



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Clay Thomas, Chair
Kristina Hill, Vice Chair
Lee Lawrence
Brad Stanley
Kim Toulouse
Trevor Lloyd, Secretary

Thursday, August 1, 2019
1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, August 1, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Thomas called the meeting to order at 1:31 p.m. The following members and staff were present:

Members present:

Clay Thomas, Chair
Kristina Hill, Vice-Chair
Lee Lawrence
Brad Stanley
Kim Toulouse

Members absent:

None

Staff present:

Trevor Lloyd, Planning Manager, Planning and Building
Julee Olander, Planner, Planning and Building Division
Chris Bronczyk, Planner, Planning and Building Division
Donna Fagan, Recording Secretary, Planning and
Building Division

2. *Pledge of Allegiance

Member Hill led the pledge to the flag.

3. *Ethics Law Announcement

Trevor Lloyd recited the Ethics Law announcement.

4. *Appeal Procedure

Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

5. *General Public Comment and Discussion Thereof

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

6. Approval of Agenda

Chair Thomas stated that item 8B will be heard before 8A. Member Toulouse moved to approve the agenda of August 1, 2019 as amended. Member Stanley seconded them motion which carried unanimously.

7. Possible action to approve July 11, 2019 Draft Minutes

Member Stanley moved to approve the minutes of July 11, 2019. Chair Lawrence, passed four in favor and none opposed. Member Hill abstained.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

B. Administrative Permit Case Number WADMIN19-0015 (Children's Cabinet Event) – For possible action, hearing, and discussion to approve the application for an outdoor community event business license for the annual fundraising gala for the Children's Cabinet. The event will be held on the Montreux Golf Course, near the third practice hole on the evening of August 23, 2019, from 4:00 p.m. till 9:00 p.m. with approximately 650 people in attendance. Parking will be located on one side of De Chardin Lane and at the Montreux Clubhouse at 18000 Bordeaux Drive. Set-up for the event will commence on August 19, 2019 and take-down and clean-up will be completed on August 24, 2019. If approved, authorize the Director of the Planning and Building Division to issue the license when all pre-event conditions are completed.

- Applicant: The Children's Cabinet
- Property Owner: Montreux Golf & Country Club Inc.
- Location: 17150 Bordeaux Drive
- APN: 148-010-55
- Parcel Size: 56.17 acres
- Master Plan: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: Low Density Suburban (LDS) & General Rural (GR)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775-328-3627
- E-mail: jolander@washoecounty.us

This item was heard before item 8A.

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander reviewed her staff report dated July 19, 2019.

Chair Thomas asked about amplified sound. Ms. Olander noted it's included in the application in the conditions. He said as long as there is an end-time listed for music, he was fine with it.

Amelia Lane, applicant, introduced herself and was available to answer questions.

With no response to the call for public comment, Chair Thomas closed the public comment period.

Member Toulouse noted we have seen this event several times at this Board. He asked the necessity to come before the Board every year. He wanted to explore streamlining the approval for events like this through the Director. Chair Thomas said this topic can be discussed during Board Member and Legal updates.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve, subject to the conditions contained as Exhibit A in the staff report, Administrative Permit Case Number WADMIN19-0015 for Children's Cabinet, an administrative permit under WCC Section 110.310.20 and authorize the Director of the Planning and Development Division to issue an outdoor community event business license pursuant to WCC 25.272 when all pre-event conditions have been completed. Member Stanley seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest 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 the proposed event and for the intensity of such an event;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

A. Administrative Permit Case Number WADMIN19-0014 (De La Montanya Winery) – For possible action, hearing, and discussion to approve an administrative permit for a winery use type in the Low Density Suburban regulatory zone on two parcels; the winery will have a tasting room and any approval may include conditions such as days and hours of operation, occupancy limitations, noise level limitations, lighting restrictions, parking requirements and other conditions related to the contemplated use and its effects.

- Applicant/Property Owner: Dennis and Tina De La Montanya Trust
- Location: 16435 and 16445 Bordeaux Drive
- APN: 047-162-21 (1.01 Acre); 047-162-19 (1 Acre)
- Parcel Size: 2.02 Acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3612
- E-mail: cbronczyk@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. Member Stanley stated he attended the CAB meeting where this application was discussed. Chair Thomas said he visited the proposed site. There were no further member disclosures.

