



# WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

## Board of Adjustment Members

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

Thursday, December 5, 2019  
1:30 p.m.

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

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The Washoe County Board of Adjustment met in regular session on Thursday, December 5, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

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

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

Members absent: None

Staff present: Trevor Lloyd, Planning Manager, Planning and Building  
Julee Olander, Planner, Planning and Building Division  
Chris Bronczyk, Planner, Planning and Building Division  
Sophia Kirschenman, Park Planner, Planning and Building Division  
Dan Cahalane, Planner, Planning and Building  
Donna Fagan, Recording Secretary, Planning and Building Division  
Michael Large, Washoe County Deputy District Attorney

### 2. \*Pledge of Allegiance

Clay Thomas led the pledge.

### 3. \*Ethics Law Announcement

Deputy District Attorney Michael Large recited the Ethics Law announcement.

### 4. \*Appeal Procedure

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

### 5. \*General Public Comment and Discussion Thereof

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

### 6. Approval of Agenda

Chair Thomas requested item 8F be heard after item 8A in order to hear both monopole items at the beginning of the meeting. In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of December 5, 2019, as amended. The motion, seconded by Member Stanley, passed five in favor and none opposed.

## 7. Possible action to approve October 3, 2019 Draft Minutes

Member Stanley moved to approve the minutes of October 3, 2019. The motion, seconded by Member Hill, passed five in favor and none opposed.

## 8. Public Hearings

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

**A. Special Use Permit Case Number WSUP19-0006 (Verizon Monopole)** – For possible action, hearing, and discussion to approve a special use permit for the construction of a new wireless cellular facility consisting of a 45-foot high stealth monopine structure (aka cell phone tower disguised to resemble a pine tree) designed as a collocation facility. The proposal also requests varying the landscaping requirements by not requiring any additional landscaping.

- Applicant: Epic Wireless for Verizon Wireless
- Property Owner: Tunnel Creek Properties LLC
- Location: 1200 Tunnel Creek Rd.
- APN: 130-311-17
- Parcel Size: 3 acres
- Master Plan: Commercial (C) & Suburban Residential (SR)
- Regulatory Zone: Tourist Commercial (TC) & Low Density Suburban (LDS)
  
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 324, Communication Facilities; and Article 810, Special Use Permits
  
- Commission District: 1 – Commissioner Berkbigler
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. Member Stanley said he is retired from Verizon. DDA Large asked if he has current interest in the company and Member Stanley said no. DDA Large said there is no reason to recuse himself. There were no other member disclosures.

Julee Olander, Planner, presented her staff report dated November 7, 2019.

Member Stanley asked if there is code regarding setbacks to trailheads. Ms. Olander said it's 1000 feet. She said if there is a significant gap of service that could be waived and but that doesn't apply to this. Member Stanley asked about proximity to scenic roadways. Ms. Olander said she wasn't aware if this is a scenic roadway.

Member Hill asked where the applicant is in the process with Tahoe Regional Planning Agency (TRPA). Ms. Olander said the applicant can address that.

Member Toulouse said another tower has been approved in Incline Village. Ms. Olander said the tower was approved by this Board, appealed by the neighbors, and the Board of County Commissioners denied it and it didn't go forward.

Member Stanley said very few State agencies responded during the agency review. He said he was surprised there was no input from them knowing this is in the forest. Ms. Olander said she wanted the agencies to be aware, but she said it's common some agencies wouldn't have input. Ms. Olander said FCC approves or denies towers.

Member Hill said the property owner is Tunnel Creek, but the owner affidavit is signed by Buzz Lynn. Member Hill said the owner affidavit is a big deal. Ms. Olander said the applicant can address that.

Member Toulouse asked what is a significant gap. He said it's open for interpretation. Mr. Lloyd read from the code. Chair Thomas said one carrier is in that area and no other phone carrier can access that, is that consider insufficient. He asked if that is a qualifier. Mr. Lloyd said one carrier providing service in the area doesn't qualify as a significant gap. Chair Thomas stated federal statute speaks to not restricting another company from being installed in the area.

DDA Large spoke about county code not giving preference over another company. The code addresses significant gap. He said he would need to research if our code is in violation of federal statute.

Member Toulouse said he believes the applicant claims there is significant gap, but according to the maps, he cannot see the delineations from the before and after being a significant gap. Ms. Olander reviewed the application. Ms. Olander referenced FCC federal law, limiting coverage to just one carrier to the exclusion of other carriers constitutes an effective denial of service. Verizon provides service in the area and coverage and capacity will be significantly improved with additions to the site. This section of code is 20 years old. She showed the coverage map. It's not the type of coverage we have grown accustomed to. There is not enough coverage for them even though there is coverage. The applicant can give additional information. Member Toulouse said we are back to interpretation. He said the code says significant gap signified by white on the map. He said perhaps the code needs to be cleaned up.

Member Stanley asked about absence of signal and proximity to the trailhead. Ms. Olander said that is how they are responding to the proximity to the trailhead. Member Stanley asked if there was not total absence of coverage, then there would be an issue with proximity to trailhead. Ms. Olander said this is their legal interpretation to address significant gap requirement.

Buzz Lynn, Epic Wireless representative, said in the code, it specifically says white area and does say 'shall include' but doesn't state it exclusively. We can provide coverage maps. He showed a 'before' coverage map and 'after' coverage area map. The FCC is the governing jurisdiction who said if there is a significant gap in coverage; it can be gap in signal or capacity. It includes making a phone call or loading large amounts of data. He noted the white area reference is 20 years old in the code. We show it as grey area in the map as significant gap. Member Toulouse said we have to rely on the county code. He said he may agree with it, however, there are two interpretations of the law. Buzz Lynn said it's a 'shall' versus a well-defined 'only' definition. Mr. Lloyd said code is outdated and in need of updating, in the meantime, article 810 allows opportunity to vary if this Board sees fit.

