



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Kim Toulouse, Chair
Lee Lawrence, Vice Chair
Philip J. Horan
Robert F. Wideman
Vacant
William Whitney, Secretary

Thursday, April 3, 2014
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, April 3, 2014, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Kim Toulouse, Chair
Lee Lawrence, Vice Chair
Philip Horan
Robert Wideman

Members absent: None; one vacancy

Staff present: Carl R. Webb, Jr. AICP, Planning Manager, Planning and Development
Roger Pelham, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Eva Krause, AICP, Planner, Planning and Development
Grace Sannazzaro, Planner, Planning and Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Sara DeLozier, Recording Secretary

2. Pledge of Allegiance

Member Wideman led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Salter recited the Ethics Law standards.

4. Appeal Procedure

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

5. Public Comment

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

6. Approval of Agenda

Grace Sannazzaro stated she was in receipt of a letter from David Downs, applicant for Special Use Permit Case Number SB14-002 (Verizon Wireless) Agenda Item 8E, requesting the item be postponed until the June 5, 2014 Board of Adjustment meeting. Chair Toulouse recommended moving item 8E to the first public hearing item in order to hear public comment.

In accordance with the Open Meeting Law, Member Wideman moved to approve the agenda of February 6, 2014, as amended. The motion, seconded by Member Horan, passed four in favor and none opposed.

7. Approval of February 6, 2014 Draft Minutes

As there were no minutes to approve, Chair Toulouse moved to defer this item to the June 5, 2014 agenda. Member Horan seconded the motion which carried unanimously.

8. Planning Items and Public Hearings

Agenda Item 8E

Public Hearing: Special Use Permit Case Number SB14-002 (Verizon Wireless) – To allow for the construction of a Wireless Communications Facility consisting of a 100 foot high stealth design monopole containing six antennas, and an equipment shelter containing telecommunication ground equipment, all of which shall be enclosed within a 50' x 50' fenced area on a ±35.73 acre parcel.

- Applicant: Sacramento Valley LP dba Verizon Wireless
- Consultant: Complete Wireless Consulting
- Property Owner: Washoe Valley Storage
- Project Address: 205 US Highway 395 N, Washoe Valley, NV;
located on the west side of US Highway 395,
across the highway from Old Washoe Drive.

- Assessor's Parcel No.: 046-080-42
- Total Parcel Size: ±35.73 Acres
- Total Project Size: 50 feet x 50 feet (2,500 square feet)
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 324, *Communication Facilities*
Article 810, *Special Use Permits*

- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 24, T17N, R19E, MDM,
Washoe County, NV

- Staff: Grace Sannazzaro, Planner
Washoe County Community Services Department
Planning and Development Division

- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Toulouse opened the public hearing. Ms Sannazzaro restated that David Downs, applicant for Sacramento Valley LP dba Verizon Wireless, had written a request to continue the item until the June 5, 2014 Board of Adjustment meeting.

Chair Toulouse opened public comment.

William Naylor, a Washoe Valley resident since 1978, stated that everything he and the planning department have looked at, in the application, is fundamentally flawed. They are recommending a lattice tower that can only be installed in the Washoe Valley area on McClullan Peak or Slide Mountain. If Verizon had any more meetings about this project, they'd have to change the design of the tower. That would mean the engineering drawings, radio frequency studies, and the description would have to be changed. Basically, the entire application would have to be rewritten, as he sees it. Mr. Naylor believes if Verizon comes back with a monopole design, things still haven't changed as it is still next to a public trail, there are still negative effects on the view shed from Washoe Lake State Park and scenic byway in that area, there is negative impact on the view shed of the residents in that area, and a negative impact on the Pacific Flyway. Verizon is asking for an extension but these things won't change. Mr. Naylor believes Verizon wasn't up front at the CAB meeting when they were asked to extend the application so they could have a public meeting and explain their project but they declined to do that. They were asked to postpone the project until after a second CAB meeting so citizens could have input but they declined to do that. Verizon called it the "Pleasant Valley Project" which fooled quite a few people in Washoe Valley so residents didn't attend the CAB and have a chance to talk about the project. Mr. Naylor personally requested information from Verizon regarding the facility on McClullan Peak which they claim is out of capacity. He wanted to know if the facility served Carson City and Washoe Valley and, if so, what percentage served Carson City and what percentage served Washoe Valley. Verizon declined to answer his question. Mr. Naylor requests that the Board deny the application based on all the work that has been done by the citizens and government.

