the following titles: Ophir Hill – Special Use Permit (WSUP22-0027); map; Notice of Neighborhood Meeting; Noticing Map for the 2/20/23 Community Meeting; North end of the site; map; Approved Parcel map for 4 lots; parcel map; WC Zoning – High Density Residential; and Contacts.

Mr. Krmptic explained that, though the parcel map would be heard by a different committee, he referred to the project on a global basis. He described the answers he gave to questions at the community meeting as well-received. The large evergreen trees shown in the presentation, as well as others not pictured, would remain on the property. The Quonset building, he mentioned, was set to remain on the property and it would add an amenity to one of the parcels. The trees located along the highway would be preserved, and the prior access via Ophir Hill Road would be closed off.

#### Questions for Applicant:

Member Julian asked for confirmation about the tree requirements. Mr. Krmpotic said they accepted all 32 conditions, including the ones mentioned by Mr. Bronczyk that were negotiated earlier in the week. Member Julian asked whether the applicant would object to using the language in the staff report to add an explicit condition about this. Mr. Krmpotic said they would accept that condition.

Member Ghishan inquired whether the parcel map would be the exact same as the one that had expired. Mr. Krmpotic replied it would basically be the same, and it would utilize domestic well and septic utilities.

Member Christensen brought up his prior query about when the Burdicks acquired the property. Mr. Krmpotic relayed that they acquired it in 1998, which was subsequent to the catastrophic weather event mentioned earlier. Member Christensen asked what assurance the Board would get that this would move forward, especially in light of the prior SUP's poor performance. Mr. Krmpotic said he was fully confident, saying he believed everything told to him by Ms. Burdick. He said the applicant, despite being very smart, was still confused by the process, which could have resulted in something slipping through the cracks in the past. He saw a lot of commitment on the part of the applicant.

Member Ghishan asked about the timing of the fiscal security. Mr. Krmpotic confirmed the bond would be pulled by the County on the revegetation portion if it was not met within 45 days. The financial assurance included a provision allowing the County to act. Senior Planner Roger Pelham said Washoe County needed to receive the financial assurances before any permits would be issued, and no work could be done until those assurances were provided. Though it would be an event everybody hoped would not occur, the County could use that provision to do certain work to return the property to as close to original contour as possible and to revegetate.

Member Julian asked whether the financial assurance covered the BLM land. Mr. Bronczyk responded the financial assurance condition covered all properties, not just the ones covered by the property owner. Member Ghishan inquired about the amount of the financial security, to which Mr. Bronczyk said that was not yet known.

#### Public Comment:

There was no response to the call for public comment.

#### Discussion by Commissioners:

Member Julian said she was prepared to support this provided two explicit conditions were added: first, the number of trees listed on page 8 of the staff report be added explicitly; and second that the appellant agree to the BLM agreement. She understood Washoe County could not include those conditions but the Board of Adjustment could. She said she would not typically say that but she based her request on 30 years of operating in an unpermitted manner and a recent lack of performance.

Chair Thomas inquired about BLM's stance on this. Mr. Bronczyk stated BLM submitted a signed affidavit and they wanted their property to be brought back up to standards, but he received nothing specific beyond that.

Member Christensen said he might have been sympathetic to the time frame violations had it been the original owner trying to remediate a problem, but this was a profit-making operation. He felt there had to be a way to reinforce the seriousness of the rockpile which had existed since 1983. He could not support this project, and he questioned the choice to develop the land for building at this time.

Chair Thomas posited that the financial assurance would hold the appellant accountable to comply with the Board's conditions, an opinion with which Mr. Pelham agreed. Addressing a lack of confidence in the project moving forward, Mr. Pelham said staff did not consider that likelihood. Rather, they considered how they could assure there was a reasonable expectation of moving forward in the manner outlined. The financial assurances were the only method of doing so, mainly because they were cash-based. He believed the applicant's engineer could possibly give an estimate of the assurance along with a contingency amount.

Deputy District Attorney Mike Large interjected that the Board's purview was to make the findings on the SUP, and there was no finding about whether the Board believed that the project would be completed. The County was bound by Code to ensure to the best of its ability that the project got done, but the Board's rule should focus on making the findings for issuance of the SUP.