Chair Thomas asked about the coverage maps. There is a large grey area above the old Ponderosa Ranch. He asked if that is uncovered. Mr. Lynn said it's a weak signal and may drop a call. He said it's a matter of capacity as well as phone service. Chair Thomas said the 'after' coverage maps indicate there would be no issues with coverage. Mr. Lynn said it would be a significant improvement. He showed on the "after" map that coverage would be increased depending on your location and concrete around the users. Chair Thomas asked if they reviewed any alternative sites. Mr. Lynn said they originally looked at the Ponderosa Ranch. He said we needed to increase coverage and capacity in the same area. He said we looked at Tunnel Creek, storage units adjacent, but there were setback problems. He said we tried IVGID, Waste Management, Thunderbird Lodge warehouse, and Spitzen Lumber but they didn't have extra room. He said we tried several properties. He said then Mr. Olson offered his personal property and was willing to lease to the south of their home. He said it started with expansive research to find a property.

Member Stanley asked about specific coverage. Mr. Lynn said it will be Verizon coverage and capacity only. Member Stanley said will it be a 4G or 5G site. Mr. Lynn said it will be a 4G site. He said 5G is extremely hard to deploy. Mr. Lynn also indicated the tower wasn't designed for any other carriers.

Member Lawrence noted CAB minutes state that sites were also looking to be installed at Diamond Peak or the Hyatt. Mr. Lynn said those sites didn't meet the objectives; the Hyatt was out of space on the roof and they had an exclusive agreement with another carrier or tower company who had the roof top rights. He said Diamond Peak is a brand-new search ring to cover the slopes when it's crowded. He said he didn't have details with that site or build. That is a possible candidate in addition to this site to further enhance the service.

Member Toulouse asked if this request is in addition to another site. Mr. Lynn said yes, it would be supplemental.

Chair Thomas asked how many parking sites would be eliminated with this proposed site. Mr. Lynn said zero, as it's an unmanned facility and don't have staff on-site. Ms. Olander explained the parking for the area and for the trailhead.

Member Hill asked how Mr. Lynn was able to sign the application for the property owner. Mr. Lynn said the owner of the property is Tunnel Creek LLC under ownership is Craig Olson. There should be an email from Mr. Olson to Mr. Lynn authorizing to apply on his behalf. Member Hill said that wasn't included.

Member Toulouse asked how far this site is from the Lake Tahoe. Mr. Lynn showed a map, probably ¼ mile max. Member Toulouse asked about the synthetic needles shedding and getting into the Lake. He asked about their maintenance plan. Mr. Lynn said they have made significant improvements with their materials. He said there has been concerns with the needles falling off the trees. He said he assures the quality of the tree are much better. He said Mr. Olson has put them through the ringer if anything becomes an issue. He said he doesn't anticipate problems, but there is language in the agreement to insure there are no issues in the future.

Member Hill asked about status of TRPA review. Mr. Lynn said TRPA review has not begun. He said preliminary information has been submitted, but wanted to make sure there weren't issues with Washoe County.

Public Comment:

Geno Stohl said he is a permanent resident and lives par-5 to the proposed site. He said coverage has been sparse in the area. He said everyone has phones and during the influx of the population, it makes it hard to make a phone call. He said signal was non-existent during this past holiday. He said he wasn't able to text. Phone calls weren't received. He said he hopes this site gets approved. He said for emergencies, it's important to have this site.

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

Chair Thomas referenced code; significant gaps shall include white area. It doesn't exclude grey or yellow. Mr. Lloyd said you could make the interpretation. They have to demonstrate a white area, but not completely white. Chair Thomas said under section 110, the Board of Adjustment may vary standards which gives us latitude to interpret old code. DDA Large and Mr. Lloyd agreed with that.

Member Stanley said it's 10-year-old code and asked about updating the code. Mr. Lloyd said it's a priority and on the list of code amendments needing to be updated. Mr. Lloyd said there are a lot of code amendment priorities. He said they are updating the area plans currently. He said he cannot give a timeframe of updating this code.

Member Hill said she is a representative for Incline Village. She said she isn't a Verizon customer and has great coverage. She said she has a hard time believing this is a great location for a fake tree at this proposed site location with a popular trail and new path. She said it will stand out. She stated she doesn't believe it's an ideal location. It's a scenic location. Thousands of people enjoy this area every day. This is exclusive to Verizon. She asked what about other carriers; will we have to have fake trees everywhere for each carrier. She hasn't heard anyone complain about the cell service. There hasn't been an issue for lack of service except for the gentleman who made public comment.

Member Toulouse said he agrees with Member Hill. He said he has issues with this location. It's an iconic location. He sympathizes with the gentleman who has poor cell service. This location is not the best site.

Member Stanley asked about process. How is it determined who reviews it first – the County or TRPA. Mr. Lloyd said the Regional Plan dictates what Washoe County can or cannot enforce. He said we can be more restrictive than TRPA, but not less restrictive. He said if this gets approved, they will need to submit building plans for the site and those plans need approval by TRPA before the County can issue final approval. Member Stanley asked about building and not site suitability issues. Mr. Lloyd said he didn't know TRPA's process and review, but the applicant needs their approval prior to Washoe County issuing a permit.

Chair Thomas said populations are expanding. He said if someone breaks a leg on the trail if they have Verizon they will need to make an emergency call. He said the community didn't want a tower downtown. He said he disagreed with Member Hill regarding AT&T coverage; it's important for everyone to have coverage regardless of carrier. He said he has hiked the area and it's beautiful. He said he would be in favor of approval of this project.

