



WASHOE COUNTY BOARD OF ADJUSTMENT NOTICE OF MEETING AND AGENDA

Board of Adjustment Members

Robert F. Wideman, Chair
Kim Toulouse, Vice Chair
Philip J. Horan
Richard "R.J." Cieri
William Whitney, Secretary

Thursday December 6, 2012
1:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

PUBLIC HEARING ITEMS

(complete case descriptions are provided beginning on page three of this agenda)

- **Special Use Permit SB11-001 - Southwind Communications Facility**
- **Administrative Permit Case No. AP12-008 – Gary Owens**
- **Administrative Permit Case No. AP12-009 - David Wood**
- **Special Use Permit Case No. SB12-016 – NV Energy**
- **Administrative Permit Case No. AP12-010 – Newman**

Items for Possible Action: All numbered or lettered items on this agenda are hereby designated for possible action as if the words "for possible action" were written next to each item (NRS 241.020), except for items marked with an asterisk (*). Those items marked with an asterisk (*) may be discussed but action will not be taken on them.

Possible Changes to Agenda Order and Timing: Discussion may be delayed on any item on this agenda, and items on this agenda may be taken out of order, combined with other items and discussed or voted on as a block, removed from the agenda, moved to the agenda of another later meeting or moved to or from the consent section. Items designated for a specified time will not be heard before that time, but may be delayed beyond the specified time.

Public Comment; Disrupting of Meeting: During the "Public Comment" periods listed below, anyone may speak pertaining to any matter either on or off the agenda. Public comment during these periods is limited to three minutes. Additionally, during action items (those *not* marked with an asterisk), public comment will be heard on that particular item before action is taken. See "Public Participation," below, for time limits. In either event, each speaker must fill out a "Request to Speak" form and give it to the recording secretary. Unused time may not be reserved or transferred. Comments are to be directed to the board as a whole and not to one individual. The presiding officer may (with or without advance warning) order the removal of a person whose conduct willfully disrupts the meeting to the extent that its orderly conduct is made impractical.

Public Participation: The Board of Adjustment adopted Rules, Policies and Procedures are available on the website provided above or by contacting the Community Development Department.

At least one copy of items displayed and at least ten copies of any written or graphic material for the Board's consideration should be provided to the Recording Secretary. Materials longer than one page in length submitted within six days of the Board of Adjustment meeting may not be considered by the Board in their deliberations. Subject to applicable law and the board's rules, policies, and procedures, public comment or testimony may be submitted to the board in written form for its consideration. However, the board is not required to read written statements aloud during the meeting.

Time allocations for public hearing items are as follows: 15 minutes for staff's presentation; 15 minutes for an applicant's presentation; 5 minutes for a group representative's comments; 3 minutes for individual comment. At the discretion of the Chair, additional time may be provided to any party if the request is made at least 24 hours in advance of the meeting start time. The Chair may reduce the per person time allotment for comment on a particular item; this determination will be made prior to hearing comment on the item.

Posting of Agenda; Website Location: Pursuant to NRS 241.020, this notice has been posted at the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada, and at the following locations: Washoe County Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (630 Greenbrae Drive). Agendas and staff reports are posted to the Washoe County website at www.washoecounty.us/comdev four days prior to the meeting.

Special Accommodations: Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language, interpreters, or assisted listening devices) at the meeting should notify Washoe County Community Development, at 775.328.3600, two working days prior to the meeting.

Appeal Procedure: Most decisions rendered by the Board of Adjustment are appealable to the Board of County Commissioners. If you disagree with the decision of the Board of Adjustment and you want to appeal its action, call the Planning staff immediately, at 328-6100. You will be informed of the appeal procedure, application fee, and the time in which you must act. Appeal periods vary from seven (7) to fifteen (15) days, depending on the type of application.

1:30 p.m.

AGENDA

1. ***Determination of Quorum**
2. ***Pledge of Allegiance**
3. ***Ethics Law Announcement**
4. ***Appeal Procedure**
5. ***Public Comment**

The public is invited to speak on any item on or off the agenda during this period. However, action may not be taken until this item is placed on an agenda as an action item.

6. **Approval of Agenda**
7. **Approval of Minutes**

October 4, 2012

- 1:30 p.m. 8. Planning Items and Public Hearings** – On the following items, the Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny the request. The Board of Adjustment may also take action to continue an item to a future agenda.

A. PUBLIC HEARING: Special Use Permit SB11-001: Southwind Communications Facility – To allow for the construction of an unmanned wireless communications facility involving the installation of four wireless telephone carriers and/or broadband internet providers (each carrier/provider has the capability of holding three to four antennas concealed inside and secured within the prescribed elevation within a new 75 vertical foot monopole). The monopole will be camouflaged to appear to look like a pine tree which is identified in the industry as a “monopine”. The monopine and equipment cabinets would be installed within a 30’x40’ chain link fence with privacy slats, pursuant to Article 324 of the Development Code (Washoe County Code Chapter 110).

- Applicant: Tallac Tower Group
- Property Owner: Thomas Danzinger Family Trust
- Location: 17 Southwind Drive in Washoe Valley
- Assessor’s Parcel No.: 046-060-18
- Parcel Size: +5 acres
- Current Regulatory Zone(s): General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: West Washoe Valley
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 23, T17N, R19E, MDM Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

B. PUBLIC HEARING: Administrative Permit Case No AP12-008 – Gary Owens - To allow the construction of a detached accessory structure that is larger than the dwelling on the parcel.

- Applicant/Owner: Gary Owens, 3983 S. McCarran #258, Reno, NV 89502
- Location: 8895 Lakeside Drive, at the southwest corner of its intersection with Holcomb Ranch Road
- Assessor’s Parcel No: 041-130-57
- Parcel Size: 5.73 acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 306, Accessory Uses and Structures
Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 11, Township 18 North, Range 19 East, MDB&M, Washoe County, NV

- Staff: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

C. PUBLIC HEARING: Administrative Permit Case No. AP12-009 – David Wood - To allow the construction of an accessory structure (garage and indoor play area) that will be larger in square footage than the proposed main dwelling.

- Applicant/Property Owner: David Wood
- Project Location: 14085 Bihler Road, Reno, NV 89511
- Assessor's Parcel No: 142-241-19
- Parcel Size: ± 2.5 Acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 306, Accessory Uses and Structures
Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 30, T18N, R20E, MDM, Washoe County
- Staff: Grace Sannazzaro, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775-328-3771
- Email: gsannazzaro@washoecounty.us

D. PUBLIC HEARING: Special Use Permit Case No SB12-016 - NV Energy - To add a ±55.5-foot slim-line monopole to support a new commercial antenna and associated appurtenances as a component of NV Energy's Advanced Service Delivery project, a part of the Smart Meter/Smart Grid Program, which allows for remote reading of electric meters. The pole will be placed within an existing utility easement. The applicant is also seeking to vary the side yard setback from 50 feet to ±7 feet for the pole placement.

- Applicant: NV Energy
- Property Owner: William F. Bubbico, 11, Skating Pond Rd., Trumbull, CT 06611
- Location: Pyramid Hwy, 1 mile south of Winnemucca Ranch Road
- Assessor's Parcel No: 076-161-01
- Parcel Size: 76.66
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs
- Development Code: Article 324 and Article 810
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 25, T22N, R20E, MDB&M, Washoe County, NV

- Staff: Sandra Monsalvè, AICP, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3608
- Email: smonsalve@washoecounty.us

E. PUBLIC HEARING: Administrative Permit Case No AP12-010 – Robert and Joan Newman - To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 3935 White Pine Drive, in conjunction with the existing single family residence.

- Applicant/ Property Owner Robert and Joan Newman
- Location: 3935 White Pine Drive
- Assessor’s Parcel No: 050-482-20
- Parcel Size: 1.25 acres
- Master Plan Category: SR
- Regulatory Zone: LDS (Trailer overlay)
- Area Plan: South Valleys
- Citizen Advisory Board: East Washoe Valley
- Development Code: 110.310.35(g)
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 6, T16N, R20E, MDB&M, Washoe County, NV
- Staff: Eva Krause, AICP, Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3796
- Email: ekrause@washoecounty.us

F. Draft Ordinance Amending Articles 912 and 914 - Review proposed text of an ordinance establishing general rules governing appeals to the Board of Adjustment and provide direction to staff and recommendations to the Planning Commission for drafting and proposing the ordinance. Proposed ordinance generally covers what matters can be appealed to the Board of Adjustment, the timelines and procedures for such appeals (including what evidence may be reviewed and who has the burden of persuasion), and the right to either seek judicial review of the decisions of the Board of Adjustment or appeal them to the Board of County Commissioners.