Chris Bronczyk reviewed his staff report dated July 15, 2019.

Member Lawrence asked about screening the equipment viewed by residents living in higher elevations. Mr. Bronczyk said he discussed this with the Planning Manager in Code Enforcement. Mr. Bronczyk explained the current proposed screening meets requirements and requiring the equipment stored inside is above and beyond the code. Member Lawrence said he is concerned with visual nuisance. Member Lawrence asked if amendments can be made to the conditions; such as if there are complaints, the applicant would be asked to create larger screening or trellis. Mr. Bronczyk said the Board could amend conditions if complaints arise, then it can come back before the Board. Trevor Lloyd said it's challenging. He said if it's a code violation, it would be handled internally to seek compliance. If there is a concern with visual nuisance, the Board can request to have the applicant come back after a certain amount of time to see if they are still in compliance. The Board and staff reviewed the property on the overhead powerpoint slide to discuss the equipment visibility and potential visual impacts. Mr. Bronczyk spoke about open fencing and single access.

Member Stanley asked for the definition of a winery and if the project includes a tasting room. Mr. Bronczyk said the use type includes a tasting room. Chair Thomas said from Mt. Rose looking south, you can see that property from the road. There are houses that look down on the property. Member Lawrence asked about the zoning. Mr. Bronczyk said its commercial use type; winery is permitted in General Rural (GR), Low Density Suburban (LDS), and Medium Density Suburban (MDS) require an administrative permit. GR/GRA allow it. There are two uses: winery/tasting room and vineyard. Crop production is the agricultural use type.

Member Lawrence asked what businesses would fit in this zoning. Mr. Bronczyk stated the other options include day cares and neighborhood centers which would be allowed. Trevor Lloyd read the description of winery use type.

Member Stanley asked about the hour of operations particularly for tasting room and special events. Mr. Bronczyk said the application indicated their desire for special events, but it's not allowed in LDS zoning. There is not a work-around. They cannot get a permit for weddings. Mr. Bronczyk answered his question regarding tasting room operating hours are by appointment during the week and restricted to 2 p.m. - 4 p.m. for school children purposes.

Member Hill asked if the red line on the presentation was a private easement. Mr. Bronczyk said originally it was an irrevocable roadway agreement allowing for public access through a number of properties; however, Washoe County didn't accept that. It is currently a private access easement and the applicant would be willing to be responsible for maintenance of that easement. It is currently not paved but the applicant would pave it.

Members and staff spoke about the bus stop. Member Stanley spoke about traffic. He asked if they should rely on the applicant to tell us how they will address traffic or if an analysis should be conducted. Mr. Bronczyk said our engineer worked with the applicant. 80 ADT is the threshold to conduct a traffic analysis. Member Stanley asked for documentation of that review. Mr. Bronczyk said their conditions are based on their review. Mr. Lloyd said it's a calculation – proposed traffic is based on the use. Member Stanley said there was discussion of additional access. Mr. Bronczyk said Engineering reviewed additional access easement; however, Engineering determined it's not sufficient for this use type. But, the current irrevocable access is sufficient.

Dennis Troy, the applicant representative, provided a presentation. He said they reviewed several different sites and chose this preferred site because of its location, compatibility, and sun exposure.

Member Toulouse noted the application indicates package food such as cheese/cheese trays. Mr. Troy said they had discussion about pre-package food with the Health District. There will be no food preparation. Member Toulouse said he would like to see the amended language to the conditions or stick with what has been submitted in the staff report.

Member Stanley asked about the new proposed hours of operation. Mr. Troy said they scaled back their hours of operations Monday through Thursday. Chair Thomas asked how many appointments they would have on those days. Mr. Troy said they haven't set that yet. Chair Thomas said appointment only is very broad. Mr. Troy said they are proposing 'by appointment only' because of staffing levels.

Member Stanley said one of the statements he heard was it is not considered a hang-out and people won't spend that much time there, but if food and drink will be sold on-site wouldn't that encourage people to

hang-out. He said it is conflicting information. Mr. Troy said they are not designing the project for food preparation. With food being served it extends the duration of stay and requires significant permitting by Environmental Health. He said they were hoping people would stay 30 minutes to an hour. If people would like to sit outside and have their wine with prepackaged food, they would have that option.