Member Lawrence said these projects are always difficult. He said he sympathizes with Member Hill. It's a scenic area. He said Mr. Stohl made a point. People want to take a picture of the scenic area and tell their friends about it which enhances their experience. He said the height of this monopole is reasonable with surrounding vegetation. He said it's the larger, taller towers that are objectionable. He said he would be in favor of this project.

Member Stanley said there has been excellent issues raised. He said he has concerns about a single carrier no matter how good they are. Being able to say there is a gap issue for that carrier, other carriers will be able to do the same. He said it's not contained. It guides us to not approve this project.

Ms. Olander provided a proposed motion if the board choose that indicates landscape requirements were waived.

Member Toulouse 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, Special Use Permit Case Number WSUP19-0006 for Verizon Wireless, having been unable to make finding #3, site suitability, in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion. The motion carried, for denial, Member Toulouse, Member Stanley and Member Hill voted for denial. Member Thomas and Member Lawrence voted against denial. Mr. Lloyd read the appeal procedures.

**F. Special Use Permit Case Number WSUP19-0025 (Cold Springs AT&T Wireless Tower) – Special Use Permit Case Number WSUP19-0025 (Cold Springs At&T Wireless Cellular Communication Tower) – For possible action, hearing, and discussion to approve an 85-foot-tall cellular communication tower that is proposed to look like a pine tree (“monopine”).**

- Applicant: Epic Wireless on behalf of AT&T Wireless
- Property Owner: WV Recreation LLC
- Location: 18400 Village Parkway
- APN: 556-390-05
- Parcel Size: ±4.23 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Public and Semi-Public Facilities
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 324, Communication Facilities
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Thomas opened the public hearing.

Dan Cahalane, Planner, reviewed Roger Pelham's staff report dated November 7, 2019, in Mr. Pelham's absence.

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

Member Toulouse asked if the design is finalized as a monopine. Mr. Cahalane said the design is as submitted but the applicant can address additional design.

Member Stanley asked about input since there wasn't a CAB meeting. Mr. Lloyd spoke about noticing requirements to the surrounding community.

Buzz Lynn, AT&T Wireless representative, was available to answer questions. Member Toulouse asked him if this is the final design. Mr. Lynn said it is the final design but can be modified. Member Toulouse said a fake pine tree stands out in the middle of the desert. Mr. Lynn said this could be a standard tower but the objective was to make it as presentable to the surrounding neighbors, it is admittedly hard to blend with the sage brush. He said there will be trees in that area that will help it blend in. He said they wanted to make this site a co-locatable site which requires height. He said the previous application near the old Ponderosa Ranch would not have had the ability to do a co-locatable tree. In this location we can do that and can change the design. Member Toulouse said he doesn't have an issue with the height. He said has an issue with the design. Mr. Lynn said he would be open to input and conditions of approval to make it a standard tower.

Chair Thomas asked if there were different requirements between pine tree or water tower. Mr. Lynn said they felt the water tower was a bigger intrusion and require more surface area. He said they can change the conditions of approval to change the design. There is no differentiation with the height. The only difference between tank and pine, the visual area of the tower would be less with a tree, but we would be open to that design.

Member Lawrence said he personally doesn't like monopines in the desert and asked about a slim pole. Mr. Lynn said those are stealth types of poles like a skinny lamp. He said Verizon, AT&T, and T-Mobile have issues with slim poles because there is a lot of equipment that goes up on the towers and cannot fit on the slim line. He said there is a Ray Dome located at Wooster high and Wedge Parkway off the Mt. Rose Highway. A monopine was chosen as the best looking design but is open to a redesign.

Member Stanley said a co-locatable tower is a great idea. He said he thought the pine looked fine. He asked if the local community provided feedback. Mr. Lynn said a CAB member reached out and he is in favor of it. Member Stanley asked if he got feedback regarding design. Mr. Lynn said they didn't have feedback other than the property owner. Mr. Lynn thought the standard tower would draw more attention and a stealth design would be better suiting.

Mr. Lloyd said he wanted to provided clarification regarding noticing requirement of 500 feet.

Public Comment:

Kenji Otto, resident in Cold Springs and North Valley CAB member, said he has experience with cell towers. He said his main concern was health and safety. He said we have 10,000 people who live out there and this tower would boost the service for the community. He said it's needed, especially as a multi-cell tower. He said he researched different examples of monopole designs. He said some of the monopole trees look realistic. He said his main reason for supporting is health and safety with increased coverage. The police and fire need the coverage.

With no further public comment, Chair Thomas closed the public comment period.

Member Toulouse said he doesn't have issues with this project. He said he isn't a fan of the monopine. He said he would like Mr. Lynn to try to come up with an alternative design. He said the monopine stands out in the desert.

Member Stanley agreed. It sounds like a much-needed project. He appreciated Mr. Otto's comments who lives in the area and Mr. Lynn is willing to work with the suggestions provided.

Member Lawrence 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 WSUP19-0025 for Epic Wireless on behalf of AT&T Wireless, having made all five findings in accordance with Washoe County Code Section 110.810.30, and all three findings in accordance with WCC Section 110.324.75, subject to the conditions of approval contained in Exhibit A to the staff report. The motion was seconded by Member Toulouse which carried unanimously.

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 of the Development Code;
3. Site Suitability. That the site is physically suitable a for a telecommunications facility (monopole) 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.
6. That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development and/or his/her authorized representative;
7. That public input was considered during the public hearing review process; and
8. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

**B. Special Use Permit Case Number WSUP19-0022 (Rosakranse Wall)** – For possible action, hearing, and discussion to approve the construction of a 9-foot permanent earthen structure at 3100 Cantlon Drive.