- Staff: Greg Salter, Deputy District Attorney
- Phone: 775.328.3796
- Email: gsalter@washoecounty.us

9. Chair and Board Items

(Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, staff discussion of items or suggested items to be scheduled proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

- A. *Report on Previous Board of Adjustment Items
- B. Future Agenda Items and Staff Reports

10. Director's Items

A. *Legal Information and Updates

11. *Public Comment

The public is invited to speak on any item on or off the agenda during this period. However, action may not be taken until this item is placed on an agenda as an action item.

12. Adjournment



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair

Mary S. Harcinske, Vice Chair

Philip J. Horan

Richard "R.J." Cieri

Kim Toulouse

William Whitney, Secretary

Thursday October 4, 2012

1:30 p.m.

Washoe County Commission Chambers
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

October 4, 2012

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, October 4, 2012 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

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

Members absent: Mary S. Harcinske (Resigned September, 2012)

Staff present: Bill Whitney, Acting Director, Community Development
Roger Pelham, MPA, Senior Planner, Community Development
Eva Krause, AICP, Planner, Community Development
Sandra Monsalvè, AICP, Senior Planner, Community Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Community Development

2. Pledge of Allegiance

Chair Wideman led the pledge to the flag.

3. Ethics Law Announcement

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

4. Appeal Procedure

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

5. Public Comment

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

6. Approval of Agenda

Chair Wideman suggested the agenda items be heard in the following order: 8A, 8C, 8F, 8B, 8D, 8E and 8G.

In accordance with the Open Meeting Law, Member Horan moved to approve the agenda of October 4, 2012 as amended by Chair Wideman's suggestion. The motion, seconded by Member Toulouse, passed unanimously.

7. Approval of Minutes

Member Toulouse moved to approve the minutes of August 2, 2012. The motion was seconded by Member Cieri and passed unanimously.

8. Project Review Items

Agenda Item 8A

PUBLIC HEARING: Amendment of Conditions Case No. AC12-002: Amendment of Special Use Permit Case No. SB10-009 Palomino Valley General Improvement District – Continued from August 2, 2012 Board of Adjustment Meeting - To remove the condition of approval requiring slats in the fencing surrounding the proposed facility.

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

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated July 19, 2012. He reminded the Board that they had approved the facility with the condition regarding the screening slats and there had been no discussion regarding the subject at the meeting. He noted that screening of the facility was not a requirement of Code. If it was a requirement of Code it would not be a condition of approval. A separate Director's Modification had been approved to alter landscaping requirements, but the slats are not considered landscaping so the condition remained.

Chair Wideman opined the screening was approved by the Board not because it is required, but because it is a typical condition. He asked Mr. Pelham if it was needed. Mr. Pelham replied it would visually soften the chain link but other options might be pursued.

Member Cieri noted the conditions had been labeled improperly and Mr. Pelham stated he would make the corrections as necessary. Member Cieri noted the applicant had offered to include a condition stating the yard would not be used for storage and stated he would like the Board to consider adding it. Mr. Pelham agreed it would be a benefit.

Applicant Larry Johnson noted there had been confusion at the prior hearing regarding which project was under consideration. He stated there had been no public opposition to the request. Mr. Johnson summarized events to date, including the fact there had been no discussion regarding the slats at the original hearing due to the fact PVGID had incorrectly thought that condition would be removed when the Director's Modification was approved. He noted the primary reasons for the request included cost and security. He agreed the proposed condition should be modified to indicate there would be no vehicle or equipment storage.

Member Cieri stated he had originally objected to the removal of the condition, but that he would withdraw the objection if the condition prohibiting storage in the yard were added.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. Member Toulouse stated he was friends with Mr. Johnson but had no pecuniary interest and did not feel it would have any impact on his decision.

Member Cieri moved to approve as amended Amendment of Conditions Case No. AC12-002: Amendment of Special Use Permit Case No. SB10-009 Palomino Valley General Improvement District. The motion was seconded by Member Horan and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Warm Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a water truck fill station, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Agenda Item 8C

PUBLIC HEARING: Amendment of Conditions Case No. AC12-004, to amend Special Use Permit Case No. SB12-004 – NV Energy – To allow the addition of a microwave dish, two feet in diameter, to

the previously approved monopole, for communication of data.

- Location: At the existing water tank approximately 600 feet west (uphill) from the intersection of Timberline Drive and Timberline View Court
- Assessor's Parcel No.(s): 049-070-41
- Parcel Size: ± 1.78 acres
- Zoning: General Rural (GR)
- Area Plan: Forest
- Citizen Advisory Board: Southwest Truckee Meadows
- Commission District: 1 – Commissioner Breternitz
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Section/Township/Range: Section 34, T18N, R19E, MDM
Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham requested the Chair call the Applicant, as he understood they wished to continue the item.

Applicant Mark Sullivan stated they planned to go forward with the request. He summarized there were three issues to be discussed and he was prepared to do so. He noted that if there were some legal reason the Board could not rule in their favor at the meeting he would like to know, but otherwise they would move forward.

Mr. Pelham explained he had recommended the case should be approved. The requested dish had already been installed on the monopole. He explained the original Special Use Permit (SUP) was approved as a single, slim-line monopole with screening. A resident had contacted Community Development to ask about the dish, which alerted staff to its existence. Mr. Pelham explained it was determined that the dish and pole had been constructed without proper permits.

Mr. Pelham opined the dish created little visual impact and staff had been prepared to recommend approval. This circumstance changed with the absence of the building permits, as most conditions are required to be completed prior to or in conjunction with obtaining them. As of the morning of the hearing, the landscaping and fencing had not been installed, but the applicant had applied for the required building permits. He noted two letters received from neighbors stating the dish was not originally approved and requesting visual mitigation. Staff was recommending neither approval nor denial. He was not comfortable recommending approval based on the fact it was constructed without permits, but the level of the request was so minor it did not rise to the level of something staff thought should be denied.

Mr. Sullivan stated there were three issues, the dish, the landscaping and the building permit. The original SUP had been approved "To allow the construction of a wireless communication monopole 45 feet in height and associated equipment." NV Energy staff considered the dish to be associated equipment, so had proceeded with installation. Mr. Sullivan had not been informed. When Mr. Pelham became aware of the dish, he contacted Mr. Sullivan, who promptly submitted the application for an Amendment of Conditions.

Mr. Sullivan noted different conditions were subject to compliance at different stages of construction. Typically landscaping is the final step, and the trees were scheduled to be planted the following Monday. The landscape plan had been professionally designed as required, although certain hurdles regarding irrigation were still being addressed. The landscaping

company that was hired to install the trees had cautioned against doing it at this time, but Mr. Pelham had requested they be planted prior to the hearing in accordance with the condition of approval. Mr. Sullivan countered the water would be turned off on October 15 and the trees may not survive. If the Board were adamant about the landscaping being installed immediately, Mr. Sullivan would devise an alternate method to keep the trees watered as they became established. He requested the Board consider the option of allowing the trees be planted in the spring when the water is turned on again.

Mr. Sullivan explained NV Energy had installed a million meters and were familiar with the International Building Codes regarding monopoles, which stated they were exempt from the requirement of a building permit. He noted there was no amendment to the Code that altered the rule. After hearing from Mr. Pelham the permit was required in Washoe County, Mr. Sullivan met with the Washoe County Building Official, Don Jeppson, and learned that the County had unique standards that required permits for monopoles. NV Energy had immediately submitted the required application and fees to obtain the building permit.

Member Cieri asked if NV Energy owned the water tank. Mr. Sullivan stated it belonged to the South Truckee Meadows General Improvement District. Mr. Sullivan anticipated Member Cieri's question asking why the water in the tank could not be used to water the trees and explained the water in the tank was for human consumption which required special handling to avoid contamination.

Member Horan asked how many of the poles across the state had the dishes and Mr. Sullivan replied that it was approximately half.

Randy Collins expressed his concerns about the fact what was constructed was not the same as what was originally approved and that the landscaping had not yet been installed. Mr. Collins then spoke for his neighbor Julie Savage, who opined the dish was an eyesore.

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

DDA Salter pointed out the applicant had a right to continue the matter at any time prior to a motion being made. He reiterated Mr. Sullivan had indicated that if there were any legal reason the Board could deny the request, he may request the continuance. DDA Salter opined there was a legal reason for denial, which was that the original Special Use Permit (SUP) has not yet been established because the conditions have not yet been met.

Mr. Sullivan clarified he would ask for the continuance if there were a legal reason the Board could not approve the request. DDA Salter explained it was also within the Board's power to continue it until after the SUP conditions had been met.

Member Cieri stated he had a question for Mr. Pelham, and Chair Wideman reopened the hearing. Member Cieri asked Mr. Pelham if the pole as constructed was the same as what was approved, and Mr. Pelham stated it was substantially compliant with what was approved. The only change was the addition of the dish.

Member Horan requested and received clarification water was available for landscaping between April and October.

