



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director
Blaine Cartlidge, Legal Counsel



Washoe County Board of Adjustment
Richard "R.J." Cieri, Chair
Gary Feero, Vice Chair

Mary S. Harcinske
Philip J. Horan
Eric Scheetz

**SECOND AMENDED
AGENDA
MEETING OF
WASHOE COUNTY BOARD OF ADJUSTMENT
Washoe County Commission Chambers
1001 East Ninth Street, Reno, Nevada
Thursday, 1:30 p.m., April 3, 2008**

April 3, 2008

1:30 p.m. **DETERMINATION OF QUORUM**

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

March 6, 2008

PUBLIC COMMENT (Limited to items not on this agenda; three-minute time limit, however the Board reserves the right to reduce this three-minute time limit, as well as limit the total time for public comment, if more than 10 people request to speak. The same applies to public comment on each agenda item.)

*Agendas and staff reports are posted to the Washoe County website at www.washoecounty.us/comdev/, on Friday, six days prior to the meeting. To access the agenda and staff reports, choose **Boards and Commissions**, and click on **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**.*

Notes: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Board may take action on any of the items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Community Development, at 328-3600, 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda closes three (3) days prior to the meeting date. Only items of interest and not requiring Board action may be added to the agenda within the three-day period. This agenda has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office-Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (630 Greenbrae Drive).

Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512

Telephone: 775.328.3600 – Fax: 775.328.6133

www.washoecounty.us/comdev/

"Your Community Development Department"

CHAIR AND BOARD ITEMS (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

- a. Report on Previous Board of Adjustment Actions

DIRECTOR'S ITEMS (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

PROJECT REVIEW ITEMS

- 1:30 p.m. 1. **PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-002 (TIMOTHY R. JORDAN)** – To legalize a previously graded driveway that is ±12 feet in width and ±2,250 feet in length for a total disturbance of ±27,000 square feet and an area of ±54,000 square feet previously graded for construction of a house, garage and yard. Total cubic yardage of earth moved for the project is 6,443. Grading is authorized in Article 438 of the Washoe County Development Code. **The project is located at 115 Chieftan Drive, approximately one mile east of its intersection with Whiskey Springs Road and approximately one-quarter mile east of Pasture View Road.** The ±158.78-acre parcel is designated General Rural (GR) in the Warm Springs Area Plan, and is situated in a portion of Sections 01 and 02, T22N, R21E, MDM, Washoe County, Nevada. The property is located in the Warm Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN 076-470-05)
Staff Representative: Grace Jensen, Planner, 775.328.3771
2. **PUBLIC HEARING: VARIANCE CASE NO. VA08-003 (FOSTER MULLEN)** – To reduce the front yard setback from 20 feet to 6 feet to facilitate the construction of a 16-foot covered parking area and new walkway/entry to the existing single-family home. **The project is located at 380 Wassou Road, between Reservoir Road and Amagosa Road in Crystal Bay.** The ±0.155-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 123-143-02)
Staff Representative: Don Morehouse, Planner, 775.328.3632

OTHER ITEMS

ADJOURNMENT



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 1 (04/03/08)

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Board of Adjustment

Re: Special Use Permit Case No. SB08-002

Date: March 7, 2008

Prepared By: Grace Jensen, Planner

GENERAL INFORMATION SUMMARY

Applicant: Timothy R. Jordan

Requested Action: To legalize a previously graded driveway that is ± 12 feet in width and ± 2,250 feet in length for a total disturbance of ± 27,000 square feet and an area of ±54,000 square feet previously graded for construction of a house, garage and yard. Total cubic yardage of earth moved for the project is 6,443. Grading is authorized in Article 438 of the Washoe County Development Code. **The project is located at 115 Chieftan Drive, approximately one mile east of its intersection with Whiskey Springs Road and approximately one-quarter mile east of Pasture View Road.** The ±158.78-acre parcel is designated General Rural (GR) in the Warm Springs Area Plan, and is situated in a portion of Sections 01 and 02, T22N, R21E, MDM, Washoe County, Nevada. The property is located in the Warm Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN 076-470-05)

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

The Washoe County Board of Adjustment conditionally approves Special Use Permit Case No. SB08-002 for Timothy R. Jordan, having made the following findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use of a single family dwelling is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Warm Springs Area Plan;