Karen Critor, is a Washoe Valley resident for 27 years and board member of the Washoe Valley Alliance, whose mission is to preserve and protect the unique qualities of Washoe Valley through stewardship and education. She's here to share some information about the wildlife of Washoe Valley. Nearly \$50 million have been invested in the preservation of Washoe Valley. The scenic, recreational, economic, and educational value of this valley is beyond measure. It is home to Washoe Lake State Park, Washoe County Parks, the Scripps Wildlife Management Area, the South Washoe Valley Wetlands, and the Washoe Valley Scenic Byway. It is valued for its scenic beauty, its rural character, and its abundant wildlife which include mule deer, coyotes, bear, rabbits, bobcats, and mountain lions. As many as 250 different bird species have been recorded in Washoe Valley including mountain quail, hawks, and bald eagles. Ms. Critor went on to say, Washoe Valley is part of the Pacific Flyway which provides necessary habitat for migratory birds. International agreements exist for the protection of these environments. Little Washoe Lake and Scripps Wildlife Management Area are recognized by the Nevada Important Bird Area Program as sporting species of birds that are identified as high conservation priorities such as the Snowy Egret and the White Faced Ibis. Goal 20 of the South Valleys Area Plan states, public and private development will respect the value of wildlife and wildlife habitat to the community. Paragraph 20.2 continues; any development that has potential to negatively impact an established wildlife migration area, route or critical habitat including but not limited to traditional mule deer migration routes and the Pacific Flyway for migratory birds and their associated habitat must demonstrate how that project will protect the integrity of the migration route or habitat. Ms. Critor does not feel that Verizon has provided that protection. The construction of a 100' lattice tower in an international flyway next to a wildlife management area is not consistent with Washoe County's goals and policies to protect wildlife and habitat and is detrimental to the environment. For this reason Ms. Critor requests that this application be denied.

Ginger Pierce, lives in Pleasant Valley, and said at the CAB meeting she sat beside the gentleman who was requesting it and it wasn't so much about a tower as he didn't like the gates. She stated she personally walked around and talked to the people who were supposed to have been notified and not a single one except the gentleman at the storage said that they had been noticed. This is the third time. The first was Talec Tower Group in 2008, South Winds Communications in 2011 and now Verizon Wireless. Ms Pierce said she walked up the side of the hill and took pictures. The gentleman already has a tower there. He apparently doesn't care about the size of the tower he just doesn't like the gates. Saint James came in and put up gates and now he has to go through a gate and he told me that is what he's mad about. He doesn't care about the tower he's just trying to irritate the people who are there.

Fred Woodside, CEO of the ownership of Saint James Village and Sierra Reflections, stated the Saint James Villages is located west of the proposed tower and Sierra Reflections is located north. His submitted maps depict portions of both subdivisions. Just left of the middle center is the location of the cell tower. On the topo map is the proposed location site. He points out that the elevation of the cell site is 5,206', the elevation of the hill to the east is 5,220', and the elevation on the hill to the west 5,360'. He was previously unaware that Verizon had requested a continuation and he's not heard from them directly on behalf of the ownership. Mr. Woodside stated that Saint James Village has been under construction since 1995 and is composed of 530 one-acre lots. Sierra Reflections is a 930 lot subdivision that will be developed in the next 5 – 10 years. The proposed tower, due to its location and 100' height, nearly at the same elevation, will severely impact Sierra Reflections and obstruct their westerly views of the Mt. Rose area. Saint James Village will also be impacted and the tower will obstruct the easterly and south-easterly views of the Washoe Lake Area. The area on the hill has no trees and there is very little vegetation on the hill due to the Washoe Drive fire. On behalf of the ownership of the adjoining properties he asks the Board not to approve the proposed communication tower.

