



Community Development

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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

December 2, 2010

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, December 2, 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 1:32 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
Roger Pelham, Senior Planner, Community Development
Don Morehouse, Planner, Community Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Member Toulouse led the pledge to the flag.

ETHICS LAW ANNOUNCEMENT

Chair Horan recited the Ethics Law standards.

APPEAL PROCEDURE

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

APPROVAL OF AGENDA

Ms. Robinson noted two changes to the agenda. The first was Item 2, SB10-010, Sierra Fire Protection District, had been withdrawn, but public comment would be accepted. The second was regarding Item 3, SB10-011, Palomino Valley General Improvement District (PVGID). She explained the Board would not be entertaining the aggregate pit component, which would be continued to the next meeting. They would be looking specifically at the water truck fill station and the public service yard.

Chair Horan asked if they would be accepting public comment regarding the aggregate pit and Ms. Robinson replied public comment would be open for all three aspects of the project.

In accordance with the Open Meeting Law, Member Harcinske moved to approve the agenda of December 2, 2010 as revised. The motion, seconded by Member Cieri, passed unanimously.

APPROVAL OF MINUTES

Member Wideman moved to approve the minutes of October 7, 2010. The motion was seconded by Member Toulouse and passed unanimously.

PUBLIC COMMENT

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

CHAIR AND BOARD ITEMS

Member Wideman volunteered to be the BOA Representative for the Design Review Committee and Member Toulouse moved to approve his nomination. The motion was seconded by Member Cieri and passed unanimously. Member Toulouse volunteered his services as Alternate. Member Wideman moved to approve. The motion was seconded by Member Cieri and passed unanimously.

Chair Horan volunteered to be the BOA representative for a new Grading Policy Update Group.

Ms. Robinson notified the members that the February meeting would be held in the Health Department conference rooms.

Discussion ensued regarding updating the Board of Adjustment Rules, Policies and Procedures (RPP) presentation time limits for a representative of a group. Currently the RPPs allow 15 minutes and the agenda states the limit is five. Member Wideman opined it would make sense to limit the amount of time to five minutes as the Planning Commission had and Member Harcinske concurred.

Member Cieri noted there was no clear definition of what constituted a group. Deputy District Attorney (DDA) Edwards pointed out the Board was only agendized to decide on the time limit, not the definition of a group.

Member Wideman moved to amend that the RPPs state reflect time limits for the representative of a group be five minutes. The motion was seconded by Member Toulouse and passed unanimously.

Ms. Robinson stated the RPPs will be updated. Chair Horan requested an item be agendaized to discuss and clarify what constitutes a group.

DIRECTOR'S ITEMS

Mr. Freund informed the Board that the annual Community Development Holiday Potluck would be held on December 15.

Mr. Freund shared with the members that this would be his last Board of Adjustment meeting, as he will be retiring on January 3, 2011.

Chair Horan expressed his appreciation of Mr. Freund's services and support and over the years, and commended his ability to provide unbiased information to decision makers. He requested staff prepare an appropriate appreciation declaration.

CONSENT ITEMS

Annual Review of Administrative Permit Case No. AP06-008 (Twisted Sisters Stable) - To conduct a one-year review of compliance with conditions of approval as required by condition of approval 6(i), of operations of an approved commercial stable offering horse boarding and training for no more than fifteen (15) horses as authorized in Section 110.304.25(c)(2) of the Washoe County Development Code. (APN 50-550-09)

Ms. Robinson explained practice has been that no staff presentation be given for Consent items. Chair Horan indicated information had been provided to the Board indicating the applicant was in compliance with all conditions.

DDA Edwards explained that because of the way the item was written, unless there were comments or problems, they could just move along to the next item.

PROJECT REVIEW ITEMS

Chair Horan explained to the audience that public comment was limited to three minutes and speakers need to fill out a comment card.

AGENDA ITEM 1

PUBLIC HEARING: Variance Case No. VA10-004 (Litman Residence) – To reduce the front yard setback along Alpine View Drive from 20 feet to 0 feet to facilitate the construction of a roof cover over an existing entry porch as authorized in Section 110.804 of the Washoe County Development Code. The project is located at 535 Alpine View Drive near the intersection of State Route 431 and Country Club Drive in Incline Village. The ± .645 acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 15, T16, R18, 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 131-212-02)

Chair Horan opened the public hearing.