Chair Thomas asked if the lodge across the street plans to sell this wine. Mr. Troy said they could reach out to see if they could sell their wine.

Chair Thomas asked about the parcels impacted by the CC&Rs. Mr. Troy said they spoke with other parcel owners to rescind the CC&Rs to allow for commercial use. Chair Thomas said six other lots can now ask for commercial operations. Mr. Troy said yes, they could request commercial operations.

Member Stanley spoke about the proposed changes including signage and parking spots. Mr. Troy said the architect laid out the site and they determined that five parking spaces would be a pinch. They will take this up with staff.

Member Lawrence stated he understands the request for no trees since it will be a vineyard. He spoke about wildlife such as deer and bears. Mr. Troy noted a wildlife fence is addressed in the conditions.

Member Toulouse said he has a wildlife background. He said he is concerned with predatory proof fence. Deer and animals could get caught in them. He wants to see more details about the fencing.

Public comment:

Kurt Stitser, Relm Constructors, representative. He said he experienced an up-hill battle to get the Eddy open in downtown. He said the concerns that have been expressed are the worst case scenarios. He believes this will be a good asset to the community. He said he was available to answer questions. He said the Eddy has been a benefit in the community and he had original conditions expanded in order to benefit the community.

Dennis Callahan said he lives near the subject property. He said he is encouraged by the changes that have been proposed. He asked if they would have to come back to extending operating hours beyond what would be conditioned. He said when the coffee and wine bar opened they had to install bright outdoor lighting in the parking lot per Washoe County. He asked if the winery would have bright outdoor lighting for their parking lot. He said he's opposed to any outdoor amplified music in the neighborhood. Chair Thomas said they would have to follow the rules set forth by the Board. Member Toulouse said the operating conditions and conditions of approval conform to the dark skies standards of lighting. He said if there was lighting spillage that would be a code enforcement issue.

Ina Katzman said she is concerned about the traffic on Bordeaux and traffic coming out of the winery. One hundred-fifty students under age 18 are in Montreux. She also said there are moles, voles, and rabbits. She asked that this conversation be tabled. She wants everyone who lives in Montreux to understand what this winery plans on doing.

Dorothy McDonald said she is a Montreux resident. She said she is surprised the residents signed off on the CC&Rs. She asked if they were compensated. She was concerned the winery will be expanded. She noted the bears are an issue in Montreux.

Rebecca Wolf said she lives in Montreux. She said she is concerned about traffic. She spoke about the bus stop on Bordeaux. She said there are cars parked, waiting, and it makes it a single lane. There are mothers and strollers and dogs. She has seen near accidents. She said she is concerned with intoxication after a tasting. She said families congregate and meet on Bordeaux as they wait for the bus. She also expressed concern with truck traffic. She said materials and grapes have to come in. She said she was concerned the owner was asked about availability of wine for purchase and consuming it on property, but he didn't know the rules in Nevada about consuming the wine on property.

Judy Collins spoke about access to Mt. Rose. There could be a road built to Mt. Rose to avoid congestion and traffic issues. She wondered about the signage. She asked about hours by appointment at 4:30. How many people can sit on the patio? How many appointments and how many people can they help at one time? She is concerned about traffic.

Dennis De La Montaya, the applicant, said he can address the questions. Regarding the fencing he said he is asking the community about the fencing and the options of using a hot fence and use of dogs. He said he will partner with the neighbors and work with them. He said the agricultural equipment is the size of John Deere lawn tractor, about 4- foot tall. Most of the work will be done by hand. He said they didn't apply for permits for a food kitchen. He said the intent was to possibly pair wine with cheese to enhance the tasting experience. He said he doesn't know the Nevada requirements regarding consuming a bottle of purchased wine on property. There is a lot of trial and error since this is the first winery in Washoe County. He said they are looking at hours of operation and addressing the concerns about the school bus stop. He said it will be by appointment only. He said during that one hour that the bus stops, they will reduce operation. 65% of the hours of operation are non-conflict with the kids. He said there is no Mt. Rose access. It's a private easement. It's not an option. He said you cannot see the property from Montreux. The direct neighbors support the winery. The facility is smaller than most residences in Montreux. He said wineries don't impact property value. He said they worked for three years to find a property that would be acceptable by Washoe County.