Member Toulouse asked how long the landscaping was expected to survive and be maintained. Mr. Pelham replied Code required 100% for three years, and there was no standard beyond that time period. He opined it would be unlikely the applicant would allow the

trees to die after three years, but if they did and someone complained, Code Enforcement would get involved and the landscaping would have to be brought back up to Code standard.

Chair Wideman closed the public hearing.

Member Horan opined the applicant did not set out to deceive the Board or the neighbors; there was simply a series of events that caused misunderstandings. He felt they should be allowed to plant the trees when the water was turned back on in the spring. He also opined that had the dish been part of the original SUP, he would still have voted in favor of the project.

Chair Wideman reiterated the only item on the agenda was regarding approving the dish. There was nothing about building permits or landscaping issues. He stated he would have also voted for approval of the project had the dish been part of the original request. He pointed out there will be many more antennas constructed and they will have a variety of associated equipment which will change as technology changes. He asked if they were hearing this case because there was a policy change and if so, how it would be dealt with in the future.

Member Cieri noted additions and changes to design of the communication towers can alter the appearance in negative ways and opined reviews such as the one being heard were a necessary function.

Member Toulouse expressed concern with approving an amendment to an SUP that had not been finalized. DDA Salter opined it was within the Board's purview to either approve or deny the request. They may consider as a factor whether or not the underlying SUP has been legally established. Even if it has not, they are not required to deny the amendment request based on that fact.

Chair Wideman reiterated enforcement of conditions was handled by staff employed for that purpose. He opined they had not heard any evidence to indicate NV Energy was not moving forward with conditions as approved.

Chair Wideman reopened the public hearing and requested Mr. Pelham speak to the issues that had been brought up. Mr. Pelham stated a condition could be added to clarify a specific time period for the original conditions to be completed if it would allay the Board's concerns. The Board declined and acknowledged NV Energy had been consistent in their good-faith efforts to comply with conditions.

Mr. Pelham opined a request to amend an SUP in process was not unusual or out of line. Member Toulouse asked if Mr. Pelham felt the applicant had substantially adhered to the conditions of approval and Mr. Pelham replied he believed they were in the process of doing so.

Member Horan moved to approve conditionally, Amendment of Conditions Case No. AC12-004, to amend Special Use Permit Case No. SB12-004 – NV Energy, to allow the addition of a microwave dish to the previously approved monopole.

Member Cieri asked if there was to be a waiver regarding the planting of the trees. Member Toulouse noted the applicant had requested it. DDA Salter pointed out the item was not agendaized.

The motion was seconded by Member Cieri and passed three in favor and one opposed, Member Toulouse voting against based on his concerns regarding the status of the original SUP.

The motion was based on the following findings:

1. Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan.
2. Improvements. 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 the addition of a microwave dish to the monopole antenna and for the intensity of the 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

Code contains three additional conditions for monopoles:

- A. 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;
- B. That public input was considered during the public hearing review process; and
- C. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Agenda Item 8F

PUBLIC HEARING: Special Use Permit No. SB12-011 - NV Energy – a request to install a 54.5-foot tall monopole antenna at 2540 Antelope Valley Road for the “NV Energize” meter program

- Location: 2540 Antelope Valley Road
- Assessor’s Parcel No.(s): 079-481-69
- Parcel Size: 54 Acres
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Commission District: 5- Commissioner Weber
- Development Code: As authorized in Article 810 and required by Article 324
- Section/Township/Range: Within Section 14, T22N, R19E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated July 20, 2012, noting the addition of a small antenna attached to the monopole and that the design did not allow climbing. She noted the deletion of two conditions, one regarding the installation of anti-climb devices and another that was redundant. She also noted the case number had been listed incorrectly and would be changed.

Mr. Sullivan stated they agreed with all conditions and expressed his gratitude Ms. Krause had changed them.

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

Member Horan moved to approve, as amended, Special Use Permit No. SB12-011 - NV Energy. The motion was seconded by Member Toulouse and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the wireless communications facility is consistent with the action programs, policies, standards, and maps of the Washoe County Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a monopole antenna wireless communications facility and for the intensity of such development;
4. Issuance Not Detrimental. That approval of a Special Use Permit for a wireless communications facility consisting of a monopole antenna will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. That granting approval of the Special Use Permit for a monopole antenna wireless communications facility will not have a detrimental effect on the location, purpose, or mission of the military installation; and
6. Article 324 Standards. That the proposed wireless communications facility consisting of a monopole antenna meets the standards of Article 324 Communication Facilities;
7. Public Input. That any public input received was considered during the public hearing review process; and
8. Impacts. That the proposed wireless communications facility consisting of a monopole antenna will not unduly impact any adjacent neighborhoods or vistas and ridgelines within Washoe County.

Agenda Item 8B

PUBLIC HEARING: Amendment of Conditions Case No. AC12-003, to amend Special Use Permit Case Nos. SB09-002 and SB10-003 – Tahoe Estates, LLC – To remove a condition of approval requiring removal of a temporary structure from SB10-003 and replace that condition on SB09-002. Both special use permits approved detached accessory dwellings on adjacent parcels within the same overall development.

- Location: South side of Lakeshore Boulevard, approximately 600 feet west of its intersection with Selby Drive and is addressed as 1029 Lakeshore Boulevard, Incline Village
- Assessor's Parcel No.(s): 130-230-36 and 130-230-05
- Zoning: High Density Rural (HDR) and High Density Suburban (HDS)
- Parcel Size: ± 2.02 acres and ± 3.18 acres
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Commission District: 1 – Commissioner Breternitz
- Development Code: Article 810, Special Use Permits
- Section/Township/Range: Within Section 23, T16N, R18E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated September 20, 2012, explaining it was essentially just an administrative change between two SUPs.

Applicant's Representative Lori Shannon assured the Board the final remaining accessory building would be removed at the end of construction of the overall project.

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

Member Horan stated he was certain the building would be removed and Chair Wideman agreed.

Member Horan moved to approve Amendment of Conditions Case No. AC12-003, to amend Special Use Permit Case Nos. SB09-002 and SB10-003 – Tahoe Estates, LLC. The motion was seconded by Member Cieri and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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. The site is physically suitable for the type of development and for the intensity of 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 8D

PUBLIC HEARING: Variance Case No. VA12-004 - Laurel Dempsey –To vary the required front yard setback from 30 feet to 18.6 feet, to vary the rear yard setback from 30 feet to 19.1 feet and to vary the front yard fence height from 4.5 to 6 feet in height along the southerly most parcel line to accommodate an existing fence and existing dwelling.

- Location: 4835 Canyon Drive, approximately 250 feet northwest of the intersection of Canyon Drive and Westgate Road
- Assessor's Parcel No.(s): 009-101-14
- Parcel Size: ± 22,460 square feet
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: West Truckee Meadows
- Commission District: 1 – Commissioner Breternitz
- Development Code: Article 804, Variances
- Section/Township/Range: Within Section 17, T19N, R19E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham introduced Intern Ernest Adamo, who reviewed the staff report dated September 20, 2012. He noted the Variance was required in response to a settlement between the applicant and a neighbor regarding a property line issue. He noted the findings could be made for the Variance as the lot was constrained by width and slope.

Member Horan opined the settlement created a situation in which the Board needed to approve the Variance after the fact, as the applicant was no longer in compliance with setbacks. Mr. Pelham replied the lot was already too narrow and was becoming narrower, and was also constrained by the slope as mentioned earlier. The Variance was legalizing the development as it exists with the change to the lot line. It would not be necessary were it not for the settlement.

Member Horan stated the County was being made a party to the settlement, as no changes were being made, but the settlement had created the situation wherein the property was not in compliance with setbacks. Mr. Pelham disagreed, noting there were practical difficulties with the lot regardless of the reason the Variance was required.

Applicant's Representative David Crook stated they agreed with all conditions and offered to answer any questions.

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

Member Horan reiterated his concern the decision would make the county a party to the settlement or alter its validity. Chair Wideman acknowledged it was not comfortable to make the decision, but had it been considered without the factor of the settlement, it would most likely have been approved anyway due to the lot constraints. Member Toulouse agreed.

Member Toulouse moved to approve conditionally Variance Case No. VA12-004 - Laurel Dempsey. The motion was seconded by Member Cieri and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for grading for future landscaping, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

At 3:30 p.m. Chair Wideman called a five-minute recess. He called the meeting back to order at 3:35.

Agenda Item 8E

PUBLIC HEARING: Amendment of Conditions Case No. AC12-005, to amend Special Use Permit Case No. SB12-012 – Sun Valley General Improvement District (SVGID) / Reno Indoor Paintball – To remove conditions of approval numbered 3a, 3b and 3c, as originally recommended by Washoe County Risk Management, that are not applicable to a project on property not owned by Washoe County.