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Re: SB08-002 (Timothy R. Jordan)
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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 single family dwelling and for the intensity of such 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. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of a military installation; and
6. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

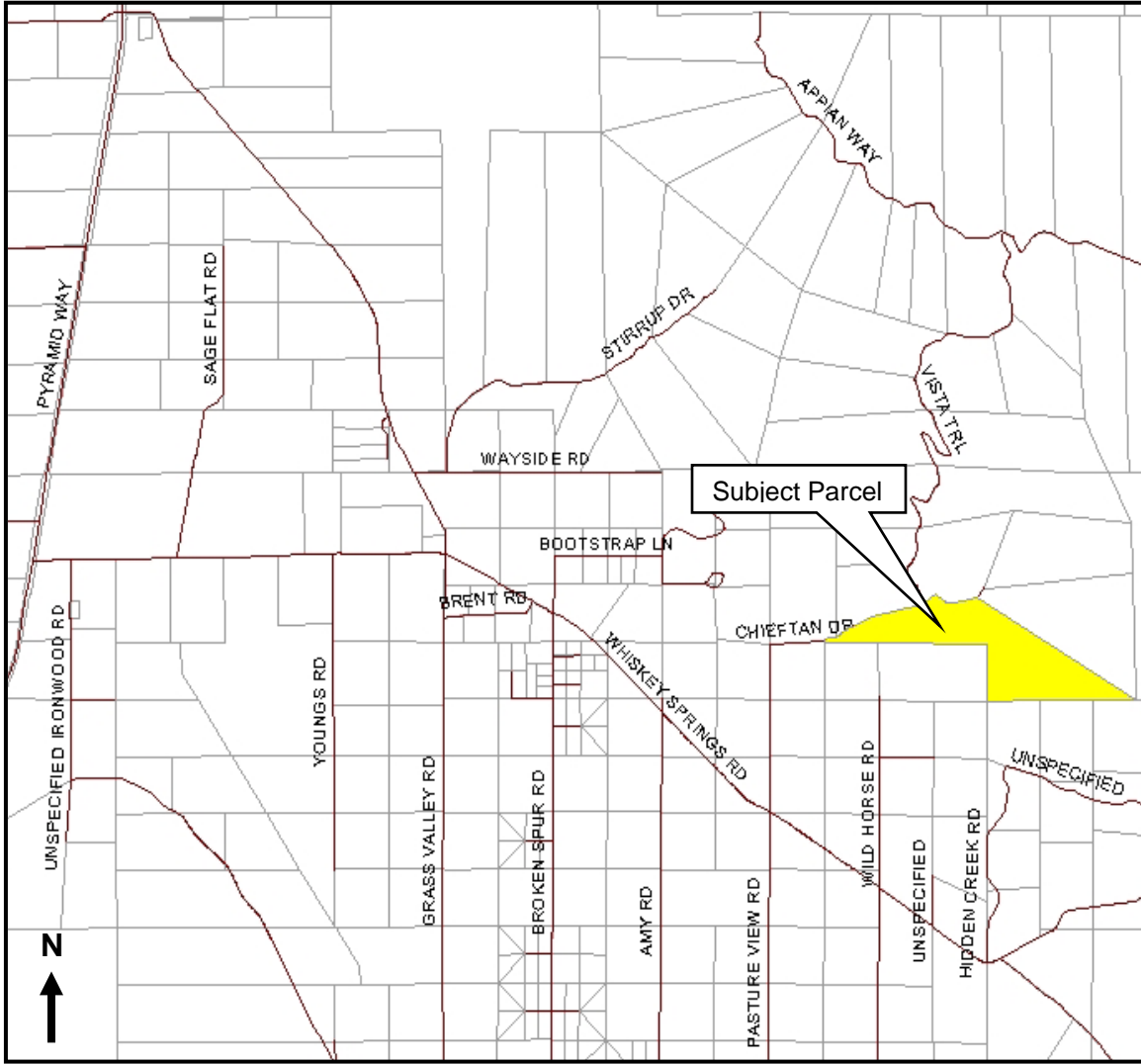
Background: This request includes approximately 27,000 sq ft of scraping and grading for the making of a 12 ft wide driveway, and approximately 54,000 sq ft of grading for a future house pad. There was approximately 6,443 cubic yards of earth moved on a ±159 acre parcel to allow for the construction of a single family dwelling, detached garage and driveway.