Melinda Lister said she has four children and lives in Montreux. She spoke about traffic. She said she feels routing the kids in and out of Montreux has worked. It is an opportunity to address the bus stop. It's not an issue.

There was no further public comment. Chair Thomas closed the public comment period.

Recess: 3:19 p.m. – 3:25 p.m.

Member Stanley said they did a great job on addressing community issues. He said he analyzed the packet and changes. Some of the changes are good and some aren't good and don't match the application. He said it's relatively new code to allow wineries in the County and he's concerned with trial and error to make this work. He said he is concerned with getting late breaking news about the changes. He requested a continuance but wasn't sure if that would work with an administrative permit.

Member Toulouse said he still has questions about the wall/fence. Mr. Bronczyk said there were a number of conditions that were above and beyond. Those conditions came after the staff report was published and those were a result of community concerns. He read the fencing condition language. He said it's his job to mitigate issues on immediate neighbors. The neighbors want open fencing. He decided to keep it in. The future land owners may not want to see inside the property. He supported the removal of trees to support the vineyard. He spoke about conditions and working with code enforcement that support conditions. He said staff doesn't support removing condition 1(g). Member Toulouse agreed they should keep condition 1(g). Member Toulouse said he wants to know what that fencing construction will look like.

Chair Thomas said there were several changes with the conditions. He would like to address them individually before voting on the project in its entirety.

Member Hill had clarifying questions regarding the conditions including item 3(b) under engineering. Mr. Bronczyk said engineering had an amendment to a condition regarding an access easement. He said he received that right before this Board meeting. Mr. Bronczyk read the condition he received from engineering. Chair Thomas requested copies for the Board and the public. Mr. Bronczyk stated Parks would like to remove their condition completely.

Chair Thomas said he is concerned it's becoming more convoluted with the changes. He said he doesn't have a clear grasp and understanding of what is going on. He said it's difficult to vote without a clear understanding of what we are voting on. He said we can take a recess and get the engineering condition and go through them individually, or look at doing a continuance and vote on it in the future. Member Toulouse said that may be the best course of action; to ask for a continuance. He said it's difficult to put all the changes in the appropriate parts. He supports a continuance.

Member Stanley said this is a public document and everyone needs all the available data. It will allow the public to read it and see what is going on.

Member Lawrence said he understood the engineering condition, however, he understands and agrees with fairness for those who haven't had a chance to review this. They should have an opportunity to review. Member Hill agreed.

Member Thomas said he doesn't have a clear understanding. He would like to review and be on the same page. It would be advantageous to everyone. He asked if the applicant and representative would like to come back to the podium to discuss it. Dennis Troy said they discussed it. He said it's simpler than we think it is. He said they would like to walk through the conditions.

Member Lawrence said the Department of Wildlife should provide feedback regarding the wildlife fencing. Member Toulouse said he agreed with Member Lawrence to include the Department of Wildlife to address the fencing issue. He said this is adding more conditions and additions that don't line up with what was presented in the staff report. He said it's a problem. He said he is confused. He said even if we walked through the condition one by one, it's still not fair to the public. He wants to seek a continuance.

Mr. Lloyd asked if the Board would consider a special board meeting in September. The board members agreed.

Chair Thomas said he still isn't comfortable. The traffic engineer said there's no impact. They are looking at a myopic scale. When you look at it singular, it's not a big issue. But when it's operating with other special events, it may be a concern. The access road is not signed off by Washoe County yet. There is more than one issue. There is school and homes being built. We need to look at this further. He said he isn't in a good position to vote in favor, but is willing to work with the applicant.

Member Lawrence asked if they serve beer and wine at the golf events or the Children's Cabinet event. He asked where our responsibility is as a Board. He understood the reasons to think globally, but we are looking at this case. It's not our job as a Board to consider other cases. Member Lawrence said we need to consider people leaving the golf course or special events after consuming beer and wine. He said he wanted a larger picture of what is happening in the area.

Member Stanley said he agreed with the Chair to walk through each condition change, but it will be tough for the audience. Member Stanley said advice was taken into consideration provided by the CAB. He echoes the Chair – what has been presented in the application and staff report doesn't reflect the intentions now due to the changes. A continuance would be beneficial to planning and the community.