- Applicant/Property Owner: Christine Rosakranse
- Location: 3100 Cantlon Drive
- APN: 084-282-28
- Parcel Size: 18.437 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: Medium Density Rural (MDR- 1 unit per 5 acres)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
  
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for member disclosures. There were no Member disclosures.

Julee Olander, Planner, reviewed her staff report dated November 7, 2019.

Chair Thomas asked, under conditions, grading should take place during daylight hours. Ms. Olander said she includes that to protect other neighbors in the area. Chair Thomas asked if that should be restricted to Monday through Friday. He was curious if the neighbors are far enough away to be impacted. He asked about re-seeding vegetation. Ms. Olander said they will re-seed the area. Ms. Olander said she can update the conditions of approval if he would like. Member Toulouse said grading taking place during daylight hours is too open ended. He wanted it more specific such as 7a.m. - 7 p.m. Chair Thomas said he would like more details regarding re-vegetation. Member Lawrence asked about specific areas for re-seeding. He asked if it would be the berm or disturbed site. Ms. Olander said they will be cutting into the driveway and can add re-vegetation in conditions. Member Lawrence asked about the distance from disturbed area to the river. Ms. Olander said approximately 300 feet. She said there is a natural berm between the house and the river.

Ms. Olander asked for clarification regarding re-vegetation conditions. Member Toulouse spoke about migration area for mule deer. He said he reviewed the application and it states a large amount of native seed mix. He said he would like re-vegetation with proposed seed mix in disturbed area to be included in the condition.

Nick Hill and Christina Rosakranse, applicants and property owners, were available to answer questions. Mr. Hill spoke about the natural berm between the house and river.

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

Member Hill applauded them for building an energy efficient home. Member Stanley agreed and said it sounds like an excellent project.

Chair Thomas clarified condition of approval with hours of operation (7:00 a.m. – 7:00 p.m., Monday-Saturday) and re-seeding of berm and disturbed area.

Member Toulouse 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 and the addition of conditions for hours of operation and re-vegetation of berm and disturbed area, Special Use Permit Case Number WSUP19-0022 for Christine Rosakranse, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the proposed grading 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.

\*\*3:21 p.m. – 3:30 p.m. Recess\*\*

**C. Special Use Permit Case Number WSUP19-0020 (Mt. Rose Expansion)** – For possible action, hearing, and discussion of a special use permit for improvements to Mt. Rose Ski Tahoe ski resort. In order to accommodate specific improvements within the resort area the applicant is requesting to vary several grading standards. Project elements include replacing and expanding a maintenance building; building a first aid and ski patrol station; expanding the existing Winters Creek Lodge; and repurposing several existing buildings. The proposal includes the excavation of ±9,900 cubic yards of earthen material, and disturbance of a ±3-acre area. The total amount of

cut, fill and disturbed area includes impacts associated with the construction of a 5 million gallon snowmaking water tank, which is being considered under a separate special use permit application, WSUP19-0021. The subject site is located on privately-owned lands and lands owned by the United States Forest Service (USFS). The USFS has recently completed a final environmental impact statement (EIS) for the proposed expansion.

- Applicant: Mt. Rose Development Company
- Property Owners: Mt. Rose Development Company and US Forest Service
- Location: Main access to the site is ±11.4 miles from the intersection of Mt. Rose Hwy and Thomas Creek Rd.
- APNs and Parcel Sizes: 048-112-12: ±340.9 acres; 048-112-13: ±41.4 acres; 048-112-14: ±15.9 acres; 048-112-15: ±67.68 acres; 048-050-11: ±945.3 acres; 048-111-11: ±68.3 acres; 048-120-22: 2551.6 acres
- Master Plan: Rural (R); Open Space (OS); Commercial (C)
- Regulatory Zone: Parks and Recreation (PR); Open Space (OS); Tourist Commercial (TC)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits and Article 438, Grading Standards
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner  
Sophia Kirschenman, Park Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3612 (Chris)
- Email: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)  
[skirschenman@washoecounty.us](mailto:skirschenman@washoecounty.us)

Chair Thomas opened the public hearing.

Chris Bronczyk, Planner, reviewed his staff report dated November 7, 2019.

Chair Thomas called for member disclosures. Member Toulouse disclosed he worked as a groomer at Mt. Rose many years ago and his brother worked there, too. Chair Thomas said he has been a season passholder in the past, but not currently. Member Hill said she is a season passholder. DDA Large said after hearing the disclosures, he doesn't believe anyone needs to recuse themselves.

Dave Snelgrove, the applicant's representative, provided a project overview slideshow.

Member Toulouse asked if the area in front of the first aid shack allows for a helicopter pad. Mr. Snelgrove said no. They will land on the ski slope. Member Toulouse asked about the work on the Atoma side. Mr. Snelgrove said the Atoma side is not in this application. Mr. Snelgrove spoke about Master Plan amendment requirements to address work on the Atoma side. Member Toulouse asked about summer access to the trail on the Slide Mountain side. Mr. Snelgrove said they have a large parking area. Everyone will park on the south side near the Winter's Creek Lodge. He showed on the overhead map where the trailhead is located and distance from Winter's Creek Lodge.

Member Toulouse said he spent time reviewing the draft record of decision and EIS and is concerned with species, White Bark Pine, Western White Pine, and was surprised to not see the Washoe Pine of which there are two stands near where the work is taking place near the maintenance building. Paul Smeft, General Manager of Mt. Rose, said the White Bark Pine is suffering from blister rust. He said it's not that prevalent at the maintenance site. He said they only last a few years after being affected. The Forest Services is collecting seeds and growing resistant trees in a nursery and attempting to replant. Member Toulouse asked if there is

a plan by Mt. Rose to replace the species of concern. Mr. Smeft said they plan to replant those seedlings on the private and public property.