Mr. Morehouse reviewed the staff report dated November 16, 2010. Staff recommendation was for denial as staff did not believe the property presented any unique features such as exceptional narrowness, shallowness or shape. The property does not exhibit any exceptional topographic conditions or other extraordinary or exceptional situation or condition to warrant the need for a variance. He noted the Incline Village/Crystal Bay Citizen Advisory Board (CAB) had voted unanimously in favor of the project.

Member Wideman asked Mr. Morehouse to confirm the recommendation for denial was based strictly on the fact there was nothing unusual about the property. Mr. Morehouse verified that was correct.

Applicant Wayne Litman explained the lot was steep and the only access to the front of the house was a land bridge from the driveway. The porch for the front door was above ground and faces north, so it receives a substantial amount of snow. Mr. Litman went on to explain that due to his home's location on a steep curve, his house was subject to a larger setback than the other homes on the street, creating a hardship.

Member Toulouse asked if the front door where the porch cover was requested to be built was the only ingress and egress to the house. Mr. Litman explained the garage was used and the front door used only rarely due to the snow. If cars are parked in the garage the only way for family and friends to access the house was through the front door.

Member Cieri asked if it was necessary to move a car to be able to get in to the house through the garage and Mr. Litman confirmed that was correct. He explained the garage was built when cars were smaller and the larger cars fit in more tightly. He went on to explain their invalid parents used a wheelchair and a walker and in the past the applicants have had to shovel the porch so their parents could have easier access than through the garage.

Member Cieri asked, if an emergency occurred, how would emergency personnel access the house if it was snowing? Mr. Litman explained they would need to pull the cars out of the garage, or if the cars were in the garage the access would be the front door. Member Cieri opined that even if the porch cover were built, the emergency personnel would still have to go through snow. Mr. Litman explained the driveway had a snowmelt system so they would have direct, unimpeded access.

Chair Horan asked why it appeared from photographs as though the applicant had intended to build the porch prior to requesting permission. Mr. Litman explained the two large vertical posts were set, and if the variance was denied, they would be cut down to the level of the railing.

Mr. Litman pointed out that the other homes on the street had average setbacks of 15 feet from the roadway. If this project were approved their structure would still be 17 feet off the road.

Member Cieri asked Mr. Morehouse if the porch had been considered from the safety standpoint for emergency services and Mr. Morehouse replied it had not.

Chair Horan closed the public hearing.

Member Wideman opined the question was whether there was or was not a special circumstance with the property and he felt there was an exceptional topographic condition, creating a special circumstance. Additionally he noted there was no obvious detriment to the installation of the roof cover as it did not change the footprint of the house or encroach into the roadway.

Member Cieri agreed with Member Wideman's analysis and reiterated the safety aspect was an important issue, particularly with older residents. Chair Horan also agreed with Member Wideman.

Member Wideman moved to approve conditionally Variance Case No. VA10-004.

Ms. Robinson noted Mr. Morehouse had crafted conditions for the approval of the variance. She suggested they be discussed and noted it might be necessary to modify the motion. The motion was seconded by Member Harcinske.

Mr. Morehouse read Condition 1a, which stated: "The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. The Department of Community Development shall determine compliance with this condition." He explained the roof cover would be the only improvement allowed by the variance.

Mr. Morehouse added the Engineering Department had required a Hold Harmless agreement. Discussion ensued regarding who it protected and it was clarified the County would not be at fault if the property were damaged during activities such as snow removal.

Chair Horan called a five-minute recess at 2:11 so that staff could make copies of the conditions for the Board members. The meeting was called back to order at 2:20.

Mr. Morehouse re-read Condition 1a and read 1b, which states: "A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County." He also read Engineering Condition 2a, which states: "Provide a hold-harmless agreement to the satisfaction of the District Attorney and the Engineering Division."

Member Harcinske asked Mr. Morehouse to explain how this situation would be different if the property was not situated on a through lot. Mr. Morehouse stated the Development Code allowed interior lots to have an automatic setback reduction to 15 feet regardless of the zoning if there is a greater than 20 percent slope. That rule does not apply to corner or through lots. Member Harcinske asked, if this were an interior lot, would it still require the variance? Mr. Morehouse replied it would.