Member Hill asked if the applicant has to request a continuance. Chair Thomas asked Mr. Lloyd if the Board could request a continuance of the applicant.

Chair Thomas asked the applicant for a continuance. Dennis Troy said it wouldn't take that much time to go through the changes. He preferred to take the time to go through them.

Chair Thomas requested another brief recess to get the additional conditions printed.

Recess: 3:53 p.m. – 4:00 p.m.

Chair Thomas said he is concerned with numerous proposals which make it difficult to figure out what we agree with or don't agree with. He has a concern with the fact that the public hasn't had the opportunity to look the proposed conditions over. He said the public should have input and review documentation since this is a public meeting. Member Hill said other agencies also need to review and weigh-in on the changes. Member Stanley agreed and said this board should seriously considers a continuance.

Member Toulouse said he likes the project. It's great. He said he agrees with concerns of the Chair and Member Stanley. He said he can't make an informed decision.

Mr. De La Montanya understands the Board needs for the details. He said he appreciated and wanted that feedback. Dennis Troy said he understands and agrees the Board should go through the details and bullet points. He said he is grateful for scheduling a special meeting in September. He said he is happy to provide any additional information. He requested a continuance.

Member Toulouse moved to continue Administrative Permit WADMIN19-0014 for De La Montanya to a Special Meeting to be set in September. Member Stanley seconded the motion which carried unanimously.

9. *Planning Item

- A. Presentation from Planning and Building Division staff which will provide an information item regarding the Spheres of Influence (SOI's) and the exercise of extra-territorial jurisdiction by the cities of Reno and Sparks within the SOI's.

Trevor Lloyd provided a powerpoint presentation.

Member Toulouse asked what makes a property eligible to be in the Sphere of Influence (SOI). He said he lives in Mogul, and he isn't in the SOI, but his neighbors are. Mr. Lloyd said its voluntary annexation. There has to be a connection in the jurisdiction. Member Toulouse asked about code enforcement. It's confusing for those in the SOI in regards to the County or City code. Mr. Lloyd said it takes coordination. Member Toulouse asked whose code gets enforced. Mr. Lloyd said it's the County's zoning and code requirements. There are nuances. Chair Thomas asked why a City would consider a rollback. Mr. Lloyd said if they realize they cannot serve the area within their boundaries. Chair Thomas asked if the cities can annex higher value properties and give back lesser value properties. Mr. Lloyd said it's possible. Chair Thomas asked about coordination. Mr. Lloyd spoke about Regional Planning that establish and determines density. Member Stanley asked about the timing of annexation of a 40-acre parcel. Mr. Lloyd said it involves Regional Planning. Washoe County staff provides comment, but is not involved. He said it's a city-driven process. Member Stanley said for tax purposes is there consideration in terms of property taxes that go to the County. Mr. Lloyd said the assessor's office looks at that.

10. Chair and Board Items

*A. Future Agenda Items

Member Toulouse spoke about streamlining events such as the Children's Cabinet event. He asked if they could be approved under the purview of the Director instead of coming to this Board year after year. Mr. Lloyd said we are amending the code for outdoor entertainment and events. Chair Thomas suggested a consent agenda for approving such events.

*B. Requests for Information from Staff

Chair Thomas said he has an aversion to last minute changes and additions. Member Toulouse agreed. Mr. Lloyd said it's a source of frustration for staff, as well. He said the last thing we want to do is bring a bunch of changes. It's a rare occurrence. Chair Thomas said it's usually the applicants and he understands it's not staff's fault.

C. Discussion and Possible Action to Elect Officers, Chair, and Vice-Chair

Member Toulouse moved to nominate Chair Thomas to serve as Chair for another year. Member Stanley seconded the motion which carried unanimously.

Member Stanley moved to nominate Member Hill to serve as Vice Chair for another year. Member Toulouse seconded the motion which carried unanimously.

11. Director's and Legal Counsel's Items

*A. Report on Previous Board of Adjustment Items

None

*B. Legal Information and Updates

None

12. *General Public Comment and Discussion Thereof

With no requests for public comment, Chair Thomas closed the public comment period.

13. Adjournment

Meeting adjourned at 4:31 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on _____, 2019

Trevor Lloyd
Secretary to the Board of Adjustment

DRAFT