The applicant scraped the majority of an existing jeep trail to create a dirt driveway that leads from Chieftan Drive to the house pad site. A portion of the jeep trail is located on an adjacent parcel, requiring the applicant to grade approximately 1,100 ft of undisturbed land on his own parcel. The last 400 ft of grading branches off the existing jeep trail to continue a driveway to the house pad. This 400 ft driveway portion was also created by grading undisturbed land. The cut and fill areas next to the driveway appear to be substantially steeper than 2:1 and will require re-contouring.

Additionally, the applicant graded approximately 54,000 sq ft of earthen material for the house pad, detached garage and surrounding yard.

The construction of a single family dwelling is an allowed use by right within the General Rural (GR) regulatory zone. A Special Use Permit is required due to the amount of grading disturbance. According to the application, all site disturbances were balanced on site, with no import or export of materials.

VICINITY MAP



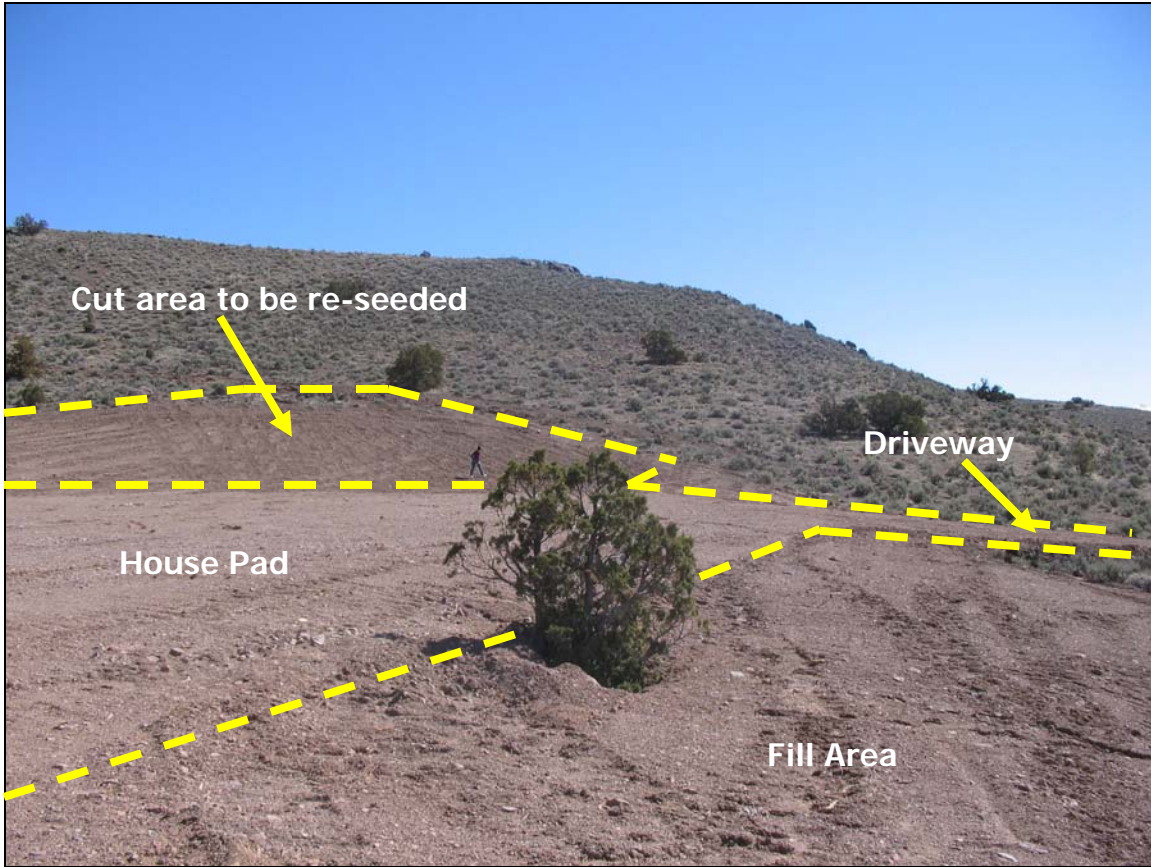
Impacts: The impacts associated with the grading are minimal. The ± 159 acre parcel is surrounded by General Rural (GR) and General Rural Residential (GRR) parcels ranging in size from ± 40 acres to ± 140 acres. The grading for the driveway and around the house pad did not scar the hillside with large cuts or fills, nor create a great potential for erosion. The excavation around the house pad creates a 3:1 slope, which the applicant is planning to revegetate with native seed.

