



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair

Mary S. Harcinske, Vice Chair

Philip J. Horan

Richard "R.J." Cieri

Kim Toulouse

William Whitney, Secretary

Thursday August 2, 2012

1:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

August 2, 2012

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, August 2, 2012 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

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

Members absent: None

Staff present: Bill Whitney, Acting Director, Community Development
Eva Krause, AICP, Planner, Community Development
Grace Sannazzaro, Planner, Community Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Community Development

2. Pledge of Allegiance

Member Toulouse led the pledge to the flag.

3. Ethics Law Announcement

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

4. Appeal Procedure

Mr. Whitney recited the appeal procedure for items heard before the Board of Adjustment.

5. Public Comment

Cathy Brandhorst discussed criminal activity.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of August 2, 2012. Member Horan noted that, in the past, the nomination for the new Chair and Vice Chair had taken place at the beginning of the meeting. DDA Salter explained the rules did not specify in which part of the meeting the elections must be held.

The motion, seconded by Member Horan, passed unanimously.

7. Approval of Minutes

Member Cieri moved to approve the minutes of June 7, 2012. The motion was seconded by Member Harcinske and passed unanimously.

8. Consent Items

None

9. Project Review Items

Agenda Item 9A

PUBLIC HEARING: Special Use Permit Case No. SB12-009 - NV Energy – To construct a 54.5-foot tall monopole wireless communication facility to support NV Energy's Smart Grid program known as "NV Energize".

- Location: 240 Bobcat Hill Road
- Assessor's Parcel No: 079-551-13
- Parcel Size: ±10.14 acres
- Regulatory Zone: Low Density Rural (LDR)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 324 Communication Facilities & Article 810 Special Use Permits
- Commission District: 5 - Commissioner Weber
- Section/Township/Range: Within Section 12 T22N R19E MDM Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Sannazzaro reviewed the staff report dated July 16, 2012. She brought the Board's attention to correspondence submitted by Steven Sough. The first suggested the pole should be marked with anti-collision markings for aircraft landing at the Reno-Stead Airport. His follow-up email withdrew the suggestion.

Ms. Sannazzaro went on to note the Reno-Tahoe Airport Authority (Airport) had added the following conditions and the Applicant had already submitted the requested form:

- Submit to Federal Aviation Administration (FAA)
 - Form 7460-1 “*Notice of Proposed Construction Alteration*”
- Incorporate FAA Requests
 - Applicant should include FAA requests in project plans

Applicant’s Representative Mark Sullivan requested Condition 1c requiring an anti-climb device or fencing, be removed. The slimline design of the pole acts to deter any attempt at climbing and the project is located on private property behind electrified property line fencing.

Member Horan asked Mr. Sullivan if he was aware of anybody attempting to climb one of the poles. Mr. Sullivan replied he was not.

Steven Stough opined the FAA should have no objections to the monopole as proposed. He offered his assistance as a citizen pilot and indicated his support of the project.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. Member Toulouse stated his brother was employed by NV Energy but they had not discussed the project and that fact would not affect his decision making process. DDA Salter asked if Member Toulouse’s brother would gain or lose money as the result of a particular decision and Member Toulouse stated he did not believe so.

Chair Wideman asked Ms. Sannazzaro how she felt about removing the fencing condition. She said she was fine with it. She had spoken to the Engineering Division, who agreed with Mr. Sullivan’s statements regarding the pole design acting as an anti-climb device. The condition of approval is a requirement of the Washoe County Development Code (Code).

Chair Wideman asked if Code was flexible enough to allow for deletion of the condition and Ms. Sannazzaro replied she believed it was at their discretion. DDA Salter stated the Code required fencing or an anti-climb device, to protect the facility from unauthorized climbing. If the Board believes the construction constitutes a device that prohibits this activity, they could remove the requirement. Member Harcinske opined it did not make a difference to leave the condition or remove it, based on the verbiage.

Ms. Sannazzaro explained the pole was constructed on the ground and then erected. Any maintenance is performed with the use of a bucket truck. Chair Wideman clarified there was no actual anti-climb device; it was inherent in the design.

