



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director
Nathan Edwards, Legal Counsel



Washoe County Board of Adjustment
Philip J. Horan, Chair
Robert F. Wideman, Vice Chair

Mary S. Harcinske
Richard "R.J." Cieri, Chair
Kim Toulouse

WASHOE COUNTY BOARD OF ADJUSTMENT

MINUTES

October 7, 2010

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, October 7, 2010 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

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

Members present: Philip Horan, Chair
Robert Wideman
Richard "R.J." Cieri
Mary S. Harcinske
Kim Toulouse

Members absent: None

Staff present: Adrian Freund, FAICP, Director, Community Development
Kimberly H. Robinson, Planning Manager, Community Development
Sandra Monsalvè, AICP, Senior Planner, Community Development
Pete Simeoni, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Member Harcinske led the pledge to the flag.

ETHICS LAW ANNOUNCEMENT

Deputy District Attorney (DDA) Simeoni recited the Ethics Law standards.

APPEAL PROCEDURE

Ms. Robinson recited the appeal procedure for items heard before the Board of Adjustment.

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Member Harcinske moved to approve the agenda of October 7, 2010. The motion, seconded by Member Toulouse, passed unanimously.

APPROVAL OF MINUTES

Member Harcinske moved to approve the minutes of August 5, 2010. The motion was seconded by Member Toulouse and passed unanimously.

PUBLIC COMMENT

None

CHAIR AND BOARD ITEMS

Chair Horan announced that over the course of the next year, four public workshops will be presented, each to be held at noon the day of a regularly scheduled Board of Adjustment meeting. He also noted that new staff report formats are being used, making the reports clearer for the Members and the public, and that beginning with this meeting, the Secretary, rather than the Chair, will read the names of the speakers.

DIRECTOR'S ITEMS

Mr. Freund announced that October is National Community Planning Month and Community Development will be hosting an open house on October 26. He then told the Board that election of officers for the Design Review Committee will be agendized for the December meeting.

CONSENT ITEMS

None

PROJECT REVIEW ITEMS

AGENDA ITEM 1

PUBLIC HEARING: Administrative Permit Case No. AP10-001 (Springwood Ranch Equestrian Facility) – To establish a new equestrian facility for horse boarding, lessons and indoor/outdoor show events, as authorized in Article 808 of the Washoe County Development Code. The proposed facility will include the construction of a ±68,000 square foot equestrian building that will include 44 horse boarding stalls, tack rooms, several indoor arenas, a round pen, offices, stall washes, farrier and grooming areas, concessions area, and lounge. Ancillary uses include horse training, lessons/clinics, and overnight parking spaces for show participants with RV's and/or trailers. Additionally, the facility will include an outdoor arena with announcer's tower, shop building, bunk house and five (5) fenced pasture areas. The subject property is located at 5600 Whiskey Springs Road, at the intersection of Whiskey Springs Road and Ironwood Road, approximately 900 feet east of Pyramid Highway (SR445). The +/-38.78-acre parcel is designated General Rural (GR) Medium Density Rural (MDR) and Neighborhood Commercial (NC) in the Warm Springs Specific Plan Area, a part of the Warm Springs planning area, and is situated in a portion of Section 6, 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: 076-242-05)

Chair Horan opened the public hearing.

Ms. Monsalvè reviewed the staff report dated September 28, 2010. She pointed out corrections to the staff report regarding incorrect citations of the Warm Springs Specific Plan (WSSP). She also explained she would be proposing alternative language for one of the conditions and providing the language for a motion.

Ms. Monsalvè explained the zoning change necessary for the project had already been approved and that the use was consistent with other properties in the area and also with current regulations. Palomino Valley General Improvement District (PVGID) had requested a change to Condition 7a, which Ms. Monsalvè read into the record. The corrected text of the condition would read as follows:

“The PVGID would encourage the usage of the existing Whiskey Springs Road address (5600 Whiskey Springs Road) for the facility. This will help to discourage the use by patrons of Ironwood Road off of Pyramid Highway, which poses a serious safety risk.”

Ms. Monsalvè then read the proposed motion for the record, stating: “I move that after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve Administrative Permit Case No. AP10-001 for Springwood Ranch Equestrian, having made all five findings in accordance with Washoe County Development Code Section 110.808.25.”

Member Cieri and Ms. Monsalvè discussed the locations of the entrances to the project off Whiskey Springs and Little Ironwood Roads. Ms. Monsalvè pointed out the entrance off Whiskey Springs was approximately 900 feet from Pyramid Highway. She noted Engineering had not submitted any comments indicating the distance from the intersection was insufficient. They did request a finalized traffic study.

Member Cieri asked about a requirement from Nevada Department of Transportation (NDOT) for collector lanes. Ms. Monsalvè stated NDOT would like to see a deceleration lane. Member Cieri opined there needed to be a left-turn lane onto Whiskey Springs as well. Ms. Monsalvè noted the applicant would need to work with NDOT regarding required access easements. She noted NDOT provides comments, not conditions, and she was uncomfortable conditioning the staff report based on comments.