Michael Spray stated out his back door he can see the storage units which are unkempt and an eyesore. The addition of a cell tower would make it look even worse. He believes, with a faux windmill, it would be a danger to the wildlife and birds in the migration area. With Washoe Valley growing and him being a resident there, he'd like it to be an upscale community and adding a cell tower would bring the property values down and not serve the Valley well. Mr. Spray is a Verizon customer and says he gets better service there than anywhere and he doesn't believe there is a need for a cell tower in that area. He urged the board not to approve the application as it will impact his property.

Terry Thomas lives in lower Hidden Valley and while not a resident of the affected area her area is facing a lot of the same issues of encroaching development effecting wildlife issues along with the rural wildlife they enjoy and she feels an affinity with the Washoe Valley residents and the Washoe Valley Alliance who have worked very hard on their area plan and are invested in their community. Ms. Thomas stated a view is never restored, once it is gone it is gone.

Chair Toulouse closed public comment.

Ms. Sannazzaro noted, the applicant was advised by staff that a lattice tower isn't allowed in this area of the County as well as being too close to a public trail so with that he'd like to redesign it, relocate it and bring it back to the June 5, 2014 Board of Adjustment meeting.

Chair Toulouse restated the applicant had provided an email with a list of six reasons why he'd like a continuance.

Member Wideman said he thinks the applicant has a number of substantial challenges to gain approval of the project. At the same time he would like to allow him time to make his case or adjustments. If the Board was to deny the project they could just reapply or appeal. It

wouldn't be "the end of the hunt". He'd rather have all the facts in order to make a decision than simply deny it.

Members Horan and Lawrence agreed with Member Wideman's statement.

Chair Toulouse opined that they had been provided with adequate information in the staff report for denial, however, this may not be the final step as Verizon can appeal to the BCC. He'd rather have this Board have a chance to review the project and agreed to postpone the item to the June 5, 2014 meeting.

DDA Salter advised the Board, there has been a request to take the application back to the CAB. If the applicant is going to change the nature of the project in design and location, it would be new and the Board may want to consider conditioning the continuance on; if it is a different design or location that they need to go back to the CAB for review and also staff should consider re-noticing it.

Mr. Webb noted the next South Truckee Meadows/Washoe Valley Citizen Advisory Board meeting will be May 8, 2014.

Chair Toulouse asked Ms. Sannazzaro if, with the changes in design and location, there would be enough time to re-notice, have the CAB meeting, and receive adequate public input by June 5. Ms. Sannazzaro said if it was a new application it would be taken in on April 15 and would start the cycle. She advised the applicant, in order to make the June public hearing they would have to give staff new plans by April 15. If they can meet that deadline they will be put on the May CAB agenda, Washoe County will do a wider noticing area, and they'll fit in the cycle if they meet our deadlines.

Member Horan asked DDA Salter what the downside would be in denying the application and having a new project move forward. DDA Salter said the Board can take action today even though the applicant isn't here. They could deny it with prejudice and the applicant could not bring it back for another year. If the Board denies it without prejudice the applicant could bring another project back. There may be an additional cost or expense if the Board denies it and the applicant has to come back with a new application. Also, if denied, the applicant could bring an appeal saying he missed his opportunity for a hearing. But that may not fly as the public hearing is now and the applicant didn't show.

Member Wideman opined that they don't gain anything by denying today. The applicant has requested a continuation and that is something that is routinely granted. His absence is probably based on that request. It's only fair to hear him out.

Member Lawrence agreed with Member Wideman.

Chair Toulouse thanked the public for their comments and added they will probably have another opportunity to comment again in June.