- Location: 115 West 6th Avenue, Sun Valley, at the Sun Valley Community Park
- Assessor's Parcel No.(s): 085-211-03
- Parcel Size: ± 20 Acres
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Commission District: 3 – Commissioner Jung
- Development Code: Article 810, Special Use Permits
- Section/Township/Range: Within Section 18, T20N, R20E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated September 20, 2012. He clarified Washoe County has deeded ownership of the park to SVGID so the conditions recommended to protect the County are not appropriate.

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

Member Cieri moved to approve conditionally Amendment of Conditions Case No. AC12-005 to Special Use Permit Case Number SB12-012 - SVGID Paintball Park. The motion was seconded by Member Toulouse and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. The site is physically suitable for the type of development and for the intensity of 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 8G

PUBLIC HEARING: Extension of Time Request for Special Use Permit Case No. SB10-012 and Variance Case No. VA11-001 - Washoe County Regional Parks Department – To extend for 5 years, until August 3, 2016, the approval of the Special Use Permit to allow for excavation exceeding 1,000 cubic yards, disturbance of a Significant Hydrologic Resource (SHR); and Variance to construct retaining walls in excess of 6 feet in order to accommodate the development of the Ballardini Ranch Trailhead.

- Location: Western end of Lone Tree Lane, ±0.6 miles west of Lakeside Drive
- Assessor's Parcel No.(s): 222-080-07 and 222-080-08
- Parcel Size: ±121.2 and ±90.6 acres respectively
- Current Regulatory Zone(s): General Rural (GR), Low Density Rural (LDR), and Medium Density Suburban (MDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Commission Districts: 1 – Commissioner Breternitz and
2 – Commissioner Humke

- Development Code: Authorized in Article 810 Special Use Permits, Section 110.810.65, and Article 804 Variances, Section 110.804.55
- Section/Township/Range: Within Sections 2, 3, 11, T18N, R18E, MDM Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Monsalvè reviewed the staff report dated September 24, 2012.

Applicant's Representative Melissa Lindell explained they had been working diligently on obtaining the necessary permits but had not yet been able to complete that process.

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

Member Horan moved to approve conditionally Extension of Time Request for Special Use Permit Case No. SB10-012 - Washoe County Regional Parks Department. The motion was seconded by Member Toulouse and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the trailhead development, in that there are no other facilities that might be utilized at this location;
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. Special Review Considerations. That the Board of Adjustment considered the Special Review Considerations as stated in Section 418.30 of the Development Code, listed below, and found that, as conditioned, adequate provisions have been made to comply with these considerations; and
 - (a) Conservation of topsoil;
 - (b) Protection of surface water quality;
 - (c) Conservation of natural vegetation, wildlife habitats and fisheries;
 - (d) Control of erosion;
 - (e) Control of drainage and sedimentation;

- (f) Provision for restoration of the project site to predevelopment conditions;
 - (g) Provision of a bonding program to secure performance of the requirements imposed; and
 - (h) Preservation of the hydrologic resources, character of the area and other conditions as necessary.
6. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation, as there are no military installations in that area of Washoe County.

Member Toulouse moved to approve conditionally Extension of Time Request for Variance Case No. VA11-001 - Washoe County Regional Parks Department. The motion was seconded by Member Cieri and passed unanimously.

The motion was based on the following findings:

1. Special Circumstances. Because of the special circumstances applicable to the property, including either the:
 - a. Exceptional narrowness, shallowness or shape of the specific piece of property, or
 - b. By reason of exceptional topographic conditions, or
 - c. Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, or
 - d. The strict application of the regulation results in exceptional and undue hardships upon the owner of the property.
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and,
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

9. Chair and Board Items

A. Resolution of Appreciation for Mary Harcinske

Chair Wideman read the Resolution for the record and commended Mary's professionalism. Member Horan opined she had been a tremendous asset to the Board. Member Toulouse expressed his gratitude for her assistance when he first joined the Board

and stated she would be sorely missed. Member Cieri agreed with all comments and everything in the Resolution. Mr. Whitney expressed the staff of Community Development will miss her and wish her the best.

Member Horan moved to adopt the resolution. The motion was seconded by Member Toulouse and passed unanimously.

B. Election of Officers: Board of Adjustment Vice Chair

Member Cieri recommended appointment of Member Toulouse as Vice Chair, and Member Horan seconded. Member Toulouse stated he would be privileged to serve. The motion passed unanimously.

C. Introduction of updated Rules, Policies and Procedures (RPPs)

DDA Salter explained the RPPs were being updated to accommodate an upcoming change to Article 910, which provides for Administrative Hearings. Appeals of decisions for these hearings and appeals of decisions by county officers are to be heard by the Board of Adjustment.

DDA Salter briefly reviewed the major changes to the content, formatting and structure of the new RPPs. He explained they will be formally presented for Board input and possible adoption at the December meeting.

Chair Wideman opined the appeals mentioned must have been heard somewhere and DDA Salter stated there had not yet been any. Chair Wideman asked if the appeals would be heard in public hearing or trial format. DDA Salter explained they would primarily be in the public hearing format, hopefully without lawyers and witnesses. Most would be matters of record and the Board's job will be to review the record and make a determination as to whether or not the person who made the decision was acting in an arbitrary or capricious manner or ignoring substantial evidence. The Chair can authorize cross-examinations.

Chair Wideman opined this development changes the complexion of what the Board does and may affect who would want to serve on it.

Mr. Whitney suggested the Board members review the RPPs and contact staff with any questions that come up prior to the open discussion at the December meeting.

D. *Report on Previous Board of Adjustment Items

None

E. Future Agenda Items and Staff Reports

None

Member Horan opined the new Motions pages provided for the Board's convenience were very helpful. Member Toulouse agreed.

10. Director's Items

A. National Community Planning Month, October 2012

Mr. Whitney introduced a Proclamation declaring the month of October to be National Community Planning Month in the County. He emphasized that many

individuals and organizations contribute to the planning process including the Board, and he thanked them. The proclamation recognizes these individuals and organizations and their valuable efforts in making Washoe County a quality place to live, work and recreate. Mr. Whitney read the Proclamation into the record.

Chair Wideman expressed his sentiments regarding the value of good community planning.

Member Horan recommended adoption of the Proclamation, and Member Cieri seconded. The motion passed unanimously.

B. *Legal Information and Updates

None

11. Public Comment

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

12. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 4:05 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on _____, 2012

William Whitney
Secretary to the Board of Adjustment



Board of Adjustment Staff Report

Meeting Date: December 6, 2012

Subject: Special Use Permit Case No: SB11-001

Applicant(s): Tallac Tower Group, LLC.

Agenda Item No. 8A

Project Summary: To allow for the construction of an unmanned wireless communications facility involving the installation of four wireless telephone carriers and/or broadband internet providers (each carrier/provider has the capability of holding three to four antennas concealed inside and secured within the prescribed elevation within a new 75 vertical foot monopine cell tower).

Recommendation: Approval with Conditions

Prepared by: Trevor Lloyd, Senior Planner
Washoe County Department of Community Development
775-328-3620
tlloyd@washoecounty.us

Washoe County
Commission District: District No: 2

Project Description

Special Use Permit: Southwind Communications Facility – To allow for the construction of an unmanned wireless communications facility involving the installation of four wireless telephone carriers and/or broadband internet providers (each carrier/provider has the capability of holding three to four antennas concealed inside and secured within the prescribed elevation within a new 75 vertical foot monopole). The monopole will be camouflaged to appear to look like a pine-tree which is identified in the industry as a “monopine”. The monopine and equipment cabinets would be installed within a 30’x40’ chain link fence with privacy slats, pursuant to Article 324 of the Development Code (Washoe County Code Chapter 110).