Chair Horan asked if the motioner and second still wished to continue as stated. Member Wideman amended the motion to include to the conditions as presented by staff. Member Harcinske agreed for the second. The motion passed unanimously.

The motion was based on the following findings:

1. Special Circumstances. Because of the special circumstances applicable to the property due to exceptional topographic conditions with the steep slopes on both sides of the private access road, thus requiring a retaining wall, the strict application of the regulation

- results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not 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 granted;
 3. No Special Privileges. The granting of the variance will not 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 Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
 5. Effect on Military Installation: The variance will not have a detrimental effect on the location, purpose and mission of the 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.

AGENDA ITEM 2

PUBLIC HEARING: Special Use Permit Case No. SB10-010 (Sierra Fire Protection District) – Request to install and operate two 25kW wind turbines at Sierra Fire Protection District Station #36 as authorized in Article 326 of the Washoe County Development Code. The address of the project site is 13500 Thomas Creek Road, Reno. The parcel is located on the northeast corner of the intersection of Arrowcreek Parkway and Thomas Creek Road. The 3.21 acre parcel is designated Low Density Suburban (LDS) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 24, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 049-312-22)

Chair Horan reiterated the item had been withdrawn and opened the public hearing.

Bob Ackerman spoke in support of the project should something similar, such as an expansion, come before the Board in the future.

Chair Horan closed the public hearing.

AGENDA ITEM 3

PUBLIC HEARING: Special Use Permit Case No. SB10-011 (Palomino Valley General Improvement District - PVGID) – To develop a public service yard, a permanent aggregate facility and a water truck fill station (Utility Services use type) as authorized in tables 110.302.05.2 and 110.302.05.3 of the Washoe County Development Code. The parcel is ±42.53 acres in size and is currently designated General Rural Residential (GRR), an application for a Regulatory Zone Amendment to change to General Rural (GR) is pending at this time. The parcel is located within the Warm Springs Area Plan, and is situated in a portion of Section 33, T23N, 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: 077-350-02)

Chair Horan opened the public hearing.

Mr. Pelham reviewed the staff report dated November 19, 2010. He explained the portion of the permit relating to the aggregate pit had been continued to the February meeting due to a noticing error.

Chair Horan asked if the continuance would require a vote from the Board. Ms. Robinson said it would and DDA Edwards suggested it be included as part of their overall vote on the case.

Mr. Pelham explained that special use permits (SUP) were used to examine a project for impacts and to minimize or eliminate those impacts. The uses requested for the property were considered high-impact and the department had received complaints. The required zoning change for the requested uses had been approved by the Planning Commission and was awaiting final approval by the Board of County Commissioners. Any action taken to approve the SUP by the Board of Adjustment was contingent upon the adoption of the zoning change.

Mr. Pelham explained the property had been in use as an aggregate facility since the 1970s and was granted an SUP in 1993. That had expired in 1996 and since then improvements had been made to the site for operations and the water truck fill station. He showed photographs demonstrating the increase in size and scope of the facility from 1997 to present. He noted the applicant had acknowledged they were operating without the proper permits and have agreed the administrative process currently being pursued is the best course of action to bring the facility into conformance.

Mr. Pelham displayed a graphic showing the 33-foot right of way and access easement adjacent to Wayside Road. He emphasized the public had the right to traverse the entire width. Excavation had occurred within the right of way. Conditions had been written requiring the applicant to bring the surface up to the elevation of the travelway and to create a buffer through fencing and landscaping to mitigate dust and visual impacts.

Mr. Pelham went on to explain landscaping was a basic requirement for all civil projects and 20 percent of the area is required to be landscaped. He anticipated the applicant would apply for a Director's Modification of Standards to have that amount reduced. Minimally they would be required to bring the area to its natural condition, which is impossible since the material is gone. Therefore, some landscaping would be necessary.

Mr. Pelham noted the applicant did have a dust control permit with the health department, but that did not apply to the roadways as Air Quality does not have authority to enforce dust control on roadways.

Mr. Pelham explained minor modifications he had made to proposed Condition 1f which would read as follows: "The applicant shall restore the **right of way and** slope adjacent to wayside road such that there is no slope greater than 5% within the **right of way and** required front yard setback area. The front yard setback area shall be revegetated and trees shall be planted in clusters at a frequency of not less than one tree for each 25 feet of frontage. Fencing

as defined in condition 1g, below shall be installed at the front yard setback line along Wayside Road and shall connect to the fencing required by condition 1g, below.”