Member Wideman moved that, Special Use Permit Case Number SB14-002 for Verizon Wireless, be postponed to date and time certain on June 5, 2014 at 1:30 p.m. at the next regular Board of Adjustment meeting and the project be conditioned to include rehearing before the South Truckee Meadows/Washoe Valley Citizen Advisory Board and re-notice of those persons in the affected area. Member Horan seconded the motion which carried unanimously.

Agenda Item 8A

Public Hearing: Administrative Permit Case Number AP14-001 for Little Church in the Valley – To allow a church for religious assembly, meetings, youth programs and fellowship on the ground floor of an existing two-story building.

- Applicant: Little Church in the Valley, Inc.
- Property Owner: Gary and Deborah Brown
- Project Address: 100 Deli Street; located on the west side of Lemmon Drive, approximately 1.2 miles north of the Lemmon Drive/Military Road intersection

- Assessor's Parcel No.: 080-191-06
- Total Parcel Size: ± .45 Acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Article 808, *Administrative Permits*
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Within Section 34, T21N, R19E, MDM, Washoe County, NV

- Staff: Grace Sannazzaro, Planner
Washoe County Community Services Department
Planning and Development Division

- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Toulouse opened the public hearing. Grace Sannazzaro reviewed her staff report dated March 3, 2014.

Karry Crites, the applicant, is looking forward to this opportunity. They have been worshipping down the street and are glad to find a place of their own. They are exploring options for the fire sprinklers and fire break in the upstairs apartment that will meet their budget.

Chair Toulouse opened public comment.

Ralda Lindstrom, the Treasurer of the Church, stated that most of their money would be used for the down payment of the property. They will have very little left to put in an expensive sprinkler system. They can put in smoke alarms and provide a rope ladder to throw through an upstairs window. There are three or four ways to evacuate the downstairs but only one door to exit the upstairs.

Chair Toulouse closed public comment.

There were no disclosures made.

Member Lawrence moved that, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve Administrative Permit Case No. AP14-001 for Little Church in the Valley, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Wideman seconded the motion which carried unanimously.

The motion was based on the following finding:

1. Consistency. The proposed use of a church is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. 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. The site is physically suitable for a church and for the intensity of such a development;
4. Issuance Not Detrimental. 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 8B

Public Hearing: Administrative Permit Case Number AP14-002 for Woodland Village Temporary Watchman's Quarters – To allow a recreational vehicle to be used as a temporary watchman's quarters within an existing construction yard that services the Woodland Village subdivision.

- Applicant/Owner: Woodland Village North
- Project Location: 300' past the end of pavement of New Forest Drive in the Woodland Village subdivision
- Assessor's Parcel No.: 556-290-19
- Total Parcel Size: ± 358 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Article 808, *Administrative Permits*
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Within Section 9, T21N, R18E, MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

Chair Toulouse opened the public hearing. Trevor Lloyd reviewed his staff report dated March 12, 2014.

Peter Lister, the applicant, was asked by Chair Toulouse how they were going to manage the sewer from the recreational vehicle (RV). Mr. Lister responded that there are Sani-Huts at

the site which are pumped out weekly. The trucks also have a coupler that attaches to the RV to pump it weekly.

With no response for the call of public comment, Chair Toulouse closed public comment.

There were no disclosures made.

Member Wideman 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 with conditions Administrative Permit Case Number AP14-002 for Woodland Village North, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Horan seconded that motion which carried unanimously.

The motion was based on the following finding:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the 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 temporary watchman's quarters 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 8C

Public Hearing: Special Use Permit Case Number SB13-023 (North Valleys Regional Park Grading) – To allow the excavation and grading of approximately 10,100 cubic yards of cut and 10,000 cubic yards of fill, with a disturbed area of approximately 360,300 square feet in preparation for parking areas, playing fields and related amenities, and to allow graded slopes greater than ten feet in height.