Chair Thomas said the maintenance shed that is being replaced will be double the size. He asked if it will be built in the same location as the current maintenance shed. Mr. Snelgrove said the current maintenance building will be converted to become employee locker room and the current employee locker room will become a passholder locker room and the new maintenance building will be farther up the hill. Chair Thomas asked if they will lose any customer parking. Mr. Snelgrove said no. The first aid building is already out there as a trailer so there is no parking loss there.

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

Chair Thomas asked about signage. Mr. Bronczyk spoke about directional signs. He said they informed the applicant that an EMD sign would require an administrative permit. The applicant agreed to remove the sign from this application. He wanted a written record that signage wouldn't be approved with this SUP.

Chair Thomas asked if existing building repurposing is a Board of Adjustment issue. Mr. Bronczyk said that's just going through the entire application packet to be thorough and the Board had the entire picture. Mr. Snelgrove said for the sake of transparency, all the information was included.

Mr. Bronczyk noted he provided a new amended motion. Member Stanley asked for a hard copy. Mr. Bronczyk said there will be a hard copy in the record, but for now it's provided on the screen. DDA Large said the oral motion and second will be the action of the board.

Member Hill 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 WSUP19-0020 for Mt. Rose Ski Tahoe, including varying WCC Section 110.438.45(a), WCC Section 110.438.45(c) and Article 412, Landscaping, having made all five findings in accordance with Washoe County Code Section 110.810.30 and the two finding in accordance with the findings in the Forest Area Plan. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a destination resort 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;
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.

**Required Findings for special use permits within the Forest planning area:**

**F.2.13** The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

**F.12.3** The granting of special use permits in the Forest planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development (now the Community Services Department) will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

**\*\*Member Toulouse left the meeting at 4:12 p.m.\*\***

**D. Special Use Permit Case Number WSUP19-0021 (Mt. Rose Water Tank)** – For possible action, hearing, and discussion to modify grading and setback standards, vary grading and landscaping standards, and approve major grading to facilitate the construction of a 5-million-gallon water tank for snowmaking purposes at the Mt. Rose Ski Resort. The proposal includes the excavation of ±5,720 cubic yards of earthen material and the disturbance of ±0.9 acres. The subject site is located on privately-owned land and lands owned by the United States Forest Service.

- Applicant: Mt. Rose Development Company
- Property Owners: Mt. Rose Development Company and US Forest Service
- Location: Main access to the site is ±11.4 miles from the intersection of Mt. Rose Hwy and Thomas Creek Rd.
- APNs and Parcel Sizes: 048-112-12: ±340.9 acres; 048-120-22: ±2551.6 acres
- Master Plan: Rural (R); Open Space (OS)
- Regulatory Zone: Parks and Recreation (PR); Open Space (OS)
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits and Article 438, Grading Standards
- Commission District: 2 – Commissioner Lucey
- Staff: Sophia Kirschenman, Park Planner  
Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3623 (Sophia)
- Email: [skirschenman@washoecounty.us](mailto:skirschenman@washoecounty.us)  
[cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for member disclosures. There were no member disclosures.

Sophia Kirschenman, Planner, reviewed her staff report dated November 7, 2019.

Dave Snelgrove, the applicant's representative, provided a PowerPoint presentation. Mr. Snelgrove spoke about the NEPA document and Record of Decision in final form. He stated he agrees with conditions set forth in the Forest Area Plan and staff's recommendations.

Chair Thomas asked where the water comes from. Mr. Smeft said the water comes from two wells near the proposed site. He said they have 386-acre feet. Chair Thomas spoke about the scarcity of water during drought years when some wells in the South Truckee Meadows went dry. Mr. Smeft said some years they don't even have to use water for snowmaking. He said structurally, they will keep the tank full all the time. He said they cover about 10% of their terrain with snowmaking. Chair Thomas asked if a fire agency can use that tank in case of fire. Mr. Smeft said they will have access and hook-up to the tank. The tank will enhance public safety.

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

Member Stanley said it sounds like a great project. Chair Thomas agreed and said it will enhance the snowmaking and experience for skiers. He said he is concerned with water scarcity.

Member Stanley 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 WSUP19-0021 for the Mt. Rose Development Company, to

include varying WCC Section 110.412.40(a), Coverage, Civic and Commercial Use Types, Landscaping and WCC Section 110.438.45(c), Grading of Slopes, Grading Standards, and the modifications to WCC Section 110.438.45(a), Grading of Slopes, Grading Standards, and WCC Table 110.406.05.1, Standards, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the two findings in accordance with the Forest Area Plan. Member Hill seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a 5-million-gallon water tank, 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.

Required Findings for special use permits within the Forest planning area:

**F.2.13** The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

**F.12.3** The granting of special use permits in the Forest planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development (now the Community Services Department) will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

**E. Special Use Permit Case Number WSUP19-0019 (Mustang Industrial Development Grading)**

– For possible action, hearing, and discussion to approve a special use permit to modify the design of grading that was previously permitted under Special Use Permit Case Number SB15-001, the grading has already been done. The applicant seeks approval of a cut slope, up to approximately 30 feet in height, with a slope of approximately 1 horizontal to 1 vertical (1:1) and a length of approximately 900 feet, in a location that was previously approved to be stabilized by terraced retaining walls. The applicant also seeks approval of a rip-rap slope, up to approximately 25 feet in height, with a slope of approximately 2 horizontal to 1 vertical (2:1) and a length of approximately 120 feet, in an area that was previously approved to be stabilized by a slope of 3 horizontal to 1 vertical (3:1), and to provide for the mitigation of rock stockpile areas by revegetation. Varying the allowable height of slopes, steepness of slopes and use of rip-rap for stabilization of slopes is requested.