Member Horan asked Counsel for verification, as it appeared as though Code required a device or a fence. DDA Salter acknowledged that was correct and reiterated his suggestion offered the Board the opportunity to decide if the design constituted a device.

Chair Wideman asked how much latitude they had if the wording of the Code has not kept up with technological advances in design. Mr. Whitney acknowledged that was valid; the Code is constantly being updated as it becomes outdated when new technology comes along. He opined this was one of those instances and that the design of the pole meets that section of Code. Chair Wideman concurred, opining the design meets the intent, if not the exact wording.

Member Cieri suggested they remove Condition 1c and Chair Wideman reiterated there were additional conditions imposed by the Airport. Member Toulouse pointed out those conditions were imposed by the FAA, not the Airport.

Member Harcinske moved to approve conditionally, as amended, Special Use Permit Case No. SB12-009 - NV Energy. The motion was seconded by Member Horan. Member Toulouse suggested the motion be restated to clarify the FAA was imposing the additional conditions, not the Airport. Chair Wideman opined that is what the proposal said.

The motion passed unanimously.

The motion was based on the following findings:

Section 110.810.30 - Article 810 Special Use Permits

1. Consistency. That the wireless communications facility is consistent with the action programs, policies, standards, and maps of the Washoe County Master Plan and the North Valleys 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 a monopole antenna wireless communications facility and for the intensity of such development;
4. Issuance Not Detrimental. That approval of a special use permit for a wireless communications facility consisting of a monopole antenna 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 granting approval of the special use permit for a monopole antenna wireless communications facility will not have a detrimental effect on the location, purpose, or mission of the military installation; and

Section 110.324.75 - Article 324 Communication Facilities

6. Article 324 Standards. That the proposed wireless communications facility consisting of a monopole antenna meets the standards of Article 324 Communication Facilities;
7. Public Input. That any public input received was considered during the public hearing review process; and
8. Impacts. That the proposed wireless communications facility consisting of a monopole antenna will not unduly impact any adjacent neighborhoods or vistas and ridgelines within Washoe County.

Agenda Item 9B

PUBLIC HEARING: Administrative Permit Case Number AP12-007 – Heaven’s Lil Angels Day Care Center – To re-establish a child daycare facility in the previous location of Vranken Kid City Academy.

- Location: 5055 Sun Valley Boulevard
- Assessor’s Parcel No.(s): 035-120-26
- Parcel Size: 4.45 Acres

- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Commission District: 3 – Commissioner Jung
- Development Code: Article 304, Allowed Uses
Article 808, Administrative Permits
- Section/Township/Range: Within Section 30, T20N, R20E, MDM, Washoe
County, NV

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated July 20, 2012. Hours of operation would be from 5:00 a.m. to 8:00 p.m., there was a fenced play area, the location was suitable for the type of use as a daycare, and the number of children allowed was to be determined by the Social Services Department.

Member Cieri asked if the play area was open to the public and Ms. Krause replied it was totally enclosed and was not.

Member Horan asked if there had been any public comment relative to the previous daycare center located there and asked if the other tenants had been notified. Ms. Krause replied she had not looked for any comments as this was considered a new project. She could not verify that the tenants had been notified, but the center was mostly vacant.

Chair Wideman asked if the conditions were noticeably different than the ones imposed on the prior daycare. Ms. Krause stated the only difference was the number of children allowed.

Applicant Cindy Sandau explained the outdoor area would be locked and they intended to move the fence to enlarge the area. They also planned to add an additional play area in the future.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Toulouse moved to approve Administrative Permit Case Number AP12-007 – Heaven’s Lil Angels Day Care Center. The motion was seconded by Member Harcinske 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 Master Plan and the Sun Valley 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 a commercial childcare 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.

Agenda Item 9C

PUBLIC HEARING: Amendment of Conditions Case No. AC12-002: Amendment of Special Use Permit Case No. SB10-009 – Palomino Valley General Improvement District (PVGID) - To amend two conditions of approval related to the construction and operation of a water truck fill station. The first amendment is to extend the time required for obtaining permits from two years to four years and the second is to remove the requirement for slats in the fencing surrounding the facility.