He noted a letter had been sent to staff and the Board members on November 30 requesting elimination or substantial modifications to several of the proposed conditions. The applicant wished to eliminate Condition 1f altogether as well as the requirements for the fencing and screening. They also wished to eliminate Condition 1j which required benches to mitigate the visual and erosion impacts of steep slopes. Condition 1k required the tanks needed to be inside the fenced area and out of the right of way and was also requested to be eliminated, along with Condition 1c, which requires recurring review of the project.

Mr. Pelham presented a modified version of the proposed motion, pointing out the language approved the public service yard and water truck fill station and allowed for the continuance of the hearing of the aggregate facility to the next meeting.

Member Harcinske asked if PVGID was a county entity or a utility company. Mr. Pelham replied they are a county entity, created and funded by a special assessment district charged with road maintenance within the Warm Springs Area Plan (WSAP). In answer to a question posed by Chair Horan, Mr. Pelham verified PVGID was authorized by Nevada Revised Statutes (NRS). He explained that any county department would be subject to the same process and substantially similar conditions as any private company or individual doing the same thing.

Member Harcinske requested Mr. Pelham identify for the Board which conditions related specifically to the aggregate pit so they could be disregarded for the current hearing. DDA Edwards recommended the motion included a catchall statement which included the conditions to the extent they apply to the water truck fill station and the public service yard, but not the aggregate pit.

Applicant Harold Shotwell, president of PVGID, presented a brief overview of the history of the project. He pointed out PVGID was a county entity mandated to maintain the primarily dirt roads in Palomino Valley. The entity had been created in 1973 and purchased the property in question in 1989. The material being pulled from the site was optimal for the uses required and would be expensive to obtain elsewhere.

Mr. Shotwell stated he took office in 1999 and it never occurred to him the operation would be illegal after so many years. When they moved the equipment yard to the Wayside location in 2000, they obtained permits through the county building department for power, so they had no reason to believe they shouldn't be there. He noted they were operating under a temporary permit until the applications are approved and had provided documentation regarding safety improvements to the satisfaction of the Fire District and Community Development.

Larry Johnson, PVGID Board member, provided a brief overview of his expertise in matters of road construction and maintenance. He explained approximately 1,000 people depended on PVGID for road maintenance and that the aggregate facility was an integral portion of that.

Mr. Johnson opined the staff report was inaccurate in some areas. He stated the slope of the wall of the pit was not as steep as was stated in the staff report and there was a berm preventing an automobile from accidentally driving over the edge. He noted one of the conditions required asphalt or concrete in areas of the yard but countered that some of the

equipment was tracked and could not be operated on those types of surfaces. PVGID had suggested an alternative type of material for these areas.

Chair Horan requested Mr. Johnson explain which condition he was referring to as he offered suggestions for alternatives or elimination.

Mr. Johnson referred to Condition 1e which limited the slope of the quarry to 15 percent, noting that many commercial quarries exceed that. Condition 1g requiring fencing around the entire facility was also in excess of what was typically required for a commercial operation. The SUP application had requested all cut slopes to be at a 3:1 ratio so they did not intend to request a waiver to achieve that.

Mr. Johnson went on to state Condition 1j requiring horizontal benches 10 feet in width every 15 feet of vertical slope was overly restrictive and quoted an excerpt from the building code which stated slopes that are less than 3:1 need not be terraced. He noted the material at the pit is erosion-resistant and the revegetation design requires all areas to be hydroseeded.

Mr. Johnson expressed his concern with Condition 3a which required PVGID dedicate their water rights to the county. He agreed it was appropriate for land development but not the GID, as certificated rights held marketable value as did the land itself.

Mr. Shotwell exhibited photos showing the shallowness of the slopes. He stated they could not agree with the perimeter fencing and landscaping condition. The cost would be too extreme for a government agency supported by taxpayer dollars. They felt that the existing yard, with slats in the fence to shield the equipment from view and reseeded with natural vegetation of exposed areas adjacent to residences would be sufficient.

Mr. Shotwell went on to reiterate they did not agree with the requirement to recontour the portion of the property adjacent to the roadway. It would be prohibitively expensive and cause them to have to redesign the operation to accommodate it.

Member Toulouse disclosed he had known and worked with Mr. Johnson for many years but did not feel he needed to recuse himself.