- Applicant: Scannell Properties
- Property Owner: Scannell Properties #257, LLC
- Location: South of Mustang Road, between the railroad tracks and the Truckee River
  
- Assessor's Parcel Number: 084-370-07
- Parcel Size: 45.75 Acres
- Master Plan Category: Industrial
- Regulatory Zone: Industrial
- Area Plan: Truckee Canyon

- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 438, Grading
- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Thomas opened the public hearing. Chair Thomas asked for member disclosures. There were no member disclosures.

Trevor Lloyd, Planning Manager, reviewed Roger Pelham's staff report dated November 7, 2019, in Mr. Pelham's absence.

Member Stanley asked if this was denied, how would the discrepancies be handled. Mr. Lloyd said there is a reason we are recommending approval, that way we have conditions that need be adhered to and followed up with. He said it's not realistic to bring it back to the natural state.

Member Stanley said he noticed some cautions in the original recommendations by staff. Mr. Lloyd said staff is being delicate with this while providing options. Mr. Lloyd said there has been a lot of work behind the scenes, working with the applicant. He said he doesn't believe there was any ill-intent on anyone's part. Member Stanley said the idea of re-vegetation within the boulders was clever and he hasn't seen that example before. Mr. Lloyd said he can provide those examples. In response to Member Stanley's request for examples, Member Hill said a lot of on-ramp/off-ramps have boulder/vegetation mix as an example.

Chair Thomas said he read the staff report. 2015 was when the first SUP was submitted to the Board, approved and they moved forward with conditions. He said as he read the staff report, he found numerous items that weren't in compliance with original SUP conditions such as: There was no retaining wall constructed; the parking lot was enlarged; a propane tank was added; added rip-rap; boulder storage on undisturbed site, and access to FedEx site next door. He said these are substantial changes. He said we are hearing a request from the same applicant who didn't comply the first time and is asking for forgiveness and attempting to find a compromise. Mr. Lloyd said whenever there is a project of this scale and scope, there are going to be some adjustments and changes. In this case, there are discrepancies. Chair Thomas asked if it's common those changes are communicated with staff. Mr. Lloyd said yes. The rule of thumb is 10% which is the typical allowance for change. Chair Thomas asked if there was any communication with staff prior to Mr. Pelham's site inspection. Mr. Lloyd said he didn't know the answer to that.

Member Lawrence said it's a problem to have a huge rock pile. He asked if it was considered in the original SUP to address the disposal of rocks. He asked if the county conditioned them to do anything with the rocks. Mr. Lloyd said he didn't believe so and that the sites where rocks are piled now were undisturbed in the original SUP. He said it might be an issue of how many rocks they came across as they were grading. They probably weren't expecting to find so many rocks.

Member Lawrence spoke about slopes and erosion concerns. He asked the distance to the river from this site. Mr. Lloyd estimated 1,000 feet or so. Member Lawrence said the slopes are so aggressive, the efforts for stabilizations don't work, and sediment builds up. He said he has a hard time with increasing the slope.

Derek Wilson, the applicant's representative, provided a PowerPoint slideshow. He noted the site was previously used as a quarry and wasn't pristine. Mr. Wilson said Mr. Pelham used the original SUP from 2015 when he inspected the site. He said the previous contractor didn't get final permits which caused confusion. Scannell has done improvements to the area including upgrades to Mustang Road and fire safety upgrades. Mr. Wilson reviewed the amended conditions of approval.

Mr. Wilson stated the project applicant understands the need to bring the site into general conformance with the area, but requests the following revision:

Planning/Building condition 1(j) Any combination of boulders (24" or greater in size), not to exceed a total of four boulders (24" or greater in size) may be placed in a cluster to mimic natural rock outcroppings, clustering

of boulders shall not result in more than 45 boulders (24" or greater in size), and remaining partially exposed, greater than 12" in height, in any 10,000 sf. area. Clusters shall not be located within 25 feet of each other.

Revised Planning condition 1(d) – all piles of rocks and boulders shall be (proposing to remove the following language: "**treated with topsoil and**") re-vegetated in accordance with revised landscape plans submitted by the applicant on November 4, 2019.

And eliminated conditions:

1(f) After application of topsoil, a minimum of 40% of the rock pile area shall be covered with topsoil. Not more than 60% of the rock pile areas shall be comprised of exposed rocks or boulders.

1(g) All rocks remaining partially exposed after application of topsoil shall be 12" or less in height above the adjacent topsoil.

1(i) Any single boulder (24" or greater in size) remaining partially exposed, greater than 12" in height, after application of topsoil shall be spaced at least 15 feet from any other any single boulder (24" or grater in size) remaining partially exposed, greater than 12" in height.

Member Lawrence said plants are critical to soil stabilizations. Top soil is the best amendment for this rocky environment. Mr. Wilson said there are a lot of natural plants that can grow in rocky conditions. Member Lawrence said he believes that top soil needs to be included into the conditions of approval.

Member Stanley asked which requested changes Mr. Pelham verbally agreed to. Mr. Wilson said conditions 1(i) and 1(j). Mr. Wilson said he has an email from Mr. Pelham from about a week ago. Mr. Lloyd said both of those changes are minor and planning supports those changes. Mr. Lloyd said these changes make a lot of sense.

Chair Thomas said someone else was responsible for what was done to the property and now they are cleaning up the mess. This was blatant disregard. He said he understand that sometimes it happens such as finding a gas line. With all the violations, the applicant still wants to make changes to the conditions. Why asked for a SUP in 2015 if you aren't going to follow it and now you are asking for changes.