Site Analysis: The subject ± 159 acre property is currently undeveloped and is located in a remote area of the Warm Springs Planning Area. The parcel has some slopes greater than 15%, but slopes less than 15% are within the driveway and building pad areas. The parcel is naturally vegetated with sagebrush, various grasses, and a few juniper trees. Several of the 40+ acre parcels abutting the subject parcel are developed

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with single family residences, while several others remain undeveloped.

Landscaping: The applicant is proposing a native seed mix of wheatgrass, wild rye, salt bush, rye grass and wild flower mix on the 3:1 slope at the building pad site. Existing piles of slashed vegetation from grading will be placed on the 3:1 slope, to allow for natural reseeding and minimize dust and erosion. Planting native vegetation via a seed mix and mulched vegetation material will eventually blend with the surrounding vegetation, with snow and rain providing the needed moisture.

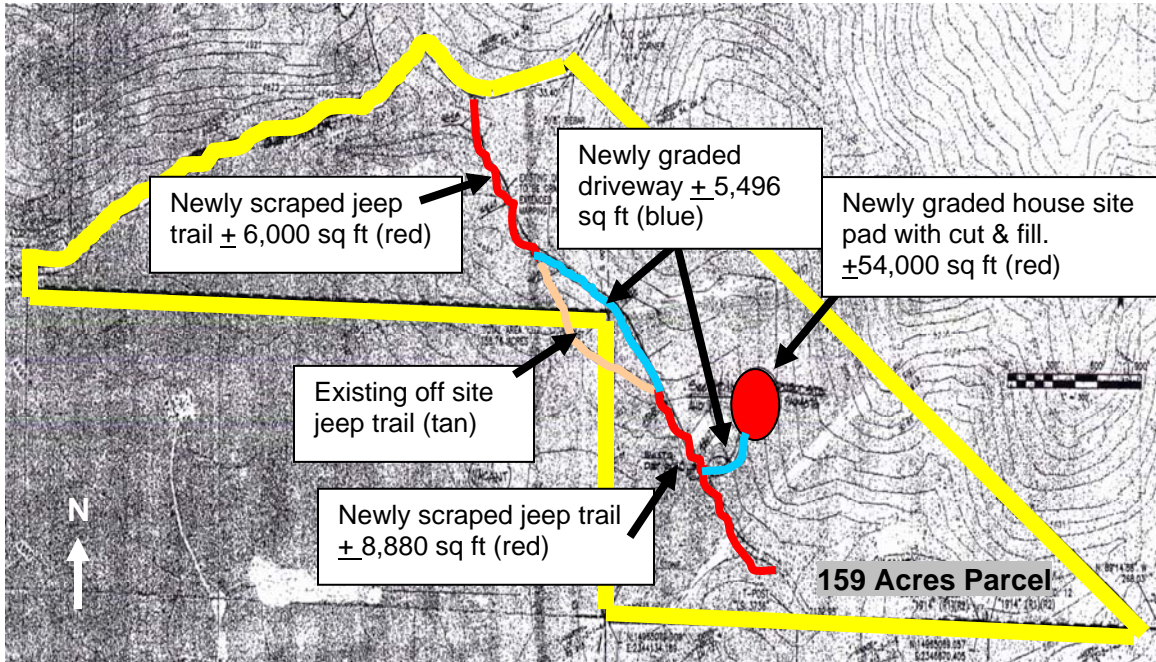


LAND USE SUMMARY

Land Use Designation: General Rural (GR)

Development Suitability Constraints: The Warm Springs Development Suitability Map shows the majority of the subject parcel to have slopes greater than 30%.