- Location: 17 Southwind Drive in Washoe Valley.
- Assessor’s Parcel No.: 046-060-18
- Parcel Size: ±5 acres
- Current Regulatory Zone(s): General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: West Washoe Valley
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Section/Township/Range: Within Section 23, T17N, R19E, MDM
Washoe County, NV

Staff Report Contents

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Exhibits Contents

Conditions of Approval Exhibit A

Proposed Site/Elevation Plans Exhibit B

Alternative Site Analysis..... Exhibit C

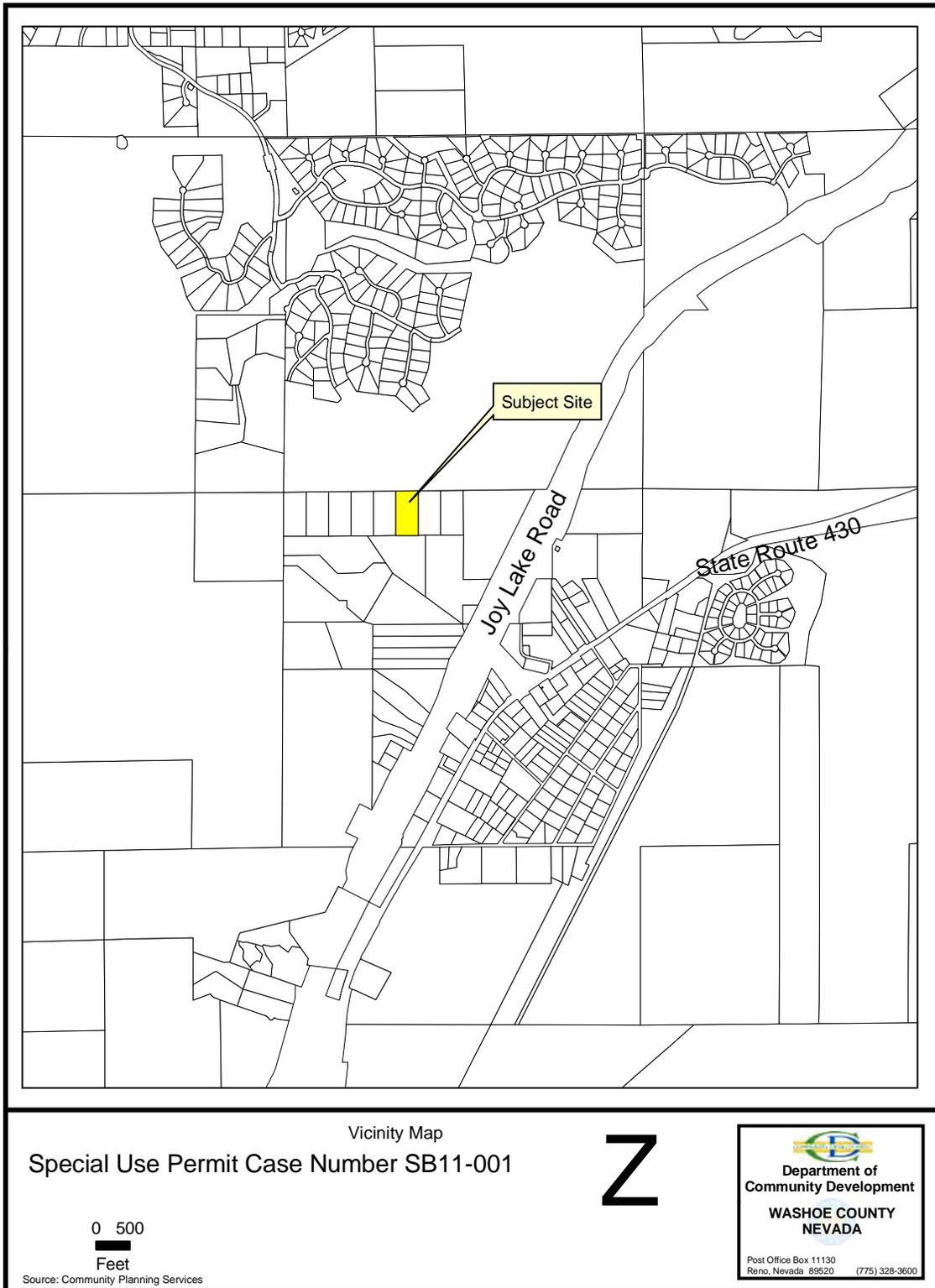
CAB Comments Exhibit D

Public Notice Map Exhibit E

Special Use Permit

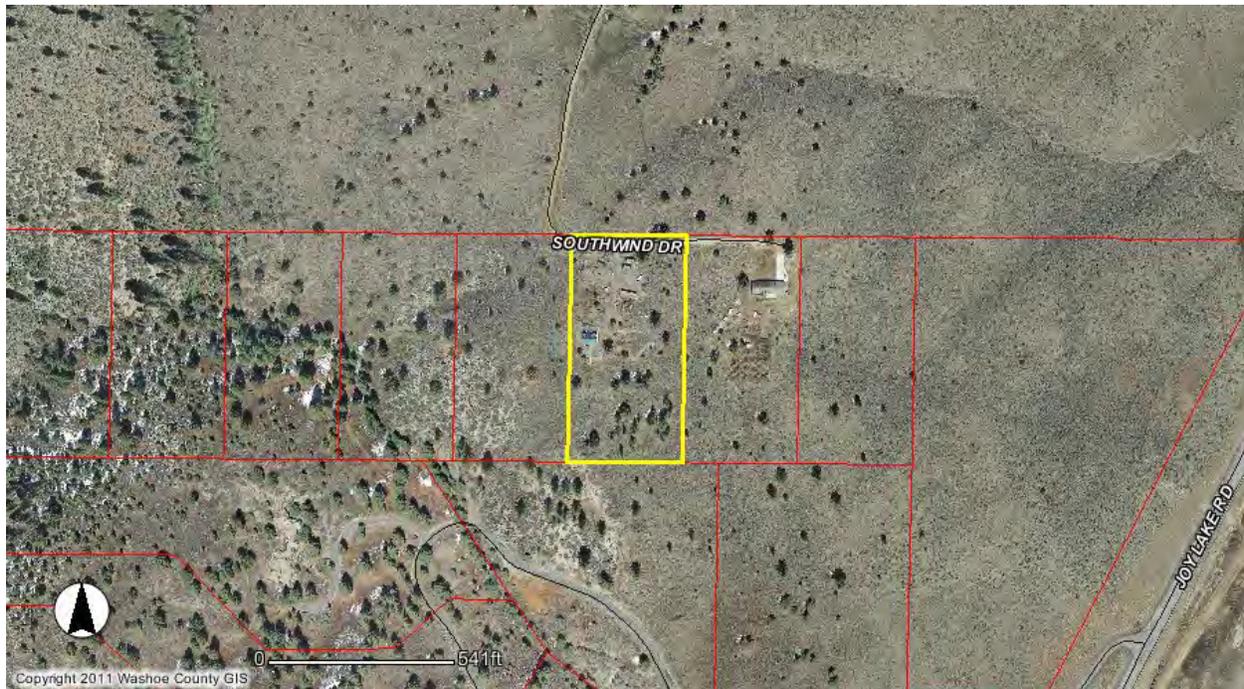
The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions*”. These conditions must be continually complied with for the life of the business or project.



Vicinity Map

Overhead Photo of Parcel



Project Evaluation

The applicants are asking to construct a wireless communications facility with a 75 foot tall monopole that will be designed to look like a pine tree, which is known in the industry as a “monopine”. The property for the proposed monopine cell tower is on a General Rural (GR) parcel of ± 5 acres that is located at 17 Southwind Drive in Washoe Valley. The proposed development includes the construction of an unmanned wireless communications facility and will include the installation of four wireless telephone carriers and/or broadband internet providers (each carrier/provider has the capability of holding three to four antennas concealed inside and secured within the prescribed elevation within a new 75 vertical foot monopine). The monopine and equipment cabinets will be installed within a 30'x40' chain link fence with privacy slats. The facility adheres to the Washoe County Development Code (Section 110.324.50). A monopole would ordinarily be limited to a 60 vertical foot maximum being located 400 feet from residentially zoned property but is allowed a 25% height bonus (15 feet) if a monopine design is used.

Section 110.324.50 Wireless Communication/Cellular Facilities Placement Standards.

The following placement standards by type of antenna shall be complied with notwithstanding the preferred location and type of antenna enumerated in this section:

- (e) Monopole Antenna. The placement of a monopole antenna shall comply with the following criteria:
 - (3) An additional twenty-five (25) percent pole height shall be granted if the monopole is a stealth design that may include a slim line pole, a tree or other proposed camouflaged design compatible with the surrounding area. The width of the supporting mechanism for the antenna may increase up to the additional twenty-five (25) percent to the extent that the camouflage conceals the array.

Table 110.324.50.1

ANTENNA PLACEMENT STANDARDS

Design Standards	Distance from Residential Property						
	50'	200'	400'	600'	1,000'	1,500'	2,000'
Distance from Residentially Zoned Property or Public Paved Right of Way (closest adjacent use will be applied)	50'	200'	400'	600'	1,000'	1,500'	2,000'
Permitted Height of Pole	45'	50'	60'	70'	80'	90'	+100'
Supporting Mechanism for Antenna System	2*	2.5*	3*	4*	5*	6*	+7*

Note: * = Specified number times diameter at base of pole equals allowed supporting mechanism for antenna system diameter.

Source: Washoe County Department of Community Development.

The proposed development will potentially provide wireless subscribers located within the general area with enhanced coverage and alternative means of accessing the internet for personal and business needs.

It is anticipated that the project will consist of a three week construction period to build the foundation and erect the monopine cell tower, install the electrical/telephone services and equipment, fence the leased area of the parcel off, and landscape the leased area of the parcel. The first phase of the project will consist of excavating the monopine foundation and trenching for power and land line telephone services. The second phase will be the installation of concrete foundation, placement of conduits from the site to the neighboring utility power pole and backfill the open trench and monopine foundation. The third will be the erection of the monopine with the fourth phase will finish the project with the construction of fencing and landscaping.