John Browning, P.E., with Tectonics Design Group, was available to add clarification. He said they submitted site improvement plans back in 2018 when they took on this project with Scannell. He said site improvement plans included: The propane tank, enlargement of the parking lot, slope, access roads which were all approved and constructed. He said the misunderstanding is with the cut slope; when they went to construct the tiered slope, they hit bedrock and they came in to blast it to put the walls in. A geotech came in and said the walls could not be built because there was a gas line. The rip-rap slope was built by the contractor when they hit bedrock. It wasn't built to plan. There was grading disturbance and rock piles.

Chair Thomas asked if the propane tank and parking lot were approved. Mr. Browning showed the approvals, on the overhead, which were approved on September 27, 2018. He showed the slopes more than 1:1 and the current gas line. He said where the misunderstanding is; he thought it was approved when they picked it back up in 2018. Mr. Lloyd said it was stated on these set of plans, the walls are to be constructed at a later date or by someone else. Mr. Browning said the original plan set states this permit does not include walls. He said when they submitted this plan; it was supposed to replace those plans. He said Mr. Pelham didn't perceive the 2018 plan set was to replace the original plan set. That is where there was miscommunication. The original permit stated the walls weren't included and those notes weren't maintained in the computer record. The original plans show walls, the walls are for grading concept only, not used for design of walls. After they did some blasting, the geotech couldn't design walls. He said he thought it was all approved, which it was not.

Member Stanley asked what the connection to Kinder Morgan is. Mr. Browning said they were the propane contractor. Member Stanley said he couldn't imagine they were quarrying with this existing gas line. Mr. Browning said they cut, and we cut even further.

Mr. Browning said when they submitted these plans under the old SUP, they were conformant by staff and approved in entirety. And everything constructed in these plans were fully permitted. And the cut slope was showed as constructed. He said there are 3 issues: Cut slope; rip-rap wasn't permitted but the propane tank was permitted. And he said there were rocks left behind. The contractor thought that was ok.

Member Stanley asked Mr. Lloyd about one of the conditions, “applicant may provide financial assurances.” Member Stanley asked if we are not asking for any changes to this condition. Mr. Lloyd said we need to change the language to address the assurances to the re-vegetation, and to include the word ‘shall.’ Member Stanley said Member Lawrence mentioned the proximity to the river and suggested assurances to make sure the river isn’t impacted.

Chair Thomas asked Mr. Browning regarding the distance to the river. Mr. Browning said approximately 1,000 feet. He said they designed the site to be self-contained and there is no run-off to the river. He spoke about two infiltration basins on the site. He showed them on the overhead.

Chair Thomas asked about the rock pile.

Mike Simmons, Project Manager for Scannell Properties, said this site was an old quarry. When they built the railroad, they graded through the area and were excavating the gravel pit so there were rocks on the site when the property was purchased. Chair Thomas said this complicates the issue to identify the rocks that were already there and the rocks that were added. So, if one of the conditions was to return to a natural state, we don’t know what the natural state was. He said they created a problem by doing this. Mr. Simmons showed, on the overhead map, the railroad and a vein of rocks. He said they had pictures of the site. All along the top of the new slope had been there for 100 year. He said we didn’t want to touch that. He said they worked with Kinder Morgan to use a foam expander to fracture the rock without blasting in order not to interfere with the gas line. He said it was a very expensive process. He said this happened in the original SUP. He said the out-of-town contractor hadn’t worked in Washoe County. He said when it was re-booted, they hired local civil engineers and contractors. Chair Thomas said the rock pile was not above the ridge. Mr. Simmons said his point was to describe there were rocks that were pre-existing. There were substantial rocks originally. Chair Thomas said you don’t know what it was before because rocks have been added. That is not a natural state. If the rocks weren’t added, it would be in a natural state and wouldn’t be a violation. Chair Thomas asked for picture of access road. Mr. Browning said it was on the original SUP.

Member Stanley asked if the railroad is still active and asked how far away it is from the property. Mr. Simmons said yes, Union Pacific. Mr. Browning said grading along the slope is the closest proximity to Union Pacific’s easement. It’s 80 feet from Union Pacific. Member Stanley asked if Union Pacific had anything to say about this. Mr. Browning said they have worked extensively with Union Pacific on this project and they had no concerns. He said they worked extensively on the road improvements. He said they were far enough away from Union Pacific; they didn’t have concerns.

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

Chair Thomas said there are a couple of issues he has which are; the northeast corner retaining wall and the issues to make it right which is difficult. He said he doesn’t know what the answer is. He said you are faced with a gas line and bedrock. He said he understand it is one of those situations that should have been brought back to Planning for a solution. He said the parking lot and propane tank were on the plans. The rip-rap was not in compliance and cannot be supported. He said boulder storage on the undisturbed site was a blatant violation. He agreed with the issues with the retaining wall. He said a lot was disregarded, but these gentlemen are attempting to clean it up.

Member Lawrence said he was happy to hear Mr. Browning said the propane tank was approved in 2018. He said accepting a project like this, regardless of the fact there was formerly a pit on the site, it was accepted with the expectation that things would be left in an acceptable state. This site is quite ugly. He said if there is any hope for stabilization, soil is an important component to support vegetation. He said he would suggest the Board not waiver soil amendments on this site.

Member Stanley said the gentlemen don’t have the benefit of seeing prior applications like this where a lot of projects get shut down. He said they are being given a great deal of latitude and forbearance in order to bring it into compliance without making it so egregious. He said it’s unfortunate that Mr. Pelham is not here to answer questions. Mr. Pelham had made agreements. There are a lot of blanks to be filled in. He said in the past, legal has given reasons for granting continuances such as absent of facts. Member Stanley said there are holes in this case. The goal is to bring this into compliance. He said he would like to fill in the blanks with information and data. He said this is tough to give a consideration either way. He said his personal position is to suggest a continuance to get on the same page. Mr. Lloyd addressed concerns and said staff has worked

with the applicant to mitigate concerns. He doesn't believe a delay will benefit Washoe County. He said he would like them to get started right away with bonding for assurance to get these things done.