Chair Thomas asked what would happen if this item was not approved. Mr. Pelham responded that was a complicated question. It would likely result in a loop because the only way by which the applicant could be in compliance with Code would be to obtain an SUP. He surmised the denial could be appealed to the Board of County Commissioners, and if the decision was upheld, it would result in a difficult enforcement position.

Member Julian said the inclusion of her two proposed conditions might possibly alleviate some of the concerns the community had about landscaping. She thought it was also appropriate to cross-reference the BLM's interests in the conditions, and she was willing to support that. Chair Thomas agreed those could be added when a motion was made.

Member Julian moved to approve the SUP with the conditions listed in the staff report as well as two extra conditions: that the applicant plant 72 trees with one tree per 20 linear feet along the north and south buffer, and one tree per 50 linear feet along the highway frontage, and any trees on site with greater than six inch diameter at breast height be preserved; and that the applicant adhere to the agreement with the Bureau of Land Management to regrade and restore the .825-acre portion of the property adjacent to the subject property.

Mr. Pelham asked whether the Member's motion would include the additional conditions mentioned by Mr. Bronczyk during his presentation. Member Julian believed her conditions referenced the information in the hearing. Mr. Bronczyk said he did not hear a reference to the revised condition he mentioned earlier.

**MOTION: Member Julian moved to approve with conditions Special Use Permit Case Number WSUP22-0027 for Burdick Excavating, with the conditions included as Exhibit A to this matter, along with the two conditions and the revised condition presented by Senior Planner Chris Bronczyk, as well as the conditions that the applicant plant 72 trees with one tree per 20 linear feet along the north and south buffer, and one tree per 50 linear feet along the highway frontage, and any trees on site with greater than six inch diameter at breast height be preserved; and that the applicant adhere to the agreement with the Bureau of Land Management to regrade and restore the .825-acre portion of the property adjacent to the subject property. Additionally, all five findings were made in accordance with Washoe County Code Section 110.810.30 – Consistency, Improvements, Site Suitability, Issuance Not Detrimental, and Effect on a Military Installation – and the South Valleys Area Plan Policy SV.2.16 and SV.18.3. Member Ghishan seconded the motion, which carried on a 4-1 vote with Member Christensen voting nay.**

**B. Special Use Permit Case Number WSUP22-0028 (Summit Church Tower)** – For hearing, discussion, and possible action to approve a special use permit for a wireless communication facility for a 58-foot-high stealth monopole structure, disguised to resemble a windmill. The proposal also requests to waive all landscaping standards in Washoe County Development Code Article 412 and to modify the parking requirements in Article 410 by not requiring a paved parking space.

Applicant:	Crown Castle
Property Owner:	Summit Christian Church
Location:	7075 Pyramid Way
APN:	083-730-13
Parcel Size:	36.7 acres
Master Plan:	Open Space (OS)
Regulatory Zone:	Public Semi-Public (PSP)
Area Plan:	Spanish Springs
Development Code:	Authorized in Article 810, Special Use Permit and Article 324, Communication Facilities
Commission District:	4 – Commissioner Andriola
Staff:	Julee Olander, Planner Washoe County Community Services Department Planning and Building
Phone:	775.328.3627
E-mail:	jolander@washoecounty.gov

Vice Chair Pierce disclosed that he knew the property owner, but he did not know the applicant; it would not affect his judgment. Deputy District Attorney Mike Large agreed with the Vice Chair's analysis.

Planner Olander provided a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; map; Site for Proposed Windmill Tower; site plan; blueprint; Photo Simulation (2 slides); Evaluation (2 slides); Modifications; Neighborhood Meeting; Noticing; Reviewing Agencies & Findings; and Possible Motion. She noted the applicant was available via Zoom if needed.

Questions for Staff and Applicant:

Member Ghishan inquired about access to the site. Ms. Olander replied the plans included a road from the church parking lot, past the existing tower, up to where the proposed tower would be. The access road would be included in the development of the site. Member Ghishan asked how often these facilities would need maintenance. Ms. Olander thought maintenance was performed on an as-needed basis, but she believed they visited every three to six months.