Mr. Johnson reiterated PVGID was taxpayer-funded and people clamored for their services. Funds spent on things such as landscaping would no longer be available to be spent serving their mission.

Member Cieri asked Mr. Shotwell asked if there were other sources of revenue other than taxpayer dollars and he replied there were occasional small infusions. He explained approximately half of their income came from the county General Fund and the other half from a special tax paid by the residents. Member Cieri asked how much went to expenses and Mr. Shotwell replied all except an emergency reserve. Discussion ensued regarding the anticipated expenses for fencing and landscaping being approximately \$80,000. Additionally, land value, therefore tax revenues, would be decreasing in the upcoming years.

Chair Horan reminded the speakers the time was limited to three minutes.

Katherine Snedegar shared her opinions regarding actions of the county and why the PVGID project should be exempt from conditions. Raymond Johnson expressed his support of

the operation and opined it was not a problem to the majority of the neighbors. He suggested that if the people who had built there recently had a problem with the pit they should not have done so as it had preceded them by many years.

Marc Colosimo opined the project was more of a mining operation than an aggregate pit and was a visual blight as well as being unsafe. He requested a condition requiring PVGID to control road dust as they moved into and out of the facility. Member Toulouse asked if Mr. Colosimo was aware the pit was in existence at the time he built his residence. Mr. Colosimo indicated he had been aware of it but objected to the increase in size and scope.

Cathy Glatthar addressed the screening, citing Mr. Pelham's reference to the project as being highly compatible with land uses, which requires little to no screening or buffering according to code. She opined it would cost more than the \$80,000 estimated by Mr. Shotwell and it would make the property more, not less visible. She stated PVGID was in agreement with the requirement for 3:1 slopes, but not the benches. She also clarified they did not object to the five-year aggregate pit review, just the annual Community Development review.

Cindy Colosimo stated she was a resident living close to the pit and the excess dust affected her health. She suggested there may be unknown particles in the dust such as arsenic and requested they test a sample. She noted they had planted over 50 trees and bushes to control the dust.

Member Harcinske asked if building permits were obtained for the structures on the property. Mr. Shotwell explained there were no permanent structures so no permits were required.

Member Cieri and Mr. Shotwell discussed the fact PVGID was responsible for 96 miles of roadway maintenance. The 21 acre feet of water rights they own just manages to cover the needs of the organization. The pit is used exclusively by PVGID and Wayside Road has been treated for dust. Portions of the pit area are treated as well. Mr. Shotwell acknowledged there was dust from the screening process.

DDA Edwards reminded the Board that the aggregate pit portion was not under consideration at this meeting.

Mr. Shotwell noted the speakers in opposition live on the corner of Wayside and Grass Valley which is southwest of the pit area. The prevailing winds are typically from the west, which would direct the dust away from their house.

Member Toulouse stated after trying to separate the pit operations from the others, some of the applicant's suggestions made sense. He would still be in favor of some sort of screening in order to alleviate some concerns by citizens. He stated he was in favor of granting the SUP with the conditions as specified in the applicant's proposal, excluding the quarry operation.

Member Toulouse excused himself and left the meeting at 3:39 p.m.

Member Harcinske asked for verification that the organization that maintains the roads was being required to reconstruct the portion of the road in front of the facility. She asked if the road were up to county standards, and if not, how did it get to be in that condition?

Mr. Pelham explained the condition requiring them to restore the width of the right of way and the front yard setback was a result of extraction of material within the right of way. The roadway is approximately 16 feet wide, not currently the full width of the right of way.

Member Cieri asked if any of the roads in Palomino Valley met county standards and Mr. Pelham replied he would not be qualified to answer the question.

Member Harcinske asked if fencing for only the utility area rather than the entire property been considered. Mr. Pelham replied that fencing currently existed and if the Board wished, that option could be considered. He noted the requirements being applied were standard to any civic operation, which is what this project is. He explained there were two ways to alter the landscaping requirements, a director's modification or a variance, and PVGID had not submitted a variance application. Staff had recommended they submit an application for a director's modification to request reductions in the amount of required landscaping and a phased approach.

Mr. Pelham pointed out there were certain requirements under the code. If all of the conditions were removed, the requirements would revert back to all the conditions that are standard to the code, which are actually substantially more than is suggested in the staff report. If the screening and landscaping conditions were removed, they would still have to get a director's modification or a variance or they could meet the basic requirements of the development code for a civic use type.