- Applicant: Washoe County Parks and Open Space
1001 E. Ninth Street, Reno, NV 89502
- Property Owner: United States of America
- Location: On the north side of Sky Vista Parkway
approximately 1,000 feet west of its intersection
with Trading Posed Drive
- Assessor's Parcel Number: 086-390-06
- Parcel Size: 80 Acres
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys

- Development Code: Article 810, *Special Use Permits* and Article 438, *Grading*
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 4, Township 20N, Range 19E MDM, Washoe County, NV
- Prepared by: Roger D. Pelham, MPA, Senior Planner
Planning and Development Division
Washoe County Community Services Department
775.328.3622
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. Roger Pelham reviewed his staff report dated March 17, 2014.

Member Wideman confirmed with Mr. Pelham that today the Board is only acting on the grading permit. Mr. Pelham said that was correct. Member Wideman noted that the Board had received a written proposed condition 1b, different than condition 1b in the staff report. He asked Mr. Pelham if he was the source of that. He said no, it was from the applicant but staff has no objection to the modification. The applicant's condition 1b will replace the original condition 1b.

Member Horan asked Mr. Pelham who had been doing the grading in the past on this public facility. Mr. Pelham said that most of the stock piles of dirt were left from the construction of the water park, last year. Member Horan asked if this was a case of someone doing grading without any authority to do so. Mr. Pelham deferred that question to the applicant.

Jennifer Budge, Park Planner with Washoe County, answered that the stock piles were from Phase 4 of the North Valleys Regional Park which included the water park, the playgrounds on the west side of the facility. The stock piles of dirt are leftover from that project which was all permitted and the stock piles were anticipated with the contractor to be used on this project. As well as completing draining on the Phase 4 project. It is a temporary location. Member Horan expressed his disappointment of the County being guilty of not grading properly and handling it in a proper basis. We have a lot of that that comes to pass before us and it's always a disappointment when we get it.

Derek Wilson, with Rubicon Design Group on behalf of Washoe County Parks, noted that late in the project it became clear that they couldn't guarantee funding would exist in the timely way they would prefer to get the project done. The Parks department is anxious to start as they have the money but not all the money to build the entire project outlined in this permit so they felt it necessary to put in timeline or phasing schedule with the means to amend the timeline if necessary, that is what the proposed condition 1b is that was handed to the Board.

With no response for the call of public comment, Chair Toulouse closed public comment.

Chair Toulouse disclosed that he's known Jennifer Budge for a while and has worked with her before on other projects. He feels it will not impact any decision that he will make on this project. There were no other disclosures.

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB13-023 for Washoe County Parks and Open Space, having made all five findings in accordance with Washoe County Development Code Section 110.810.30, and allowing the grading of slopes greater than ten feet in height and with the amendment of staff report condition 1b to be

replaced with the language for 1b submitted by the applicant. Member Horan seconded the motion which carried unanimously.

The motion was based on the following finding:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the 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 active recreation, 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 a military installation.

Agenda Item 8D

Public Hearing: Special Use Permit Case Number SB14-001 (Truckee Meadows Fire Protection District Peavine Volunteer Fire Station #331) – This is a request to complete tenant improvements/remodel of an existing unfinished metal building to be used in conjunction with, and be part of, the Peavine Volunteer Fire Station #331 in the North Valleys; and to vary the front yard setback standards along Longview Lane from 20 feet to a minimum of ±16 feet.

- Applicant/ Property Owner: Truckee Meadows Fire Protection District (TMFPD)
- Project Location: 11005 Longview Lane, Reno, NV
- Assessor's Parcel Number: 081-040-01
- Parcel Size: ±1.00 acres
- Regulatory Zone: Public Semi-Public Facilities (PSP)
- Master Plan Category: Public Semi-Public Facilities (PSP)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Commission District: 5 – Commissioner Weber
- Development Code: Article 302, *Allowed Uses*; Article 304, *Use Classification System*; Article 412, *Landscaping*; and Article 810, *Special Use Permits*
- Section/Township/Range: Section 18, T20N, R18E, MDM, Washoe County, NV
- Staff: Sandra Monsalvè, AICP, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3608
- E-mail: smonsalve@washoecounty.us

Chair Toulouse opened the public hearing. Sandra Monsalve reviewed her staff report dated March 14, 2014.