Vice Chair Pierce asked whether the access was gated and locked. Ms. Olander confirmed it was gated around the road for the church, and that area was paved; the general public would not be able to access it.

Member Christensen pointed out that, according to the rendering, the tower would exceed the height of the surrounding mountain. That gave him pause regarding site suitability. He asked whether other windmill-style towers existed in Washoe County. Both Ms. Olander and Senior Planner Roger Pelham said they were not aware of any windmills. Member Christensen said he was not opposed to it, especially since the neighbors did not appear to object to the plan. He understood that higher towers resulted in greater signal propagation, and there was no better alternative. Additionally, the company was responsible, and the church did not object to it on their

property, so he supported the plan. Ms. Olander agreed, saying she thought it would be hidden by the hillside.

Lisa Elliott, speaking on behalf of the applicant Crown Castle, said it appeared the tower would not be taller than the mountain. As for the maintenance of the equipment, she confirmed that it would be performed every three to six months.

Public Comment:

There was no response to the call for public comment.

Discussion by Commissioners:

Vice Chair Pierce noted he visited the site earlier in the day, and there were multiple other cell towers in the area. He believed the tower would not be higher than the mountain. While people might be able to see it from the road, he did not think it would be an eyesore. Chair Thomas said he had never seen a windmill-style tower, and he preferred the disguised look versus a plain monopole.

**MOTION: Vice Chair Pierce moved to approve with conditions Special Use Permit Case Number WSUP22-0028 for Summit Christian Church, having made all five findings in accordance with Washoe County Code Section 110.810.30 – Consistency, Improvements, Site Suitability, Issuance not Detrimental, and Effect on a Military Installation – and findings A through C in accordance with Section 110.324.75, subject to the conditions contained in Exhibit A to the Staff Report. Member Christensen seconded the motion, which carried unanimously.**

2:35 p.m. The Board recessed.

2:41 p.m. The Board reconvened with all Members present.

**C. Special Use Permit Case Number WSUP23-0011 (TMFPD Washoe Valley)** – For hearing, discussion, and possible action to approve a special use permit for a fire station for the Truckee Meadows Fire Protection District (TMFPD) be developed on parcels with a regulatory zone of Low Density Suburban (LDS), and includes associated grading of 900 cy cut and fill, 2,000 cy of import, and a total disturbance area of 87,400 sf. The application also includes a request to modify screening standards.

- Applicant/Property Owner: Truckee Meadows Fire Protection District
- Location: 0 White Pelican Road
- APN: 050-220-61; 050-220-62; 050-220-63; 050-220-64; 050-220-65; 050-220-66
- Parcel Size: All parcels are approximately 1 acre.
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark
- Staff: Chris Bronczyk, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Planner Bronczyk conducted a PowerPoint presentation and reviewed slides with the following titles: Location; Request; Site Plan; Elevations; Grading; Public Notice and Neighborhood Meeting; Findings; and Possible Motion. Given the applicants' plan to combine the parcels, which would relinquish emergency access easements, the proposed station would be accessed directly off U.S. 395 instead of via Pelican Road. He explained the proposal also included employee parking, public parking, and Americans with Disabilities Act parking spaces. The apparatus bay doors, he continued, would contain glass components, and would be treated in such a way to reduce reflection and increase site visibility.

#### Questions for Staff:

Chair Thomas asked what Mr. Bronczyk meant by the public being generally in favor of the project. The planner replied the language provided on the sign-in sheets for the neighborhood meeting provided the option for being in favor of the project, though the Chair could get further clarity from the appellants. Pointing out that the Nevada Department of Transportation (NDOT) was notified but there was no indication if they replied, Chair Thomas asked whether there would be flashing lights or signals since access was directly onto U.S. 395. Mr. Bronczyk said there would be a signal, though that would also be better answered by the applicant. Member Julian said that was covered by condition K in the staff report. Mr. Bronczyk said one of the documents recommended it, and staff memorialized it as a condition when the applicant volunteered to install it.