- Location: 4270 Ironwood Road at the southeast corner of State Route 445 and Ironwood Road.
- Assessor's Parcel No.(s): 076-251-07
- Parcel Size: ± 6.70 Acres
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs CAB
- Commission District: 5 – Commissioner Weber
- Development Code: Article 810, Special Use Permits
- Section/Township/Range: Within Section 7, T22N, R21E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated July 19, 2012. She explained the original permit had been approved in August of 2010 with several conditions of approval. It was not uncommon for an applicant to request an extension of time for construction, so staff was recommending approval of that portion of the request. She reiterated the Board had made the original decision that the visual screening is required, staff agreed, and recommended denial of the request to remove the slatting requirement.

Applicant's Representative Larry Johnson discussed budget constraints experienced by PVGID and negotiations with Truckee Meadows Fire District (Fire) to obtain their assistance in constructing the facility. He outlined some of the construction that had already occurred and what was necessary to make the facility operational.

Mr. Johnson explained that fencing companies had opined it would be more cost-effective to replace the entire fence than to put slats in the existing one. They had provided a quote of almost \$11,000 for that project, which Mr. Johnson equated to approximately 100 hours in a motor grader or 20 miles of roadway in the valley not being tended.

Mr. Johnson pointed out the location of the facility was near Pyramid Highway next to a turnout which was used by passing motorists. It was more convenient and more highly used than the turnout next to the Nevada Department of Transportation (NDOT) facility to the north. The NDOT facility was similar in use and had a slatted fence, and is the target of continual graffiti. He stated the PVGID facility was tucked back into an excavation and blended into the hillside.

Mr. Johnson went on to point out the facility was not in view of any homes, so was a convenient target for vandalism. They would like to retain the visibility to increase safety.

Chair Wideman brought up the fact a number of neighbors had expressed concerns and the discussion had gone on over more than one meeting. He asked why the issue of the slats had not been raised at that time. Mr. Johnson explained that was a different facility than the one being discussed. The slats in the fence surrounding that facility had been installed as required. Chair Wideman withdrew the question.

Member Cieri noted he drives by the site every day and it is being used as a storage yard, creating a visual blight for many who also drove by. He acknowledged the road maintenance was important but supported keeping the slat requirement in place.

Cathy Glatthar explained the equipment located in the yard was stored there temporarily during road construction and the permanent equipment would be minimal. The block wall would blend in with surroundings. She pointed out there were other examples of water truck fill stations that had no fencing or slats. She agreed slats would cause an attractive nuisance. The slats had not been brought up before the Board during the hearing because the prior president of PVGID had submitted a Director's Modification to waive parking and landscaping requirements and mistakenly assumed the fencing was part of that.

Member Cieri asked about specifics of construction and Mr. Johnson clarified the plans for him.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. Member Toulouse disclosed he had a friendship and business association with Mr. Johnson but there was no pecuniary interest and he did not believe it would have a bearing on his decision.

Member Toulouse acknowledged that most water truck fill yards were not fenced and agreed with the applicant regarding the potential graffiti issue. He expressed concern about the cost and stated he did not have an issue with removing the condition. Member Horan concurred and stated he also would not object to removal of the condition.

Member Cieri reiterated the facility was located along one of the main roads in the valley and that the existence of the fence could cause the facility to be used as a permanent storage yard. He stated he would prefer the slatted fence.

Member Toulouse asked Mr. Johnson if the retention of the requirement for fence slatting would cause the facility not to be built. Mr. Johnson stated it would not. He reiterated Fire would be assisting with construction costs as the facility would also benefit them.

Member Harcinske expressed concern that waiving the requirement could be constituted as a special privilege. She reiterated there had been no changes since the case was decided and the subject had not been brought up as a problem.

Mr. Johnson explained again the prior discussion referred to was in regards to a different facility. He pointed out PVGID had never come before the Board regarding this issue on this site.

Chair Wideman pointed out the current case being discussed was to amend conditions of a case heard by the Board in 2010, so it had in fact been before them. Mr. Johnson stated PVGID had been surprised to find the condition regarding the fence slats had not been removed, based on their assumption that had been handled by the Director's Modification.