Chair Toulouse opened public comment.

Jean Harris, a resident near where the property is located and a North Valleys CAB member, spoke in support of the project. She thinks it's a good use for the building which has been vacant for about 10 years. It will enhance the safety of the area and those that the Peavine Volunteer Fire Station serve and possibly allow the community to access the building as it was originally built as a community meeting hall.

Chair Toulouse closed public comment.

There were no disclosures made.

Member Horan moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment make the following findings relating to a Special Use Permit and a Variance and approve with conditions Special Use Permit Case Number SB14-001 for Peavine Fire Station #331, having made all five findings in accordance with Washoe County Development Code Section 110.810.30, and approve to vary the front yard setback in order to bring the structure along Longview Lane into conformance with the Development Code; and all five findings in accordance with Washoe County Development Code Section 110.804.25. Member Wideman seconded the motion which carried unanimously.

The motion was based on the following finding:

Findings required by WCC Section 110. 810.30 for a Special Use Permit:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the 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 fire 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.

Findings required by WCC 110.804.25 for a Variance:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:
 - (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or
 - (2) By reason of exceptional topographic conditions, or

- (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) 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;
- (c) 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; and
- (d) 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.
- (e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Agenda Item 8F

Public Hearing: Special Use Permit Case Number SB14-003 (Kennedy) – To allow for the construction of a ±799 square foot detached accessory dwelling (total structure size is 1,149 square feet) with an existing 3,742 square foot main residence on a ±0.47 acre parcel

- Applicant/Property Owner: Steven and Nancy Kennedy
- Location: 1095 High Chaparral Drive near Geiger Grade
- Assessor's Parcel Number: 140-091-03
- Parcel Size: ±0.47 acre
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 810, *Special Use Permits*
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 27, T18N, R20E, MDM
Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3620
- E-mail: tlloyd@washoecounty.us

Chair Toulouse opened the public hearing. Trevor Lloyd reviewed his staff report dated March 14, 2014.

Michael Vicks, the applicant's representative, was available for questions of which there were none.

With no response for the call of public comment, Chair Toulouse closed public comment.

There were no disclosures made.

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB14-003 for Steven and Nancy Kennedy, having made all five findings in accordance with Washoe

County Development Code Section 110.810.30. Member Horan seconded the motion which carried unanimously.

The motion was based on the following finding:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast 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 type of development, such as a detached accessory dwelling, 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;
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 8G

Public Hearing: Special Use Permit Case Number SB14-004 (Water Reclamation Facility)

– To allow the expansion of a wastewater treatment facility [Major Public Facilities Use Type Development Code Section 110.304.20(i)(2)] greater than 50% the size of the existing facility, to allow Major Grading [Development Code Section 110.438.35] for improvement of the driveway access, to allow final slopes greater than 3 horizontal to 1 vertical [Development Code Section 110.438.35] and to eliminate required landscaping for the project [Development Code Article 412].

- Applicant: Washoe County Community Services Department, Water Resources Branch
- Property Owner: Washoe County
- Location: South of Alexander Lake Road, approximately two miles southeast of its intersection with South McCarran Boulevard
- Assessor's Parcel Numbers: 165-012-01, 164-022-05, 165-011-05 & 165-011-06
- Parcel Size: ± 83.3 acres total
- Master Plan Categories: Suburban Residential (SR) and Rural (R)
- Regulatory Zones: Public and Semi-Public Facilities (PSP) and General Rural (GR)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 810, *Special Use Permits* and Article 438, *Grading*
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 4, Township 18 North, Range 20 East, MDM
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Development Division

- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. Roger Pelham reviewed his staff report dated March 21, 2014.

Member Horan noted that there were several references in the South Truckee Meadows/Washoe Valley CAB report related to odor and general comments being made that there hasn't been a problem and if we have a problem we will fix it. Member Horan asked Mr. Pelham to address that. Mr. Pelham deferred the comment to the applicant and added that they are regulated by a number of agencies.