The project will generate vehicular traffic by carrier service technicians averaging one to three visits per month. Therefore, traffic and/or noise from the facility will have very limited adverse impact on adjacent properties.

By far the greatest impact associated with this project is the potential for visual impact created by a cell tower structure. Due to the monopine design, it is the opinion of staff that the negative impacts of the project have been appropriately mitigated, although it is true that the visual impacts have not been completely eliminated. However, the negative impacts associated with this project must be balanced by the benefit that construction of the monopine structure will provide for residents of Washoe County, in terms of greater cell phone reception/wireless network.

Further, the applicant has agreed, as part of the overall mitigation plan, to regularly maintain the appearance of the monopine structure.

Alternate Site Analysis

The applicants have provided a vicinity map with analysis of alternate sites that have been considered (refer to Exhibit C). The alternate sites that were considered include a ±.58 acre commercially zoned property along Highway 395 in Washoe City and the two properties immediately east and west of the subject property. The first site was deemed to be unacceptable due to the low elevation and the significantly tall tower that would be needed to satisfy the coverage needs of the wireless providers. The site to the east is at a lower elevation

and would require a taller tower and the site to the west offered no noticeable benefits than what is offered at the subject property.



Photo Simulation of Proposed Monopine (Looking Southwest)



Photo Simulation of Proposed Monopine (Looking South)

South Valleys Area Plan Applicable Policies

SV.2.11 All landscape designs will emphasize the use of native vegetation, with nonnative and atypical vegetation integrated sparingly into any landscaped area.

Staff Comment: The applicants have provided a landscaping plan that includes a minimum of six Austrian pine trees around the facility. These pine trees are consistent with the existing vegetation in the vicinity of this site.

SV.2.13 The impact of development on adjacent land uses will be mitigated. The appropriate form of mitigation should be determined through a process of community consultation and cooperation. Applicants should be prepared to demonstrate how the project conforms to this policy.

Staff Comment: The primary impact associated with this development to adjacent uses is the visual impact and potential obscuring of views. The applicants have mitigated the impacts to the extent possible by camouflaging the facility to look like a pine tree.

SV.2.14 Development activities should be designed to support the efficient use of infrastructure and the conservation of recharge areas, habitat, and open vistas.

Staff Comment: The proposed facility will require minimal use of infrastructure and will have little to no effect on recharge areas and habitat. The impact to open vistas will be comparable to the impact resulting from any other pine tree on surrounding mountainside.

SV.2.16 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.

Staff Comment: This finding has been included with the set of findings in the staff report. After a thorough review of the character statement, staff concludes that the proposed facility will not result in a deleterious impact on the community character. The primary impact associated with this facility has been mitigated by designing the monopole to look like a tree.

SV.7.3 The review of all special use permits for the establishment of a non-residential use in West Washoe Valley must include a consideration of how the proposed use will impact adjacent neighborhoods, including but not limited to Best Management Practices "dark sky" lighting standards, hours of operation, traffic, parking and safety impacts, and its contribution to the community character described in the Character Statement. Standards for review should be distinctly rural, recognizing the integrated character of the area. The application of conditions to special use permits should seek to mitigate the potential impacts of these uses on residential areas, without constraining the pursuit of agricultural and other non-residential activities.

Staff Comment: Staff has reviewed the application in consideration of possible impacts to adjacent neighborhoods. The request will not impact dark sky standards as there are no lights proposed, the facility will be unmanned therefore hours of operation, traffic and parking concerns are not at issue and very minimal grading will be needed. Additionally, the proposed

request substantially complies with the community character as described in the Character Statement. The camouflaging of the cell site to look like a pine tree to blend with the pine trees along the surrounding mountainside.

SV.12.5 Viewsheds and ridgelines shall be protected from significant degradation. Development near ridgelines should blend with the natural contours of the land and shall be sited in such a way so as not to create a silhouette against the skyline. Ridgeline areas that skyline are those viewed from any scenic corridor at a distance of 2.5 miles or less. Corridors for Washoe Valley include U.S. Highway 395, Eastlake Boulevard and Franktown Road. While full mitigation of development impacts may not be reasonable, negative impacts to the views throughout Washoe Valley should be minimized.

Staff Comment: The proposed site of the monopine will be located approximately 1,000 feet from the nearest ridgeline. From a distance the facility (monopine) will be practically indistinguishable from the other pine trees in the vicinity.

Findings. Before approving a special use permit the following findings must be made by the Board of Adjustment.

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;

Staff Comment: The proposed facility is consistent with all of the goals and policies of the Master Plan and the South 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;

Staff Comment: The proposed facility will require only minimal utilities/improvements. All utilities/improvements are available to support this facility.

3. **Site Suitability.** That the site is physically suitable for a cell tower facility, in that there are no other facilities that might be utilized in this location;

Staff Comment: The site is adequately sized and of adequate elevation to provide the necessary coverage needs required by the applicant.

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;

Staff Comment: This facility will be located on a 5 acre property and the monopine will be located approximately 270 feet from the nearest adjoining residence and is located approximately 1,300 feet from the next closest residence. The pole will look like a tree in an area that has a large scattering of trees. Due to the location identified in the site plan, the proposed facility will not result in detrimental impacts to neighboring properties or to the character of the surrounding area.

5. Community Character. The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

Staff Comment: The community character in the Character Statement emphasizes the "rural feel" of the South Valleys, mitigating the appearance of the monopole to look like a pine tree will help maintain the "rural feel" on this property and adequately conserve the community character.

6. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation, as there are no military installations in that area of Washoe County;

Staff Comment: There are no military installations within close proximity to this property.

7. 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;

Staff Comment: After a thorough review of Article 324, staff confirms that all the standards of sections 110.324.40 through 110.324.60 have been met.

8. That public input was considered during the public hearing review process; and

Staff Comment: This item has been properly noticed and the public will have an opportunity to provide testimony before the Board of Adjustment.

9. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Staff Comment: The proposed facility will be located approximately 1,000 feet from the nearest significant ridgeline as identified on the South Valleys Development Suitability map. Because the pole has been designed to look like a pine tree, it will essentially have no greater impact on the adjacent neighborhoods or vistas than a 75 foot tall pine tree.

West Washoe Valley and Galena Steamboat Citizen Advisory Boards

The application packet for the proposed project was provided to the members of the West Washoe Valley Citizen Advisory Board (CAB) on the evenings of May 2 and July 11, 2011 and the Galena Steamboat CAB on the evening of July 14, 2011. At each meeting the West Washoe Valley CAB unanimously voted to not recommend approval of the project until the applicant returned with a new design based on the following reason:

- Adverse visual impact on the residents who live uphill and in the valley below

Staff Comment: See staff's analysis in the staff report.

- The monopole should be camouflaged.

Staff Comment: The applicant changed the design to a monopine structure as a response to these concerns.

- The monopole should be camouflaged.

Staff Comment: The applicant changed the design to a monopine structure as a response to these concerns.

- If designed to look like a tree, it should have 360 degrees of camouflage.

Staff Comment: The monopine will have 360 degrees of camouflage.

- The immediate neighbor at 19 Southwind Drive stated that he finds it difficult to see how a man-made pine tree concealing a cell tower would adversely impact the aesthetic value of the area and has no objection to such a project.
- Concern was expressed regarding the access and traffic to the site.

Staff Comment: The facility will be unmanned and will generate a very low traffic volume.

The Galena Steamboat CAB made the recommendation that the SUP be denied based on the following reason:

- Significant errors and/or omissions in the application.

Staff Comment: The errors and/or omissions of the original application have since been corrected/submitted.

- Concerns were raised regarding the existing wind machine.

Staff Comment: The wind machine is not a part of this application request.

- No alternative analysis was done

Staff Comment: The applicant has since provided an alternate site analysis (See Exhibit C).

- Adverse visual impact on the residents who live uphill and in the valley below.

Staff Comment: See staff's analysis in the staff report.

- No gap analysis was done

Staff Comment: A gap analysis is not required, a gap analysis would only be required if the facility was being proposed within a residential zoned property; The property is zoned General Rural (GR).

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Development
- Washoe County Department of Public Works
 - Engineering Division*
 - Traffic Division
- Washoe County Department of Water Resources
- Washoe County Health District Department
 - Vector-Borne Diseases Division
 - Environmental Health Division
 - Air Quality Management Division
- Washoe-Storey Conservation District
- Washoe County Fire Services Coordinator
- State of Nevada

- Historic Preservation Office
- Department of Wildlife

One out of the seven above listed agencies (marked with an asterisk *) provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The recommended Conditions of Approval document is attached to this staff report as Exhibit A.

- The Washoe County Community Development Department addressed the operation and development of the site, imposing operational conditions that will be in effect for the life of the project.
- The Washoe County Department of Public Works, Engineering Division addressed the construction and infrastructure aspects of the proposal. Their memorandum and conditions of approval are attached to this report as Exhibit D.