Chair Wideman asked if SB10-009 had covered one or two facilities and Ms. Krause replied it was just for the water truck fill station. She explained a Director's Modification cannot be used to modify a condition the Board has already approved, just the codes.

Chair Wideman asked if the Board had made a decision regarding this fence in this location. Ms. Krause opined the applicant did not discuss it at the meeting due to their expectation that it would be removed. Chair Wideman asked questions about the testimony related to the original decision and Ms. Krause opined Mr. Johnson believed the Board had the two facilities confused. She disagreed. She reiterated the Board had approved the case with the conditions as written and the applicant had not spoken up at the meeting because they had thought the condition regarding the fence slats was going to be removed through the Director's Modification.

Chair Wideman asked if Ms. Krause had reviewed the minutes to see if that was what had occurred, and she stated she had not. She suggested offering the applicant a continuance so the circumstances could be reviewed more thoroughly. Member Toulouse expressed his support of the continuance for the purpose of gathering all of the facts regarding the decision to keep the screening requirement in place. Ms. Krause stated Community Development had no objection to the continuance but it was up to the applicant to request it.

Chair Wideman asked if the minutes contained in the staff report contained the full testimony and Ms. Krause stated she did not know. Member Harcinske pointed out the minutes included explained the Board had been retroactively approving a permit for a constructed project. Ms. Krause reiterated her recommendation to continue.

Mr. Johnson requested the item be continued to the next meeting. DDA Salter asked if the project would be in danger of expiration if the extension were not granted before the two-year deadline. Chair Wideman asked if it was acceptable to act on the extension and continue the portion of the item regarding screening. DDA Salter stated it was.

Discussion ensued regarding the length of the extension. Member Cieri moved to approve conditionally condition 1b of Amendment of Conditions Case No. AC12-002: Amendment of Special Use Permit Case No. SB10-009 – Palomino Valley General Improvement District, to allow the applicant until August, 2014 to complete the project. DDA Salter recommended he change the motion to reference four years from date of original approval. Chair Wideman requested that, in the interest of clarity, if Member Cieri would withdraw the motion, he would formulate the language for it. Member Cieri withdrew his motion.

Chair Wideman moved to approve, conditionally, condition 1b of Amendment of Conditions Case No. AC12-002: Amendment of Special Use Permit Case No. SB10-009 – Palomino Valley General Improvement District, to allow two additional years for completion. The motion was seconded by Member Cieri 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 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 a water truck fill station, 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.

Chair Wideman moved to continue Amendment of Conditions Case No. AC12-002: Amendment of Special Use Permit Case No. SB10-009 – Palomino Valley General Improvement District, for the request to amend condition 1h, to the October meeting. The motion was seconded by Member Toulouse and passed unanimously.

Agenda Item 9D

PUBLIC HEARING: Special Use Permit Case No. SB12-008 – William Kunz Grading - To allow grading of approximately 4,870 cubic yards of earth and allow a surface disturbance of approximately 57,000 square feet for the purpose of re-contouring both the front and rear yard areas of the dwelling in preparation for future landscaping.

- Location: 6947 Windy Hill Road, approximately 1200 feet north of its intersection with Lakeside Boulevard.
- Assessor's Parcel No.(s): 041-101-16
- Parcel Size: ± 3.28 Acres
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows CAB
- Commission District: 1 – Commissioner Breternitz
- Development Code: Article 438, Grading
Article 810, Special Use Permits
- Section/Township/Range: Within Section 35, T19N, R19E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated July 19, 2012. She explained the grading would be engineered and reviewed by Public Works and the entire area was proposed to be landscaped.

Member Horan asked if a permit would be needed for the driveway and Ms. Krause explained it would not, permits are not required for that purpose.

Applicant's Representative Audra Miller stated all conditions were acceptable to the applicant and explained the purpose of the project was to create more defensible space in case of a fire emergency.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan moved to approve conditionally Special Use Permit Case No. SB12-008 – William Kunz Grading. The motion was seconded by Member Harcinske 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 Master Plan and the Southwest Truckee Meadows 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 grading for future landscaping, 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.