Ms. Stacie Huggins with Wood Rodgers addressed two questions which had been previously asked. The two attendees of the neighborhood meeting were anxious to see the fire station built. Regarding the flashing lights, the TMFPD wanted lights on U.S. 395, so they offered to include them and NDOT accepted them; she was in possession of a letter from NDOT confirming that acceptance. In response to Chair Thomas' request, she said she would share that letter with staff.

Ms. Huggins conducted a PowerPoint presentation and reviewed slides with the following titles: Washoe Valley Stations; Project Location (2 slides); Project Request; Site Design (2 slides); Architecture (3 slides); and Floor Plan.

Ms. Huggins explained the proposed fire station would address two aging stations in Washoe Valley – Stations 30 and 32 – and it would be centrally located to respond to the types of calls typical for the valley. The new station would also be more modern. She anticipated the six parcels would be reverted into one within four to six weeks. She said the site plan intentionally stayed out of the western portion of the parcels both to preserve the existing trees and to stay away from the drainage way. She said there would be no access to Lake Drive on the south. Of the 27 proposed parking spots, 15 would be for guest parking, which she felt was more than adequate. She noted the open view fencing on the southeast portion of the plan was in accordance with the South Valleys Area Plan. She remarked that, due to fluctuations in costs in the market, the intent was for the station to look like the renderings, but that could change a bit. She let the Board know the architect was available to answer any questions about the interior of the building.

#### Questions for the Applicant:

Member Ghishan asked whether the applicant was only meeting Code minimums with regard to lighting, noise, and landscaping, or whether they were trying to go above that. Ms. Huggins said Code was being met. Adding too many trees around the perimeter would skew the character of the area, especially given that there were already many trees adjacent to the residential property on the west. The property to the east of the proposed site was commercial and she did not anticipate a lot of activity on that side. She added the lighting would predominantly be building lighting with some pole lighting in the parking lots. Given the proximity of the two closest parking lots, she did not think there would be impacts to nearby buildings unless they had motion-activated sensors. She believed other lighting options could be considered if there were concerns for the parking lot lighting.



Member Ghishan inquired about possible improvements made by NDOT to U.S. 395 besides the emergency lighting. Ms. Huggins said they worked with NDOT on the approach into the fire station, which was different than what the agency would typically want, but NDOT approved the design and did not ask for any other improvements to U.S. 395. In fact, NDOT did not even ask for the emergency lighting; it was offered by the TMFPD. Chair Thomas asked for confirmation that the project would meet dark sky requirements by limiting any light spillover, which Ms. Huggins provided. Member Julian wondered whether the trees in the diagrams were indicative of what would be planted. Ms. Huggins assured her they were.

Deputy District Attorney Mike Large announced there were technical issues coming back from the break. The audio in Chambers was muted, though closed captioning was working. While the issues had been fixed, people in Zoom may not have been able to hear Mr. Bronczyk's presentation. He asked for the patience of Zoom viewers.

Public Comment:

There was no response to the call for public comment.

Discussion by Commissioners:

Vice Chair Pierce said this was a straightforward project and he expressed his support.

**MOTION: Member Christensen moved to approve with conditions Special Use Permit Case Number WSUP23-0011 for the Truckee Meadows Fire Protection District, 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 – Consistency, Improvements, Site Suitability, Issuance Not Detrimental, and Effect on a Military Installation – and South Valleys Area Plan Policy SV.2.16 and SV.18.3. Vice Chair Pierce seconded the motion, which carried unanimously.**

**D. Special Use Permit Case Number WSUP23-0012 (United Site Services Storage Yard) –**

For hearing, discussion, and possible action to approve a special use permit to legalize the prior construction and operation of a facility for Storage of Operable Vehicles, Wholesale Storage and Distribution – Heavy and General Industrial - Heavy use types, and to eliminate all paving standards, landscape standards, screening standards, lighting standards and the requirement for commercial uses to operate from a commercial structure.