Recommendations

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB11-001 is being recommended for approval with conditions. Staff offers the following motions for the Board's consideration:

Special Use Permit Motion (Item 13G)

I move 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 Special Use Permit Case No. SB11-001 for Southwind Communications Facility, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South 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 cell tower facility, in that there are no other facilities that might be utilized in this location;
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. Community Character. The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.
6. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation, as there are no military installations in that area of Washoe County;
7. 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;
8. That public input was considered during the public hearing review process; and
9. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Appeal Process

The action taken by the Board of Adjustment will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant/ Property Owner: Thomas E. Danzinger Family Trust, 17 Southwind Drive,
Washoe Valley, NV 89704 Attn: Thomas Danzinger

Consultant: Tallac Tower Group, LLC, 450 US HWY 395 N., Carson City, NV 89704

Action Order xc: Greg Salter, District Attorney's Office; Carol Buananoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; Susan Hood, Department of Water Resources; Kimble Corbridge/Leo Vesely, Engineering Division; David Mills, Truckee Meadows Division, Reno Fire Department; Mike Greene, Sierra Fire Protection District;

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB11-001

Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Department of Community Development.

Compliance with the conditions of approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license – or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.**

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own Board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Community Development

1. The following conditions are requirements of the Department of Community Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Trevor Lloyd 775-328-3620:

GENERAL CONDITIONS

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
- b. The applicant shall complete all landscaping associated with features and structures within six months of completion of the feature or structure. The applicant shall complete construction of all features and structures within two years of the date of approval by Washoe County. The Department of Community Development shall determine compliance with this condition.
- c. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits and special use permits issued by Washoe County.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. Cell tower will be a monopine design.

- f. Prior to the issuance of a building permit, the applicant shall submit to the Planning and Development Division a copy of the Federal Communications Commission (FCC) license or construction permit.
- g. Prior to the issuance of a building permit, the applicant shall submit to the Planning and Development Division a certification by a competent professional that the facility complies with Federal Communications Commission regulations for radio frequency emissions and plan for periodic recertification of compliance.
- h. Prior to the issuance of a building permit, the applicant shall record a property owner's assurance of the removal of the wireless facility should the facility's use be discontinued for twelve (12) months. The document shall include the property owner's permission, under such circumstances, for the County to enter onto the property and remove the facility, if feasible, with the cost thereof to constitute a lien against the property.
- i. All chain-link fencing around the communications facility equipment will be slatted with dark colored chain link slats to help obscure the visibility of the equipment.
- j. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: landscaping design, type and color of building materials for the monopine and equipment buildings and fencing.

Washoe County Department of Public Works

- 2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely 775.325.8032 (General Engineering)

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted to the County Engineer for approval when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), pollution control and slope stabilization. Placement or disposal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The applicant shall provide permanent easements for the lease area, access and utilities. A copy of the easements shall be submitted to the Engineering Division prior to issuance of a building permit.
- c. All existing and proposed easements shall be shown on the site and/or grading plan. The County Engineer shall determine compliance with this condition.

***** End of Conditions *****

EXHIBIT B



TALLAC
TOWER GROUP

SOUTHWIND DRIVE
NV111

SOUTHWIND DR
NV111
17 SOUTHWIND DR
NEW WASHOE, NV 89704

ISSUE STATUS

Δ	DATE	DESCRIPTION	REV.
	04/11/11	ZD 90%	J.S.
	04/13/11	ZD 100%	A.M.
	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

CHECKED BY: L. HOUGHTBY

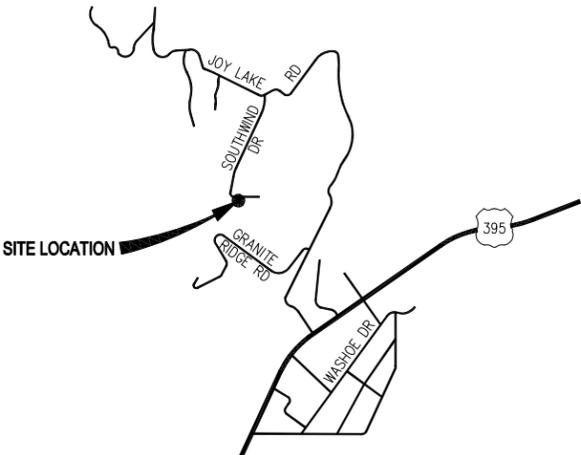
APPROVED BY:

DATE: 05/20/11

PROJECT DESCRIPTION

A PROPOSED UNMANNED MOBILE TELECOMMUNICATIONS FACILITY CONSISTING OF AN 75' MONOPINE W/ (9) (P) ANTENNAS & A 40'X30' FENCED AREA FOR MULTIPLE CARRIER COLOCATION.

VICINITY MAP



CODE COMPLIANCE

ALL WORK & MATERIALS SHALL BE PERFORMED & INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

- 2006 INTERNATIONAL BUILDING CODE
- 2006 INTERNATIONAL RESIDENTIAL CODE
- 2006 INTERNATIONAL EXISTING BUILDING CODE
- 2006 INTERNATIONAL ENERGY CONSERVATION CODE
- 2006 UNIFORM PLUMBING CODE
- 2006 UNIFORM MECHANICAL CODE
- 2005 NATIONAL ELECTRICAL CODE
- NATIONAL FIRE PROTECTION ASSOCIATION 58 & 54
- 2007 NORTHERN NEVADA AMENDMENTS
- LOCAL BUILDING CODES
- CITY/COUNTY ORDINANCES
- ANSI/EIA-TIA-222-G

ALONG WITH ANY OTHER APPLICABLE LOCAL & STATE LAWS AND REGULATIONS.

PROJECT INFORMATION

SITE NAME:	SOUTHWIND DRIVE	SITE #:	NV111
COUNTY:	WASHOE	JURISDICTION:	WASHOE COUNTY
APN:	046-060-18	POWER:	SPPC
SITE ADDRESS:	17 SOUTHWIND DR NEW WASHOE, NV 89704	TELEPHONE:	AT&T
CURRENT ZONING:	GR		
PROPERTY OWNER:	THOMAS E. DANZINGER FAMILY TRUST 17 SOUTHWIND DR NEW WASHOE, NV 89704		
APPLICANT:	TALLAC TOWER GROUP LLC. 450 US HWY 395 NORTH CARSON CITY, NV 89704		
LEASING & ZONING CONTACT:	ATTN: MITCH LEGARZA (775) 842-8119		
CONSTRUCTION CONTACT:	ATTN: MITCH LEGARZA (775) 842-8119		
LAT.	39°19'52.96"N NAD 83		
LONG.	119°49'11.76"W NAD 83		
AMSL	±5590'		

DRIVING DIRECTIONS

FROM: 450 US HWY 395 NORTH, CARSON CITY, NV 89704
TO: 17 SOUTHWIND DR, NEW WASHOE, NV 89704

1. HEAD SOUTHWEST ON US-395 S TOWARD JOY LAKE RD. 0.2 MI
2. TURN RIGHT AT CORRY CANYON WAY. 0.4 MI
3. CONTINUE ONTO JOY LAKE RD. PARTIAL RESTRICTED USAGE ROAD. 1.3 MI
4. TURN LEFT AT SOUTHWIND DR. RESTRICTED USAGE ROAD. 0.5 MI

END AT: 17 SOUTHWIND DR, NEW WASHOE, NV 89704
ESTIMATED TIME: 8 MINUTES ESTIMATED DISTANCE: 2.4 MILES

SHEET INDEX

SHEET	DESCRIPTION	REV.
T-1	TITLE SHEET	-
C-1	PLOT PLAN & SITE TOPOGRAPHY	-
C-2	GRADING PLAN & DETAIL	-
C-3	GRADING PLAN	-
C-4	EROSION CONTROL & DETAILS	-
A-1	OVERALL SITE PLAN & SITE PLAN	-
A-2	ENLARGED SITE PLAN	-
A-3	ELEVATIONS	-

APPROVAL

RF
LEASING
ZONING
CONSTRUCTION
TALLAC TOWER GROUP LLC



8445 Sierra College Blvd, Suite E, Granite Bay, CA 95746
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

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450 US HWY 395 NORTH
CARSON CITY, NV 89704

SHEET TITLE:

TITLE

SHEET NUMBER:

T-1

**NV111 / Southwind Drive
Lease Area Description**

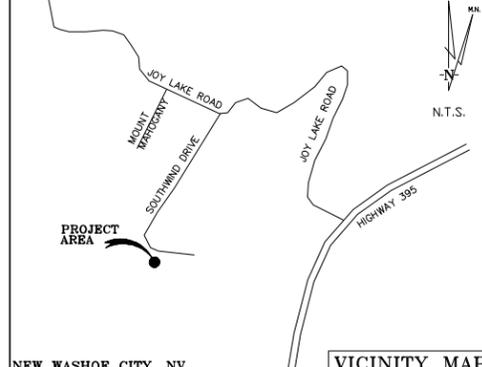
All that certain lease area being a portion of that certain parcel 1 as is described in that certain Document 3181007 recorded in Washoe County Records on 03-10-2005, and being a portion of the NW 1/4 of Section 23, Township 17 North, Range 19 East, M.D.B. & M., being more particularly described as follows:

Commencing at a brass cap monument set for the Northeast corner of the above referenced Parcel 1 from which a similar monument set at the Southeast corner of said Parcel 1 bears South 01°16'11" West 658.37 feet; thence from said point of commencement South 01°16'11" West 68.17 feet and North 88°43'49" West 72.66 feet to the True Point of Beginning; thence from said point of beginning West 40.00 feet; thence South 30.00 feet; thence East 40.00 feet; thence North 30.00 feet to the point of beginning.