Agenda Item 9E

PUBLIC HEARING: Special Use Permit Case Number SB12-012 OR Administrative Permit Case Number AP12-006 and Variance Case No. VA12-003 - SVGID (Sun Valley General Improvement District) Paintball Park - To allow the construction and operation of a commercial paintball course (Outdoor Sports and Recreation Use Type) including two courses for play and to vary the maximum fence height for specialty fencing from 10 feet in height to 20 feet in height to allow the erection of protective netting around a proposed paintball course as authorized in as authorized in Article 810 (Special Use Permits) OR Article 302 (Administrative Permits) and Article 804 (Variances) of the Washoe County Development Code.

- Location: 115 West 6th Avenue, Sun Valley, at the Sun Valley Community Park
- Assessor's Parcel No.(s): 085-211-03
- Parcel Size: ± 20 Acres
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Commission District: 3 – Kitty Jung
- Development Code: Article 304, Allowed Uses
Article 808, Administrative Permits
- Section/Township/Range: Within Section 18, T20N, R20E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

DDA Salter explained that although the case had originally been accepted as an Administrative Permit and Variance, the requests were better met through a Special Use Permit (SUP). Staff was not convinced they could meet all of the findings for a Variance with regards to the 20-foot fence. It was determined the fence was a requirement for public safety, and height standards may be altered through an SUP.

Ms. Sannazzaro reviewed the staff report dated July 19, 2012. She explained two courts were proposed, one would have bleachers and an announcer's tower. She displayed a map showing the different activities and facilities already available at the park, which include baseball, volleyball, a bike park and a pool. The project is proposed to be constructed in phases.

Ms. Sannazzaro stated the hours of operation would be 9 a.m. to 9 p.m. Sunday through Thursday and 9 a.m. to 10:00 p.m. Friday and Saturday. Lighting will be on the net poles and the project has been conditioned to have no amplified noise. Also required was additional landscaping along West 7th St. and Sun Valley Boulevard, a Hold Harmless Agreement and general liability insurance. The facility shall be under the direct supervision of a Range Master at all times while in operation.

Ms. Sannazzaro went on to explain the conditions also limited the types of objects that could be used as obstacles in efforts to make sure a visual blight was not created. Concerns expressed by neighbors of the park included noise, cleanup of properties targeted by users of the facility, length of the lease, potential SVGID assessment for more recreational funds and reduction of property values.

Ms. Sannazzaro stated staff had added a condition requiring an analysis be conducted to be sure there is adequate parking for the additional use.

Member Cieri asked if the hours of operation were year round and if the lighting was to be down shielded. Ms. Sannazzaro stated the hours were the same all year and the applicant would be required to provide an analysis showing there was no spillover lighting.

Member Harcinske asked if there was a separate agreement with the county that allowed the applicant to operate as a concessionaire. Ms. Sannazzaro stated the property was owned by SVGID and the applicant intended to present some questions and requests to the Board at the hearing.

Member Horan verified with Ms. Sannazzaro that, since SVGID owned the land, the applicant would be leasing the land as a concessionaire. Ms. Sannazzaro clarified that was correct. Member Horan asked about the terms of the lease and Ms. Sannazzaro explained that was in negotiation.

Applicant Lawrence Kagawa explained days of operation were generally limited to days with fair weather and apologized for the confusion regarding the term "concessionaire" versus "lessee," he was not sure what the exact legal terminology would be.

Mr. Kagawa went on to state that the top priority of the existing facility, Reno Indoor Paintball, was client safety. Their intent was to run a clean, professional operation. He addressed Condition 1e, which required security fencing when the facility was not in operation, explaining a phased approach was being utilized so that the project would not become cost prohibitive. All of the property that belonged to the company would be locked up, secured on site. He requested the Board allow a phased installation of the security fencing. Member Horan asked if Mr. Kagawa wanted to change the condition and he said no. Chair Wideman pointed out that if the Board adopted that, it would require that he submit a plan to staff and the details would be worked out between him and Community Development.

Mr. Kagawa requested Condition 1k be modified to remove the requirement for additional landscaping along Sun Valley Boulevard, as some landscaping already existed. He asked Condition 1m be modified to allow black netting and 1o be modified to allow a material

other than artificial turf. Chair Wideman asked if he would be satisfied if the condition were removed and he replied he would.