SITE MAP



AGENCY COMMENTS

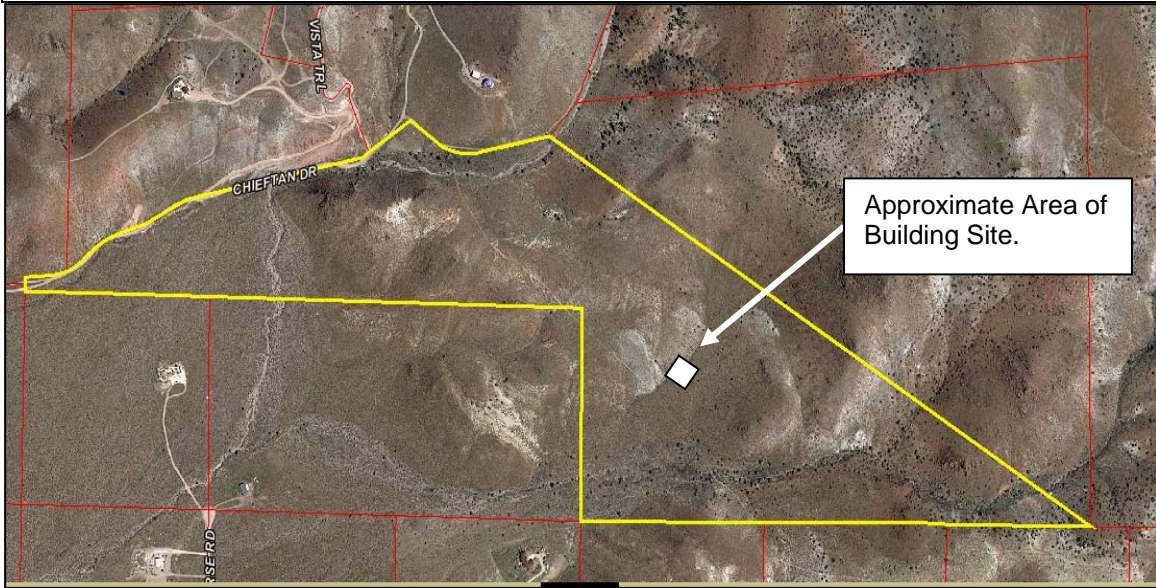
The plans were submitted to involved agencies, and comments and conditions were received from the Washoe County Engineering Division and the District Health Department. No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the special use permit proposal.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Warm Springs Citizen Advisory Board (CAB) and were discussed during their March 3, 2008, meeting. The Special Use Permit for grading was strongly supported, and no concerns were discussed. A copy of the draft CAB minutes are attached for your review.

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OVERHEAD PHOTO



DRIVEWAY CUT



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RELEVANT WARM SPRINGS AREA PLAN POLICIES AND ACTION PROGRAMS

The following excerpts of policies and action programs contained in the Warm Springs Area Plan are relevant to the proposed Special Use Permit:

Land Resources:

WS.2.2 Ensure that landscaping and revegetation are an integral part of each project design. Landscaping shall provide erosion control, enhance structures, and reduce wildfire hazards.

WS.2.2.1 The use of vegetation native and/or adapted to the area should be encouraged.

WS.2.2.2 Vegetation that requires minimum water applications should be encouraged.

Comment: The cut areas of the project are conditioned to be reseeded with natural vegetation and mulch from the slashed sagebrush and other native vegetation will be spread throughout the cut areas.

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments: Grading Plan
Partial Site Plan
District Health Department Letter (02/26/2008)
Warm Springs Citizen Advisory Board Minutes (03/03/2008)

xc: Applicant: Timothy R. Jordan, 5155 Pasture View Road, Reno, NV 89510

Representatives: Paul Luksza, 1890 McCloud Avenue, Reno, NV 89512

Agencies: Warm Springs Citizen Advisory Board Chair

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**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SB08-002
TIMOTHY R. JORDAN
(As recommended by Department of Community Development
and attached to Staff Report dated March 7, 2008)**

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.

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GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this Special Use Permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of all structures used to further the operation within two years from the date of approval by the Washoe County Board of Adjustment. Should the applicant fail to complete construction within the specified time, the approval of this Special Use Permit shall be null and void. Compliance with this condition shall be determined by the Department of Community Development.
3. This Special Use Permit shall remain in effect until or unless it is revoked or is inactive for one year.
4. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
5. A copy of the Action Order stating conditional approval of this Special Use Permit shall be attached to all applications for administrative permits, including any building permits issued by Washoe County.
6. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the Special Use Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the Special Use Permit. Any subsequent purchaser/operator of the site and/or the Special Use Permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within thirty days of the final sale.
7. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

8. Prior to the issuance of any permits by the Building and Safety Department, the applicant shall provide the Department of Community Development with a copy of an approved dust control permit issued by the Air Quality Management Division.