Rick Warner, the applicant and Senior Licensed Engineer with Washoe County, stated the facility has been in operation for over 24 years without any odor complaints mainly due to good engineering, operations, and a site location that is ideal for this use. With the expansion of the facility they don't anticipate to have any odor issues, as stated in the staff report. The new facility would contain an anaerobic digestion process of which the basins are about 50' x 100' and are aerated consistently so there won't be any reduced emissions. The basins are covered and the site is located on the very northern part of the property. They are addressing any concerns with Air Quality and the Division of Environmental Protection. If Air Quality did receive a future complaint there is a process in place there they would investigate and confirm any complaint and there would be site specific sampling. At that point they would institute odor treatment mitigation steps that would be under the regulatory authority of Air Quality. Member Horan confirmed that there would be steps that would be taken in that regard. Mr. Warner said yes, they are in that process right now.

Mr. Webb referenced Mr. Pelham's comment regarding potentially modifying one of the conditions which the applicant was going to speak on.

Mr. Warner referenced Exhibit A – Conditions of Approval, page 3 of 6 of the staff report, item 1k, "Those trees shall be relocated..." asking to work with Mr. Pelham at the time of installation of the landscaping to put the trees in the best spot to meet the intent. He would request the language be changed to, "Those trees may be relocated...", to give some flexibility. Mr. Pelham stated staff had no objection to the change.

With no response for the call of public comment, Chair Toulouse closed public comment.

There were no disclosures made.

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB14-004 for the Washoe County Community Services Department, Water Resources, amending condition 1k removing the word "shall" and replacing it with "may" in the second part of the paragraph and having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Horan seconded the motion which carried unanimously.

The motion was based on the following finding:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast 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 a water reclamation 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 8H

Public Hearing: Variance Case Number VA14-003 (Desmarais) – To reduce the front yard setback from 15 feet to zero feet to construct a new attached garage. The subject parcel is located at 778 Geraldine Drive, Incline Village, approximately 100 feet northeast of the intersection of Geraldine Drive and Charles Court.

- Applicant: Jean Andre' Desmarais
- Property Owner: Jean Andre' Desmarais
- Location: 778 Geraldine Drive, Incline Village, NV
- Assessor's Parcel Number: 125-352-01
- Parcel Size: ±0.21 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 406, *Building Placement Standards*
Article 804, *Variances*
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 9, T16N, R18E, MDM, Washoe
- Staff: Eva Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3796
- E-mail: ekrause@washoecounty.us

Chair Toulouse opened the public hearing. Eva Krause reviewed her staff report dated March 11, 2014. Ms. Krause read two emails she received in support of the project.

Member Horan asked Ms. Krause if the applicant could elevate the garage instead of moving it forward. Ms. Krause said yes they probably could but since the second floor is higher it would make the driveway steeper again.

Member Wideman confirmed that the home has been in its current configuration for 37 years. Ms. Krause answered yes. Member Wideman asked if it was serviceable in that condition. Ms. Krause said she didn't know how serviceable it was but there have been a few instances of people crashing into the garage using the driveway in the winter. Member Wideman asked if the current owner bought the home in this condition. Ms. Krause answered yes.

Jean Desmarais, the applicant, stated he purchased the property in April 2013. He said his neighbors told him there had been a boat in the driveway for 10 years before he bought the property. He said his biggest concern is the pitch of the roof and the slope of the driveway. He's taken a tumble and hurt his back on the driveway. He's consulted an architect to revise the configuration and this is what they came up with in order to make the living space work and to get to the street level. Member Horan referred to page 6 of 10 in the staff report, which shows the existing front of the house, and asked why, if they are going to build the garage higher and use the existing garage as living area, they couldn't level the driveway and not encroach into the setback. Mr. Desmarais said that he guesses they could do that, basically create a bridge to his driveway, but it would create a lot of maintenance for him in the winter. Member Horan stated that Mr. Desmarais is kind of creating that bridge anyway. Mr. Desmarais said a very small bridge that is a covered garage and he won't have the snow issue. Member Horan said it seemed the garage could be placed back further, if Mr. Desmarais chose to. Mr. Desmarais noted that where the front door is, getting down to the next level they had to create a staircase to get to the main living space that is currently there and will bring the door over to meet the staircase. The biggest design issue they had was trying to get access to the main area from having the door at street level.