Mr. Kagawa requested Condition 1r be modified to allow themed obstacles in good condition for limited durations of time. He requested the public address system not be prohibited as it was by Condition 1s8 that it be allowed to be used to regulate game play, along with horns and buzzers. His last request was that Condition 1s9 be modified to allow SVGID to be the authority regarding whether or not the applicant was allowed to provide concessions.

Mr. Kagawa asked if it was necessary for Washoe County to be named on every legal document associated with the project as SVGID was the property owner. Mike Baresi, SVGID, noted that Risk Management was placing conditions that would typically be imposed by SVGID, as they were the owner-operator of the property and expressed the same concern as Mr. Kagawa had concerning the subject.

Mr. Whitney requested the applicant repeat his request regarding Condition 1k. Mr. Kagawa explained there were already trees along Sun Valley Boulevard and asked the condition only require them to install trees along West 7th Avenue.

DDA Salter stated he needed to speak to Risk Management staff about their request for Washoe County to be named on the insurance certificate and Hold Harmless Agreement, indicating he did not understand why those requirements were included. Mr. Baresi explained SVGID has their own elected Board of Trustees who have the authority to make decisions regarding operation, maintenance and the power that they hold as a GID. Mr. Kagawa explained the addition of Washoe County to the documentation could be done; they just wanted to understand the process. Chair Wideman asked if it caused them an impediment to the operation and Mr. Kagawa stated it did not.

Member Cieri asked about the request to change Item 8 regarding the public announcement (PA) systems. Mr. Kagawa explained the system was necessary for them to be able to bring in national events. Member Cieri asked when they would be using the system and Mr. Kagawa explained that their current system had been used every other week between April and August, from 9:00 a.m. to 11:00 a.m. and 1:00 p.m. to approximately 3:00 p.m. They wished to retain the ability to utilize the system through 10:00 p.m. for the rare occasion when they were sponsoring a late game. He emphasized the speakers would be within the netting and would only be able to be heard by the players. If the neighbors complained, they would make further efforts to diminish the noise.

Chair Wideman asked Mr. Baresi if any other facilities in the park had sales of food or beverages. Mr. Baresi explained there was one authorized mobile vendor. If the applicant wanted to act as a concessionaire, they would need to apply for a contract with the GID.

Member Harcinske opined Community Development should be involved in the discussion regarding alternative playing field surfaces. Mr. Kagawa opined that would not be a problem and briefly discussed the special challenges they faced based on the fact the park was also designed to function as a retention basin should there be a flood.

Member Toulouse addressed the request to phase in the security fencing. He restated the items belonging to the facility would be stored, and asked what would preclude others from bringing in their own items and using the field when it was not in operation. Mr. Kagawa replied the only restrictions would be the ordinances already in place such as quiet hours and hours of operation. Member Toulouse asked if the fields would be locked when not in use. Mr. Kagawa indicated they would be after the security fencing was placed.

DDA Salter opined the reason Risk Management had conditioned the project the way they had was because Washoe County owns the land. He recommended the conditions remain as written.

Chair Wideman asked Ms. Sannazzaro what staff's position was regarding the applicant's requests. She opined it was reasonable to phase in the fencing, and proposed altering Condition 1e to require a written plan prior to the issuance of a business license.

Ms. Sannazzaro noted code required landscaping in the form of a tree every 20 feet, so if the landscaping along Sun Valley Boulevard met that requirement, Condition 1k could be modified to require the applicant to plant trees along West 7th Avenue only. Regarding the request to allow black netting around the courts, the applicant had stated the cost of clear netting would be three times the cost of black and she felt the county should support local businesses. Therefore, she was in favor of altering Condition 1m to allow the black netting.

Ms. Sannazzaro then addressed the artificial turf, suggesting Condition 1o should be removed. Regarding the requested themed obstacles, she recommended Condition 1r be modified to allow them on site for a maximum of 90 days. She stated she was not clear on what was being requested regarding the PA system and asked the applicant clarifying questions. She then suggested Condition 8 could be modified to state there would only be announcers, buzzers and horns during competitive play.