Member Cieri asked, if it were approved, what would happen to upgrade the roads to handle the increased traffic? Ms. Monsalvè replied NDOT would not sign off until any conditions they deemed necessary had been met. She reiterated the applicant would need to determine if NDOT's comments were requirements or just being encouraged. Member Cieri opined approval of the application without action and enforcement by NDOT could create a lethal condition on the highway.

Member Harcinske asked how the applicant could be asked to provide a fire hydrant if they were on well and septic. Ms. Monsalvè noted water rights had already been dedicated as conditioned by Washoe County Department of Water Resources (DWR) and explained the Fire condition required adequate water flow for a hydrant.

Member Toulouse asked if the applicant would be required to install a pump, pump station and tank to supply the hydrants. Ms. Monsalvè deferred to Ms. Robinson, who stated it

was not clear from the condition what would be required. She went on to note that perhaps the Fire Services Coordinator could be asked to join the meeting and answer the questions.

Mr. Freund noted the applicant should be able to speak about the hydrant and pointed out the Fire Service would typically require on-site storage adequate for what they believed the needs of the project were.

Member Toulouse noted there was a Fire requirement for three points of access to the site and he had not seen all three on the map. Ms. Monsalvè deferred to the applicant for the answer to the question.

Applicant's Representative Eric Anderson explained they were required to have fire hydrants on site, were planning to build a water tank and did have a pump station. Therefore they were in compliance with the Fire Code requirements. He went on to explain the complete system as planned.

In answer to Member Toulouse's question Mr. Anderson displayed the three required points of access on the map. He explained the intended traffic flows and signage and noted they had complied with PVGID's request for right-turn deceleration lanes at all three accesses. He stated they did want their address and their primary access to be Whiskey Springs.

Mr. Anderson explained NDOT had suggested improvements to Pyramid Highway to include a northbound right turn deceleration lane and a southbound left-turn deceleration storage lane at the approach to Whiskey Springs Road. As the traffic will be related to the project, they planned to work with NDOT on the off-site improvements and were willing to address NDOT's concerns. He noted they had a traffic report that had addressed the number of daily trips that would occur during the events.

Chair Horan asked Mr. Anderson to expound on what he meant by the statement that they intended to work with NDOT. Did that mean they were willing to put in the turn lane? Mr. Anderson reiterated it was not a requirement or a specific condition, only a suggestion. Chair Horan opined the applicant's intention was not to add a turn lane, which Mr. Anderson confirmed was correct.

Member Toulouse asked if the facility would have dumping stations and garbage facilities for overnight guests. Mr. Anderson replied they will have enclosures for trash but not dumping stations. The guests would be encouraged to pack out and dispose of their waste off-property.

Member Cieri asked Mr. Anderson if NDOT had indicated they were planning to improve Pyramid Highway with respect to the project. Mr. Anderson stated they had not. Member Cieri told of the dangers that he had personally experienced turning off of the highway onto Whiskey Springs. He opined the project would exacerbate the situation and lack of remediation would be a mistake.

Mr. Anderson suggested that they could schedule the meetings with NDOT and PVGID prior to the building permit. He stated they were aware of the safety concern; it was an offsite improvement they wanted to deal with, but it was related to the facility being built and operational which was a few years away. Member Cieri explained he would not expect the applicant to be responsible for the improvements, but someone needed to be.

Chair Horan acknowledged the point that there was an existing problem with the traffic on Pyramid and this was only going to make it worse. He noted Fire Services Representative Kurt Latipow had arrived and asked Member Toulouse if Mr. Anderson had answered his questions. Member Toulouse stated he had and Chair Horan thanked Mr. Latipow for coming.

Mr. Anderson requested Condition 1b be changed to allow the applicant five years instead of three from the date of approval by Washoe County to submit complete construction plans and obtain building permits in order to accommodate all phases of the proposed project.

Ms. Monsalvè pointed out the default time limit for most projects is two years, although large projects may require more time. It was not uncommon for a special use permit to be granted three to five years to complete the required conditions. She stated she did not object to allowing the applicant the additional requested time.

Member Harcinske asked if, particularly in the case of extended completion times, if there was a required start date. Ms. Monsalvè replied there has not been a minimum, it is typically the date the project is approved pending appeals. She explained the applicant has been very active in pushing the project forward and felt as though they would pursue completion of conditions with all possible haste.

Ms. Robinson noted that in past cases the Board has set limits regarding a minimum beginning period.

Chair Horan asked Mr. Anderson which portion of the project he wished to extend to five years. Mr. Anderson replied there were multiple ancillary buildings within the project limit. They intended to construct the main arena building initially and construct the remaining buildings in stages incrementally. All of the proposed buildings were on the plan.

David Kennedy, representing PVGID, stated that in general they were in favor of the project, particularly since the applicant had agreed to the condition regarding the change of address to Whiskey Springs Road. Mr. Kennedy noted PVGID shared Member Cieri's concern with the traffic issues at the intersection of Pyramid Highway and Whiskey Springs and also potentially at the intersection of the highway and Ironwood Road.