Chair Thomas asked for the document presented by Mr. Wilson regarding proposed changes to conditions. Mr. Browning put them on the overhead.

Member Stanley asked Mr. Lloyd if the financial assurance was intended to make the applicant remain in compliance. Mr. Lloyd said yes, financial assurances work very well and are used all the time. The applicants are eager to complete this process. Member Stanley said the assurance is to cover some of the items. He asked if it can cover all the items. Mr. Lloyd said we will ask for an estimate of all unfinished work and wrap it into one financial assurance.

Chair Thomas wanted clarification from Member Lawrence's suggestion regarding soil. Member Lawrence said he was addressing Mr. Wilson's request to take top soil out of the equation for remediation.

Member Stanley asked Mr. Lawrence if the basins are sufficient to prevent damage to the river. Member Lawrence said if those basins are approved by the county engineers and cleaned out. He said the slopes aren't too aggressive there. He said he believes the basins are fine.

Chair Thomas asked about the northeast corner wall. It's an inherent problem that these gentlemen must face and continuing down that path, to address this issue, might go above and beyond. He said he is not opposed to allowing that condition to stay as it is. Mr. Lloyd said that is part of the engineering conditions. Chair Thomas said we can take that one out. Mr. Lloyd said there were several options, ie: rock wall, mesh. Mr. Browning said geotech would work with engineering to stabilize that with several options. Chair Thomas said he isn't in support of making them build a retaining wall, but he is in support of what engineering said about retaining of the rock. He said he isn't averse to condition 1(e)(i) where it was recommended 'shall provide Washoe County with assurances.' Member Stanley said that is for all, not just irrigation. Mr. Lloyd said it's a matter of requiring those conditions be completed or bonded for. Member Stanley asked why it applies to some things and not all. Mr. Lloyd said it's for 120% of costs. Member Stanley wanted to know if it is for all remediation or just irrigation. Mr. Lloyd said it's for irrigation, but it's up to the Board to broaden that requirement. Member Stanley said if not done properly, the assurances would be needed, but he recommended having assurance for everything. Member Hill said she believes it would be too much to ask.

Chair Thomas asked about conditions 1(e)(i), it states, completion of earth work to comply with SUP. He asked if that would apply for any of the earth work that goes on whether it's moving boulders. Any earth work in the SUP. DDA Large said that's not his interpretation. He interprets it as only temporary irrigation. Member Stanley would like a more comprehensive assurance for this project in case it's not done to spec. Member Stanley suggested to change 'applicant shall provide assurances for completion of all earth work and remediation.' DDA Large said he interprets 1(e)(i) for the assurance for temporary irrigation. He said cost estimates for the entire project would be much harder. Chair Thomas said it's not the whole project, it's anything that needs to be done for the discrepancies. Mr. Lloyd said if you want to add a blanket condition requiring assurance for all the work associated with this SUP that is not finished, we would require a financial assurance of 120%. Mr. Lloyd said he is trying to create a catch-all condition to address Chair Thomas' concern.

Chair Thomas read Condition 1(i): 'Any single boulder (24" or greater in size) remaining partially exposed, greater than 12" in height, after application of topsoil shall be spaced 'APPROXIMATELY' 15 feet from any other any single boulder (24" or greater in size) remaining partially exposed, greater than 12" in height.' He said he is ok with the request for the word 'approximately' being included. Member Stanley asked Member Lawrence if 12 inches is enough to retain the topsoil. Member Lawrence said it would be fine. He said here, slope is a concern and soil types. He said soil must be a component of the condition.

Chair Thomas said 1(j) could be left alone based on staff and applicant requests. Member Hill asked if 120% assurance is refundable. Member Stanley said yes, it's a completion bond. It's a promise to be good.

The Board said they were ok with proposed conditions of approval.

Chair Thomas thanked the representatives for their presentation and hope to move forward in a timely manner.

DDA Large said they may want to replace 1(e) language with financial assurance provision language.

DDA Large said condition language 1(s) would be substituted and replace condition 1(e) and he read the proposed language: "The applicant shall provide Washoe County with financial assurances equal to 120% of the estimated value of the cost to complete the remaining work under this special use permit prior to finalizing the building permit or certificate of occupancy." Chair Thomas asked if that language could replace the language in condition 1(e)(i). Mr. Lloyd said he preferred a new condition 1(s) and removing 1(e)(i), only because it appears the rest of the section addresses the re-vegetation and create one new condition.

Chair Thomas said 1(e)(i) will be removed and condition 1(s) will be inserted.

Chair Thomas 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 as included as Exhibit A to the Staff Report, Special Use Permit Case Number WSUP19-0019 for Scannell Properties, having made all five findings in accordance with Washoe County Code Section 110.810.30 with the amended conditions. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon 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 major grading, 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.

## **9. Chair and Board Items**

### **\*A. Future Agenda Items**

Member Stanley stated he attends the CAB meetings and asked about training sessions for the CAB members. Mr. Lloyd said the CAB members has a fairly robust training program which they receive annually. DDA Large said this could be a future agenda item and can take this topic back to staff.

### **\*B. Requests for Information from Staff**

None

## **10. Director's and Legal Counsel's Items**

### **\*A. Report on Previous Board of Adjustment Items**

None

### **\*B. Legal Information and Updates**

None

## **11. \*General Public Comment and Discussion Thereof**

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

## **12. Adjournment**

Meeting adjourned at 6:18 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on \_\_\_\_\_, 2020

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Trevor Lloyd  
Secretary to the Board of Adjustment

DRAFT