Ms. Sannazzaro stated she did not know why sales of food and drink were prohibited and clarified the applicant preferred SVGID hold the concession authority. She opined there would be complaints if the concessions created any additional problems. Member Harcinske suggested a modification designating SVGID as the authority and Chair Wideman asked if the condition could be removed. DDA Salter asked if there was a zoning or land use issue involved and Ms. Sannazzaro replied there was not. Chair Wideman pointed out that activity was already being conducted in the park.

Mr. Whitney noted SVGID would need to apply to the County if they wished to pursue any activity outside of what was currently allowed and opined the condition could be removed.

Chair Wideman requested clarification regarding Ms. Sannazzaro's position regarding Condition 1r, specialized obstacles. The applicant reiterated his intent to create attractive obstacles, not litter the playing field with junk. Chair Wideman stated he understood the intent, but was not clear about how to write language to describe it. Mr. Baresi stated SVGID monitored the property closely on a daily basis and they would be sure whatever was brought in would be in keeping with the goal of avoiding visual blight. Chair Wideman opined the condition might be deleted and the authority to police the sight be given to SVGID.

Mr. Whitney suggested language be added to the condition allowing themed objects to be temporarily placed and then removed. Member Horan suggested the addition include a phrase delegating authority to SVGID. Chair Wideman offered the option of altering the condition to require a neat and clean appearance when not in use. Ms. Sannazzaro opined it would be best to allow items on the property upon the approval of SVGID. Member Harcinske asked if Washoe County Code Enforcement would be handling complaints. Ms. Sannazzaro and Mr. Whitney clarified inoperable vehicles must be screened from view, unless authorized by an SUP.

Member Cieri asked why the County was imposing so many conditions when SVGID was the leaseholder of the property. Mr. Whitney explained Washoe County Code required the SUP for this use in this zoning category. Mr. Kagawa opined the requirements were necessitated because other projects were started without a permit and were required to request

approval retroactively, then went out of business because of failure to comply. They were not objecting to the conditions, they preferred to obtain permission in advance.

Chair Wideman opined it was better to omit Condition 1r, regarding the temporary use of themed obstructions, as SVGID and the Code Enforcement officers could deal with any problems. Ms. Sannazzaro agreed, adding that, if there were numerous complaints, the case could be brought back before the Board.

Chair Wideman and Ms. Sannazzaro discussed the clarifications for each Condition:

1e – The applicant shall submit a phased plan.

1k – Trees to be planted only along West 7th Ave.

1m – Add black as optional color for netting.

1o – Remove.

1r – Remove.

1s3 – No change.

1s8 – Allow amplified PA during competitive events.

1s9 – Remove.

The applicant agreed with the changes as discussed.

Sherry Palacio expressed concern the county and SVGID could be sued if there were injuries or deaths, costing taxpayer dollars. She opined it was a needless risk to people, and was a nuisance and an eyesore.

Norma Forbush explained she lived across the street from the park and they were subjected to noise and trash resulting from the use. She opined her property value would be affected and the view of black netting would be unpleasant.

George Forbush stated the access to their home was a private road that was continually accessed by people who use the park. He expressed concern about who would monitor and maintain the new facility and that there were not adequate restroom facilities or parking.

Lorne Cusick expressed concern about noise.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan requested comments on parking requirements and availability. Chair Wideman opined that was the reason for the requirement for the parking study. Ms. Sannazzaro stated that was correct. Member Horan asked if the study would consider code requirements in the analysis. Ms. Sannazzaro explained it would determine the number of spaces required and available for each type of activity in the park.

Member Harcinske asked if the restroom facilities question had been addressed. Member Horan asked if Code had built in requirements for restroom facilities and parking. Mr. Whitney stated DDA Salter was reviewing Code to find that out. As the uses had been added

on one by one over time, the park had not previously been studied in total. The conditions for the current facility addressed that. Member Horan opined the study may not provide enough information to give the county authority to require additional parking or restrooms.

Member Cieri asked to be shown where the parking areas were. Ms. Sannazzaro displayed a map and Mr. Whitney and Mr. Baresi demonstrated where the parking and restrooms were located. Chair Wideman asked where they would put additional parking if it was determined to be necessary. Mr. Baresi indicated there were other areas that could be used, but acknowledged the project may not go forward due to that. That answer was satisfactory to Chair Wideman. He pointed out that if the Traffic Engineer determined more parking was required, the County would insist it be added. He added that the Health Department would make the call regarding the adequacy of the sanitation facilities.