- Applicant: United Site Services of Nevada, Inc.
- Property Owner: Jola G. Mott
- Location: East of Highway 34, adjacent to the Black Rock Desert Playa, approximately 5 miles north of the town of Gerlach
- APN: 071-180-29
- Parcel Size: ± 360 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Senior Planner Roger Pelham conducted a PowerPoint presentation and reviewed slides with the following titles: Case Description; Vicinity Map; Existing Conditions (4 slides); Proposed Overall Site Plan; Proposed Detail Site Plan; Project Evaluation (2 slides); Variance Requests; Evaluation of Variance Requests (3 slides); Recommended Conditions of Approval; Required Findings (3 slides); Recommendation; and Possible Motion.

Mr. Pelham pointed out the current area layout did not separate things into segments as was described on the Proposed Details Site Plan slide; the items were placed inside the screening fence. He stated the High Desert Area Plan allowed uses which were far more intense than would otherwise be allowed within the General Rural regulatory zone, which was meant for single-family dwellings and things like agriculture or livestock. He indicated the conditions of approval were fairly stringent because of the nature of the facility. Staff asked that the same standards apply to this commercial operation as would be applied to any other.

Mr. Pelham addressed each of the requests made by the applicant. Regarding the request to not require a commercial structure, he pointed out the majority of the business would take place before and after Burning Man, and during those periods of intense use, they would need a commercial building with facilities like toilets. With regard to the request to eliminate landscaping and screening, he believed that would be incompatible with other structures in the area. Additionally, those additions would screen the view from Highway 34, which was between 30 and 40 feet higher in elevation than the property.

Mr. Pelham acknowledged it could seem strange to require paving in an area where many uses did not have paved parking areas, but the intensity of the use warranted that standard. Pavement helped contain petrochemicals and keep the dust down. He felt the findings could be made with the imposition of appropriate conditions of approval; without them, he would have a difficult time recommending approval. The necessary improvements were included with the recommended conditions.

Member Julian praised the staff report, particularly the conditioning. Member Ghishan asked for Mr. Pelham's opinion about the proposal to utilize a portable office building with potable water. Mr. Pelham replied the nature of the facility was that it was a permanent, year-round facility, and he thought the office should be so as well. The use of water tanks could be problematic because landscaping would need to be landscaped all year. He admitted a pre-manufactured structure could be placed, but not connecting it to a permanent water source, a septic source, or electricity could put the applicant in a dissimilar situation than other similarly-situated individuals. He referenced a proposal that was approved a few years before where the applicant wanted to remove the building, but in that case their primary lot, only three miles away, had those facilities.

Member Ghishan noted the applicant was not the property owner, which Mr. Pelham said was not uncommon. The Senior Planner did not know anything about a potential lease. Chair Thomas inquired about the potential for Highway 34 to be declared a scenic byway. Mr. Pelham confirmed that effort was discussed at an unrelated public meeting in Gerlach but, as that had not yet happened, it should not be considered as part of their deliberation.

Member Julian referenced an email request made by a member of the public to take a broader view of all storage areas in the region. Mr. Pelham noted that, at the Planning Commission (PC) meeting the day before, staff asked how the PC wanted to be involved with master plan discussions. He said it was possible to include standards for this type of use in the High Desert Area Plan, but that had not occurred yet. To be safe, he thought it was smarter to consider only the application today, and broader policy questions could be addressed by other bodies.

Deputy District Attorney Mike Large pointed out that consideration needed to be given to the intent of the property owners, who should be able to decide whether they wanted a storage unit. Other

property owners in the area, such as Ormat Technologies or the Bureau of Land Management, might want to do different things with their property.

Member Julian asked about a dark sky condition, to which Mr. Pelham said that was not included as a condition because it was a standard Code requirement. Member Julian said condition S discussed lighting and noise in the parking area, but she opined there could be bright lights in storage areas to prevent theft. Mr. Pelham reiterated that Code required that lighting be shielded and downcast, and the building permit application would include a photometric study which would ensure that no light spilled beyond the property line. He did not see harm in adding it as a condition, but he did not think it was necessary.

Vice Chair Pierce asked whether there was power at the site, but Mr. Pelham did not know.