With no response for the call of public comment, Chair Toulouse closed public comment.

There were no disclosures made.

Member Horan stated he lives in Incline Village and he understands the issue with the garage and there are options to that could address it without going into the setback.

Member Wideman said the design proposed by the applicant is very nice and it enhances the property at the same time the owner bought the property knowing how it existed at this time. He agreed there are options which may be less desirable or less preferable and because of that he is unable to make finding #1, special circumstances. He will not be able to support the application.

Chair Toulouse agreed with the other Member comments that there were other alternatives that would prevent the encroachment on the setback.

Member Horan commented that garage setbacks in Incline Village present particular problems. In the eight years that he's been on the Board he's made approvals for driveways that are in the setback but for the most part they have been the only alternatives. One of the things he's tried to address is to accommodate the requests but when there are alternatives available that are not as attractive, he has looked into what those options are and just not taken the option that would enhance the property. He thinks the options should be explored fully.

Mr. Webb suggested, if the Board is considering denying the application, they deny without prejudice to allow the applicant to return, within a year, to examine other options.

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny without prejudice, Variance Case Number VA14-003 for Jean Andre' Desmarais, having been unable to make finding #1 and #3 in accordance with Washoe County Development Code Section 110.804.25. Member Horan seconded the motion. There is a tie vote due to the absence of a Member (two in favor of denial, two in favor of approval).

As a result of the tie vote the Board took no action.

DDA Salter suggested offering the applicant the opportunity for a continuance to bring this back to the Board when there are five Members. DDA Salter said the applicant's other options are to appeal the decision to the Board of County Commissioners (BCC) due to no action being taken because of the tie vote. The applicant could come back with another application as early as the next meeting, if he chooses. In the meantime, he could work with Planning and Development to address some of the issues that were brought out, he can do that too. DDA Salter further explained, the taking of no action by the Board can be appealed to the BCC. The applicant doesn't need to make a decision now.

3:32 p.m.

Chair Toulouse asked for a 5 minute recess to allow the applicant time to make a decision on what he would like to do.

3:43 p.m.

Chair Toulouse call the meeting back in session.

Mr. Desmarias chooses not to continue his application and appeal the no action to the BCC.

9. Chair and Board Items

Member Horan commented to the Chair that in the handling of this, it is an example of how the Board works diligently to work with the public and staff to do what's right for those who submit applications to this Board. Chair Toulouse agreed with Member Horan's comment.

A. *Report on Previous Board of Adjustment Items

Chair Toulouse asked where staff is in the recruitment process of a fifth member. Mr. Webb answered that they have advertised for the District 3 seat and have had no one apply. Member Horan's term is up in June leaving two vacancies. He has asked staff to advertise again for the District 1 and District 3 vacancies. County code provides, if there are no applications received, the BCC can open up the application process which would be up to the next District's membership and that would be District 2. We'll have to see what the application process provides us.

B. Future Agenda Items and Reports

Special Use Permit Case Number SB14-002 (Verizon Wireless) to be continued to the June 4, 2014 Board of Adjustment meeting at 1:30 p.m.

10. Director's Items

A. *Legal Information and Updates

Mr. Webb asked the Members if anyone had a County issued laptop as staff is doing inventory. None of the Members have a laptop.

11. Public Comment

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

12. Adjournment

The meeting adjourned at 3:47 p.m.

Respectfully submitted,

Sara DeLozier, Recording Secretary

Approved by Board in session on _____, 2015

William H. Whitney
Secretary to the Board of Adjustment

DRAFT