Member Cieri asked if there had been a shooting sound level test, and Mr. Kagawa explained the decibel levels and stated it was less noisy than a lawnmower. He told the Board of a special test that had been conducted near a golf course and stated the golf players were undisturbed by the shots. He noted the players make more noise than the guns.

Member Cieri noted the Board had been putting limits on PA systems for years because they do affect the surrounding property owners. He was not comfortable about allowing it to operate until 10:30 p.m. Ms. Sannazzaro reiterated the PA would only be allowed during competitive events, which last approximately 90 minutes. The applicant had stated most were held in the morning and in the early afternoon; the evening competitions were a rarity.

Member Harcinske opined the neighbors were not as pleased with the park as a neighbor as they could be. She was not comfortable making the current applicant pay for all of the prior problems by turning their application down.

Member Horan agreed, noting that although it may seem a detriment to the neighbors, the Board could not stop the park from providing services to the public.

Member Cieri pointed out to the property owners they did have recourse, they could complain if there was a problem. But it is a park. He disagreed with the hours allowed for use of the PA and reiterated his concern about the noise from the guns.

Member Toulouse agreed, stating he would feel more comfortable if the applicant would reduce the hours to 9:00 p.m.

Chair Wideman noted the park had been in existence for some time. He felt the land use was appropriate and opined the paintball would not cause any more noise than any other type of recreational activity currently located on the grounds. He noted the facility was not designed to attract thousands of people, and stated he felt it was adequately conditioned.

DDA Salter suggested the motion be made in two separate pieces, the first clarifying the changes to the conditions, the second being the approval.

Member Harcinske moved to approve conditionally as amended Special Use Permit Case Number SB12-012 - SVGID Paintball Park. The motion was seconded by Member Toulouse.

DDA Salter pointed out the motion had included the word variance and that should be changed to deviation so as to designate a deviation of standards, which is achieved through the SUP.

Member Harcinske revised her terminology as recommended and Member Toulouse seconded the revision. The motion 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 Master Plan and the Sun Valley 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 a commercial paintball course (Outdoor Sports and Recreation Use Type), 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.

10. Chair and Board Items

A. Election of Officers: Board of Adjustment Chair and Vice Chair

Member Horan recommended reappointment of Chair Wideman, and Member Toulouse seconded. Member Cieri agreed that Chair Wideman had served well but suggested Member Harcinske should have an opportunity to act as Chair. Chair Wideman indicated he would concede if that were the will of the Board and asked Member Cieri if he was nominating Member Harcinske, and he stated he was. Member Harcinske indicated she would prefer Chair Wideman retain his seat.

The motion to retain Robert Wideman as Chair passed 4-0, Chair Wideman abstaining.

Member Horan nominated Member Harcinske as continuing Vice Chair, and Member Toulouse seconded. Member Cieri suggested Member Toulouse should have an opportunity to act as Vice Chair and nominated him for the position. Member Toulouse felt, that for succession purposes, it would be best if Member Harcinske continued in the role, so he declined the nomination.

The motion to retain Mary Harcinske as Vice Chair passed 4-0, Member Harcinske abstaining.

B. Appointment of Member Representative and Alternate to the Design Review Committee

Member Toulouse proposed they retain the current members, being Chair Wideman as primary and Member Toulouse as Alternate.

Member Horan seconded the motion which passed unanimously.

11. Director's Items

- B. Presentation, discussion and possible direction to staff regarding the preferred format for project and case descriptions on agendas for Board of Adjustment meetings.
Staff: Grace Sannazzaro, Planner, 775.328.3771, gsannazzaro@washoecounty.us

The Board unanimously declared they preferred the bulleted format and would like to see a bullet added clarifying who the applicant is.

12. Public Comment

As there was no one wishing to speak, Chair Wideman closed the Public Comment period.

13. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 4:30 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on October 4, 2012

William Whitney
Secretary to the Board of Adjustment