Member Cieri asked if the intersection of Whiskey Springs and Ironwood was paved and Mr. Kennedy replied they were not. PVGID has been using binders and chemicals to keep the dust down due to the high usage. One of the conditions stated, that if there were a considerable increase in traffic and road degradation, the applicant will assist with road maintenance and chemicals. Member Cieri confirmed with Mr. Kennedy this was only voluntary and Mr. Kennedy added PVGID had no way to impose any requirements. He noted the Board could impose requirements but reiterated PVGID could not.

Cathy Glatthar introduced herself and noted she assisted the GID Board in certain matters. She reiterated that PVGID shared the traffic concerns voiced by Member Cieri and explained the conditions they had requested were developed based on information contained within the application. Their main concern was that patrons would use the Ironwood turnoff instead of Whiskey Springs. Mr. Anderson had reassured PVGID that information provided to patrons would include a map showing Whiskey Springs as the access to the facility.

Ms. Glatthar expressed her concern that NDOT had only suggested deceleration and left turn lanes at the intersection of Whiskey Springs and the highway. She noted PVGID had spoken with NDOT in the past regarding putting in turn and deceleration lanes at both Whiskey Springs and Ironwood in the past. She realized it was a burden on the applicant to ask them to be responsible for the off-site improvements but emphasized the project should not be approved without a definite requirement for the installation of the traffic hazard mitigations.

Candace Brinsko, a neighbor of the proposed project, voiced concern with traffic increase, night-sky lighting restrictions and the potential additional noise. She expressed her overall support for the project.

Member Harcinske said she thought she remembered that the Board could not condition off-site improvements. Ms. Monsalvè stated that was her understanding. She suggested a condition requiring warning signage on Pyramid Highway on event days.

Ms. Robinson verified Member Harcinske was correct; they could not condition a roadway that was in NDOT's right of way. She indicated the Board could ask Community Development to write a letter on their behalf to NDOT regarding the situation.

Deputy District Attorney (DDA) Simeoni pointed out the problem with conditioning the off-site improvement was that Washoe County had no jurisdiction over the highway and therefore any condition would be unenforceable.

Member Cieri stated he felt it was a fantastic project and of great benefit to the community. He asked Counsel that, if they approved the project and an accident occurred because of the traffic associated with, did the County become responsible or liable? DDA Simeoni pointed out he did not typically deal in land use matters. He opined this would be an issue related to scope of jurisdiction and reiterated that if the Board does not have authority to condition roadways like Pyramid Highway and an accident or injury occurred as a result of the failure of a condition to be required by NDOT, he did not see the relationship with the Board of Adjustment and the County as to liability. He stated he was not comfortable providing a legal opinion without further study.

Chair Horan closed the public hearing. He noted at the last meeting the Board had heard a case that involved a road governed by NDOT. He pointed out the Board had taken a position in that case that they could not control what NDOT was requiring. He stated he felt Member Cieri's comments were very valid but there was little the Board could do to control NDOT's requirements. He felt staff had done their due diligence by providing copies of the application to the various bodies that would have some type of reason to place conditions on the project, and NDOT had failed to do so. The Board may disagree with that, but it is not in its purview or authority to place that requirement. He felt that NDOT's failure to place the condition should not be a consideration regarding the decision the Board needs to make.

Chair Horan stated he felt PVGID had done what they can to protect themselves and the applicant had agreed to their conditions. He went on to note he did not have a problem with allowing the applicant five years, as it would be 80 percent complete when the main building was constructed.

Member Harcinske expressed her support the staff write to NDOT regarding the traffic concerns, particularly in light of anticipated development of the valley. She felt 65 miles per

hour was not a safe speed as there were commercial operations in the area. She suggested they consider, at minimum, reducing the speed limit to 55 miles per hour. Member Harcinske also asked the letter to NDOT request recommendations for now and in the future to include left turn and deceleration lanes for the intersection with Whiskey Springs. She opined a minimum starting time was unnecessary for the project.

Member Cieri stated he understood the owner was not responsible for improving the intersection with the highway but that someone should be. He expressed his support for the project and the letter to NDOT being written. He reiterated the dangers of the intersection.

Member Toulouse noted the Chair had made valid points when referencing the prior case also involving an NDOT right-of-way. He pointed out that case had involved a four-lane highway with a 50 mile-per-hour speed limit as opposed to the two-lane highway with a 65 mile-per-hour speed limit now being considered. As it is not in the Board's purview to condition the highway access, he also supported the letter to NDOT, emphasizing the need to request they reduce the speed limit or address the problem another way.

Member Harcinske moved to approve conditionally as amended Administrative Permit Case No. AP10-001. The motion was seconded by Member Toulouse and 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 Comprehensive Plan and the Warm Springs Specific Plan, being a part of the Warm Springs 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 Equestrian Facility, 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; 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.

Ms. Robinson stated the letter to NDOT expressing the Board's concerns would be prepared by staff and presented to the Chair for signature.

OTHER ITEMS

None

ADJOURNMENT

There being no further business to come before the Board of Adjustment, the meeting adjourned at 2:50 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on December 2, 2010

Adrian P. Freund, FAICP, Director
Secretary to the Board of Adjustment