Questions for Applicant:

Mike Railey with the Christie Corporation, representing United Site Services, said the appellant agreed with all the conditions listed in the staff report. Responding to earlier queries, he said the property was on a year-to-year lease, though as part of the special use process the appellant would negotiate a longer-term lease with the property owner. He mentioned all power at the site was either from a generator or solar power, so lighting would be kept to a minimum. He did not foresee safety being as big a concern out there as it would be in the Reno area.

Member Ghishan noted the application included a number of alternatives, asking whether the applicant now agreed with all the conditions. Mr. Railey admitted the appellant would prefer not to worry about paving, but given what was in Code, he understood staff did not have a lot of options to approve the project without that.

Member Julian inquired about what would happen with the porta potty waste and whether the units would be stored on asphalt. Mr. Railey responded they would be stored on asphalt or other all-weather surface; that would be determined at the time of the building permit. He explained the porta potties were moved to the Burning Man event, then pumped by contractors and their contents dumped at a sewer plant in Reno, and the porta potties were returned to the property empty.

Public Comment:

Via Zoom, Ms. Kristy Evans, a resident of Gerlach, noted she submitted the letter referenced earlier in the item. She said she supported property owners' ability to make money, and she appreciated Mr. Pelham's recommendations. She pointed out the property was visible from Highway 34, so she requested that trees be placed along the fence line so porta potties were not visible from the road. She did not feel the increase in storage lots for the Burning Man event kept with the character of the area, which she described as vast, open space.

Mr. Pelham confirmed Chair Thomas' assertion that a condition regarding trees was included. Member Julian asked for clarification about condition K, which dealt with trees. Mr. Pelham said the three sides of the property that could be seen from Highway 34 would have trees around them; the only side without that requirement faced the playa.

Discussion by Members:

There was no further discussion among the Members.

**MOTION: Vice Chair Pierce moved to approve with conditions Special Use Permit Case Number WSUP23-0012 for United Site Services, to allow the legal establishment of a facility for Storage of Operable Vehicles, Wholesale Storage and Distribution – Heavy and General Industrial - Heavy use types, and to allow the use of compacted road-base material for the storage area only, and to eliminate the required shrubs in the required landscape area,**

subject to all other generally applicable requirements of the Development Code including, but not limited to, all other paving standards, all other landscape standards, screening standards, lighting standards and the requirement for commercial uses to operate from a commercial structure, 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 – Consistency, Improvements, Site Suitability, Issuance Not Detrimental, and Effect on a Military Installation – and the additional finding that the community character can be adequately preserved. Member Ghishan seconded the motion, which carried unanimously.

## **10. Chair and Board Items**

### **A. Nomination and approval of Washoe County Board of Adjustment Chair and Vice Chair from among Board of Adjustment’s membership to serve a term of one year or until a successor is approved**

On motion by Chair Thomas, seconded by Member Julian, which motion passed unanimously, it was ordered that Vice Chair Pierce be elected as the Chair of the Board of Adjustment.

On motion by Member Julian, seconded by Chair Thomas, which motion passed unanimously, it was ordered that Member Christensen be elected as the Vice Chair of the Board of Adjustment.

### **B. Future Agenda Items**

Chair Thomas welcomed Member Ghishan to the Board, saying he looked forward to hearing his insights. He congratulated Senior Planner Roger Pelham for his service, praising his professionalism and succinctness. He said would be missed. Vice Chair Pierce echoed those sentiments and thanked him for his time.

### **C. Requests for Information from Staff**

Member Julian requested that staff reports include links to any neighborhood meeting recordings so both Board Members and the public could hear what had been said.

## **11. Director’s and Legal Counsel’s Items**

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

Senior Planner Roger Pelham had no reports on previous items. He introduced Planner Tim Evans, who had several years of planning experience. He said he was confident Mr. Evans would be up to speed quickly. Lastly, he expressed his gratitude to the Board, saying this was his final public hearing. He thanked the Members for volunteering to try to make their community a better place. If he did not believe that they were doing everything to make it better, he could not have done his job all these years.

### **B. Legal Information and Updates**

There were no legal updates.

## **12. Public Comment**

There was no response to the request for public comment.

## **13. Adjournment**

The meeting adjourned at 3:42 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on August 3, 2023

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Trevor Lloyd  
Secretary of the Board of Adjustment