Member Cieri asked if slats in the existing fence would accommodate the request for yard area fencing. Mr. Pelham replied that was a possibility if the Board chose to craft the conditions in that manner. The suggestion did not meet the standards as presented in the staff report.

Chair Horan asked Mr. Pelham to address the discrepancies brought up by Mr. Johnson. Mr. Pelham pointed out that part of the application had indicated 4:1 slopes, which more than meets the 3:1 slope standard. What they did not address was the slope adjacent to Wayside Road. That was being recommended to be restored to a maximum slope of 3:1 with horizontal benches. He reiterated that condition was within the Board's purview to change if they felt it was overly restrictive.

Mr. Freund noted the development code does not include standards for dirt roads or unpaved surfaces. Roads constructed to county standards are paved.

Member Cieri opined maintaining 96 miles of roadway was quite expensive and asked what condition they were in. Mr. Johnson explained that, decades ago, the county did have standards for gravel roads, but none of the roads in Palomino Valley met those standards. He stated they do not have the budget to bring the roads up to even what those standards were. He agreed the slope by the road needed to be flattened to a 3:1 ratio, but they took exception to the idea of filling it to a five percent slope. He provided examples of other roads that did not meet those standards. He also noted they were willing to put slats in the existing fence but to surround the entire property with fencing was cost prohibitive and they needed those dollars.

Mr. Colosimo asked the Board to consider the fact staff was a neutral party and accept their recommendations.

Chair Horan closed the public hearing.

Member Cieri stated he was in consensus with using the improvements suggested by PVGID. The entity is commissioned to provide service on 96 miles of road, and with a limited budget which will be getting smaller every year, the financial burdens would cause hardship for all of the citizens out there not just the people living next to the pit. His view of the requested exceptions was they were not severe.

Member Harcinske stated she did not like to say that county facilities could be bad neighbors and not have to comply with the requirements that anybody else would have to. Other similar entities had gotten modifications but had complied with screening and landscaping requirements. She expressed concern about the roadway issues and did not agree with eliminating the screening requirements. She did not feel it was appropriate to ask them to fence the entire property if the aggregate portion of the project was not being heard.

Member Wideman noted the first issue of contention was whether or not the GID felt it needed to comply with the county's regulations at all. Even if it felt it did not need to he gave them credit for working through the process and be practical in its approach. He credited staff with carefully considering the conditions and attempting to apply the rule of law in a careful and considered way.

Member Wideman went on to say they seemed to be in the middle of a disagreement between two public entities, both attempting to provide service in the common public good as they see it within their realm of influence. It was unfortunate that one entity of government was put in a position to place conditions on another entity that would break its budget. He wondered aloud if by doing that they were helping the citizens in that area with their roads. Being moved by the practicality of the applicant, he favored approval of the conditions as proposed to be amended by PVGID.

Chair Horan agreed with the members about being caught between the two entities and trying to do the right thing for all concerned. He felt staff was being a bit overly restrictive in their attempts to comply with regulations. He expressed concern with attempting to separate out what was applicable to the aggregate pit versus the fill station and utility yard. He asked staff to have a conversation with the GID and see if they could reach a compromise.

Chair Horan called a recess for 20 minutes. Mr. Pelham expressed his willingness to have that discussion but requested direction from the Board. Chair Horan stated he felt the common ground was more towards what the GID proposed. He reiterated they should focus on the conditions not related to the aggregate pit.

The Board recessed at 4:00 and was called to order at 4:20.

Mr. Shotwell requested a continuance of the entire item to the February meeting as the issues were too integrated to discuss separately.

Member Harcinske asked if the temporary permit would allow essential operations to continue during that time and Ms. Robinson stated it would.

Chair Horan reiterated the Board's position was that both parties had valid positions and it hoped they could come to an agreement. He announced the item would be continued time certain to the meeting of February 3, 2011 at 1:30 p.m.

OTHER ITEMS

Ms. Robinson wished the Board and attendees a Happy Holiday.

ADJOURNMENT

There being no further business to come before the Board of Adjustment, the meeting adjourned at 4:22 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on February 3, 2011

Kimberly H. Robinson, MUP
Secretary to the Board of Adjustment