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9. All slopes steeper than 2:1 shall be re-contoured. The submitted grading plans shall reflect the areas to be re-contoured. The Department of Community Development shall determine compliance.
10. The applicant shall revegetate the 3:1 slope adjacent to the house pad and the new 2:1 and 3:1 cuts along the driveway with native seed mix and mulch created from stockpiled slashed native vegetation.
11. The applicant shall supply a letter to the Department of Community Development that specifies the type of seed mix, the method of broadcasting the seed, and timing for planting.

ENGINEERING CONDITIONS

12. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions:
 - a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with Best Management Practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
 - b. The owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
 - c. The owner/developer shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
 - d. A grading bond of \$1,500/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
 - e. All driveway improvements necessary to serve the home shall be designed and constructed to Washoe County standards.

*** END OF CONDITIONS ***



RECEIVED

FEB 27 2008

WASHOE COUNTY
COMMUNITY DEVELOPMENT

DISTRICT HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH SERVICES DIVISION

DATE: February 26, 2008

TO: Grace Jensen, Planner
Washoe County Community Development

FROM: Bryan Tyre, PE

SUBJECT: **Jordan, Timothy**
SB08-002, Special Use Permit
E2008-014

Dear Ms. Jensen:

This Department has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this Department is subject to the following conditions:

1. All land disturbing activities during construction phases, such as, but not limited to, grading, excavation, cut and fill, etc., must be done with effective dust control measures consistent with Washoe County District Board of Health Regulations Governing Air Quality Management, Section 040.030. Disturbances greater than 1 acre in size must obtain an approved dust control plan prior to beginning work.
2. Any storm drainage from this site must have pretreatment for petrochemicals and silts.

If you have any questions regarding the foregoing, please call me at 328-2430.

Sincerely,

Bryan W. Tyre, P.E.
Registered Engineer
Environmental Health Services

BWT:jc

Cc: Timothy Jordan
Paul Luksza

1001 EAST NINTH STREET / P.O. BOX 11130, RENO, NEVADA 89520 (775) 328-2434 FAX (775) 328-6176

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WARM SPRINGS CITIZEN ADVISORY BOARD

DRAFT

Minutes of the regular meeting of the Warm Springs Citizen Advisory Board held March 3, 2008 at Truckee Meadows Fire Station #29, Ironwood Road, Warm Springs, Nevada.

12. NEW BUSINESS

B. Special Use Permit Case No. SB08-002 (Timothy R. Jordan) - The CAB will review and make recommendations regarding project SB08-002 to legalize the development of a previously graded roadway that is +/-20 feet in width and +/-1,850 feet in length for a total disturbance of +/-37,000 square feet, and to allow for the grading of a house pad of +/-54,000 square feet with +/-2,000 cubic yards of associated grading as authorized in Article 438 of the Washoe County Development Code. The project is located at 115 Chieftan Drive, approximately one mile east of its intersection with Whiskey Springs Road and approximately one-quarter mile east of Pasture View Road. The +/-158.78-acre parcel is designated General Rural (GR) in the Warm Springs Area Plan, and is situated in a portion of Sections 01 and 02, T22N, R21E, MDM, Washoe County, Nevada. The property is located in the Warm Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4.

Timothy Jordan was in attendance and explained he made improvements to the current jeep road. He had to divert the road a little bit for it to remain within his property boundary lines. Discussion followed regarding if the area diverted was a road or a jeep trail. Katherine Snedigar explained it was not a road because the GID does not maintain it.

Concerns/Comments

- Sharon Spencer asked Mr. Jordan if he had been cited by Code Enforcement. Mr. Jordan stated he was not. He has an architect and a surveyor working on making sure everything was done as should be done. Ms. Spencer stated she did not see what the problem was with the minimal amount of earth that Mr. Jordan had moved. Mr. Jordan reported 1,200 yards had been moved and the County requires a special use permit if more than 1,000 yards was moved.
- Chairman Anderson reported he had no problem with the project given the information provided.
- Board member Ezzell stated he spoke tonight with Mr. Jordan's neighbor who lives within sight distance of Mr. Jordan's property and that he had no problem with the project.

Hugh Ezzell moved to approve the project. Jeanne Harmon seconded the motion. The motion carried unanimously.