Together with an easement for access purposes fifteen (15) feet in width from the above described lease area North to the existing access road; thence over and across said access road to the road more commonly known as Joy Lake Road; thence over and across Joy Lake Road to the public right of way more commonly known as Highway 395.

Also together with an easement for utility purposes six (6) feet in width the centerline of which is described as follows: beginning at a point which bears North 3.00 feet from the Southwest corner of the above described lease area and running thence South 80°28'52" West 55.00 feet; thence North 69°12'40" West 23 feet more or less to the existing utility pole.

DATE OF SURVEY: 03-30-11
 SURVEYED BY OR UNDER DIRECTION OF: KENNETH D. GEIL, PLS 13385.
 LOCATED IN THE COUNTY OF WASHOE, STATE OF NEVADA
 CONTRACTOR IS RESPONSIBLE TO VERIFY LEASE AREA PRIOR TO CONSTRUCTION.
 BEARINGS SHOWN ARE BASED UPON MONUMENTS FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY.
 ELEVATIONS SHOWN ON THIS PLAN ARE BASED UPON U.S.G.S. N.A.V.D. 88 DATUM. ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED.
 N.G.V.D. 1929 CORRECTION: SUBTRACT 3.81' FROM ELEVATIONS SHOWN.
 CONTOUR INTERVAL: 1'



REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	DRAWING SUBMITTAL	04-04-11	NR
2	CONTOUR UPDATE	04-04-11	NR

PROJECT

SOUTHWIND DRIVE
 NV111
 17 SOUTHWIND DRIVE
 NEW WASHOE CITY, NV 89704
 WASHOE COUNTY

CONTACTS

TALLAC TOWER GROUP
 450 US Hwy 395 North
 Carson City, Nevada 89704
 775-826-6338 Office

GEIL ENGINEERING
 ENGINEERING • SURVEYING • PLANNING

1226 HIGH STREET
 AUBURN, CALIFORNIA 95603
 phone: (530) 885-0426
 fax: (530) 823-1309

THE LATITUDE AND LONGITUDE WERE DETERMINED USING TRIMBLE GEO-XT G.P.S AND UTILIZING PFINDER OFFICE DIFFERENTIAL CORRECTION SOFTWARE AT THE LOCATION INDICATED HEREON.

LAT. N 39°19'52.96" NAD 83
 LONG. W 119°49'11.76" NAD 83
 LAT. N 39°19'53.28" NAD 27
 LONG. W 119°49'08.09" NAD 27

THIS SURVEY MEETS OR EXCEEDS FAA 1A ACCURACY TOLERANCES.

SITE NAME & NUMBER: SOUTHWIND DRIVE / NV111

SITE ADDRESS: 17 SOUTHWIND DRIVE
 NEW WASHOE CITY, NV 89704

ASSESSOR'S PARCEL NUMBER: 046-060-18

CURRENT ZONING: GR

OWNER(S): THOMAS E. DANZINGER FAMILY TRUST
 17 SOUTHWIND DRIVE
 NEW WASHOE CITY, NV 89704

SITE CONTACT: LARRY HOUGHTBY
 916-275-4180

NEW WASHOE CITY, NV

Geil Engineering
 Engineering • Surveying • Planning
 1226 High Street
 Auburn, California 95603-5015
 Phone: (530) 885-0426 • Fax: (530) 823-1309

Tallac Tower Group LLC
 PCS Equipment A.S.A.C. Survey Firm

Project Number /Name: NV111 / Southwind Drive

Project Site Location: 17 Southwind Drive
 New Washoe City, NV 89704
 Washoe County

Date of Observation: 03-30-11

Equipment/Procedure Used to Obtain Coordinates: Trimble Geo-XT post processed with Pathfinder Office software.

Type of Antenna Mount: Proposed Tower

Number of Antennas Observed: 0

NAD 83 Coordinates NAD 27 Coordinates

Latitude: N 39° 19' 52.96" Latitude: N 39° 19' 53.28"
 Longitude: W 119° 49' 11.76" Longitude: W 119° 49' 08.09"

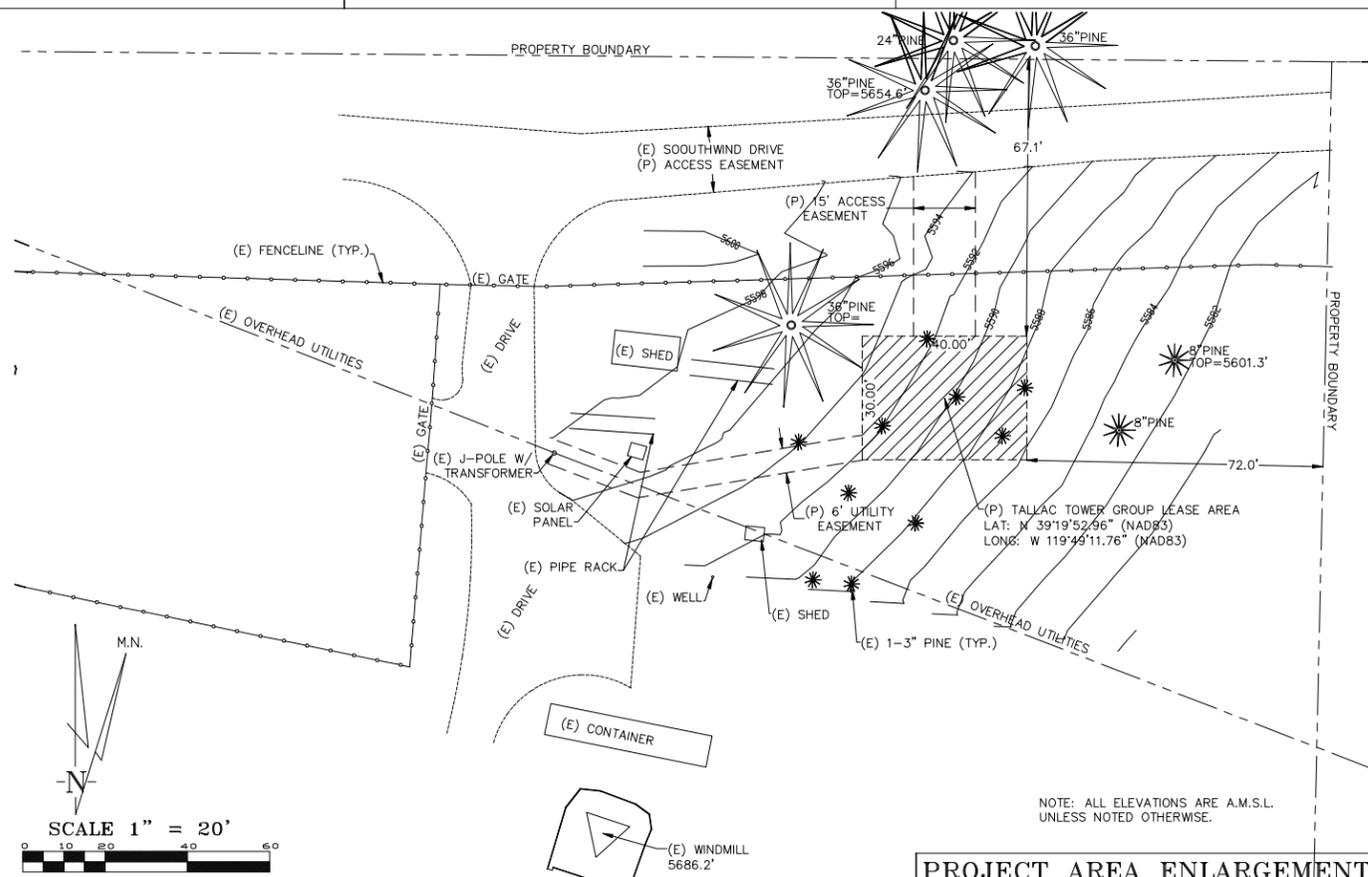
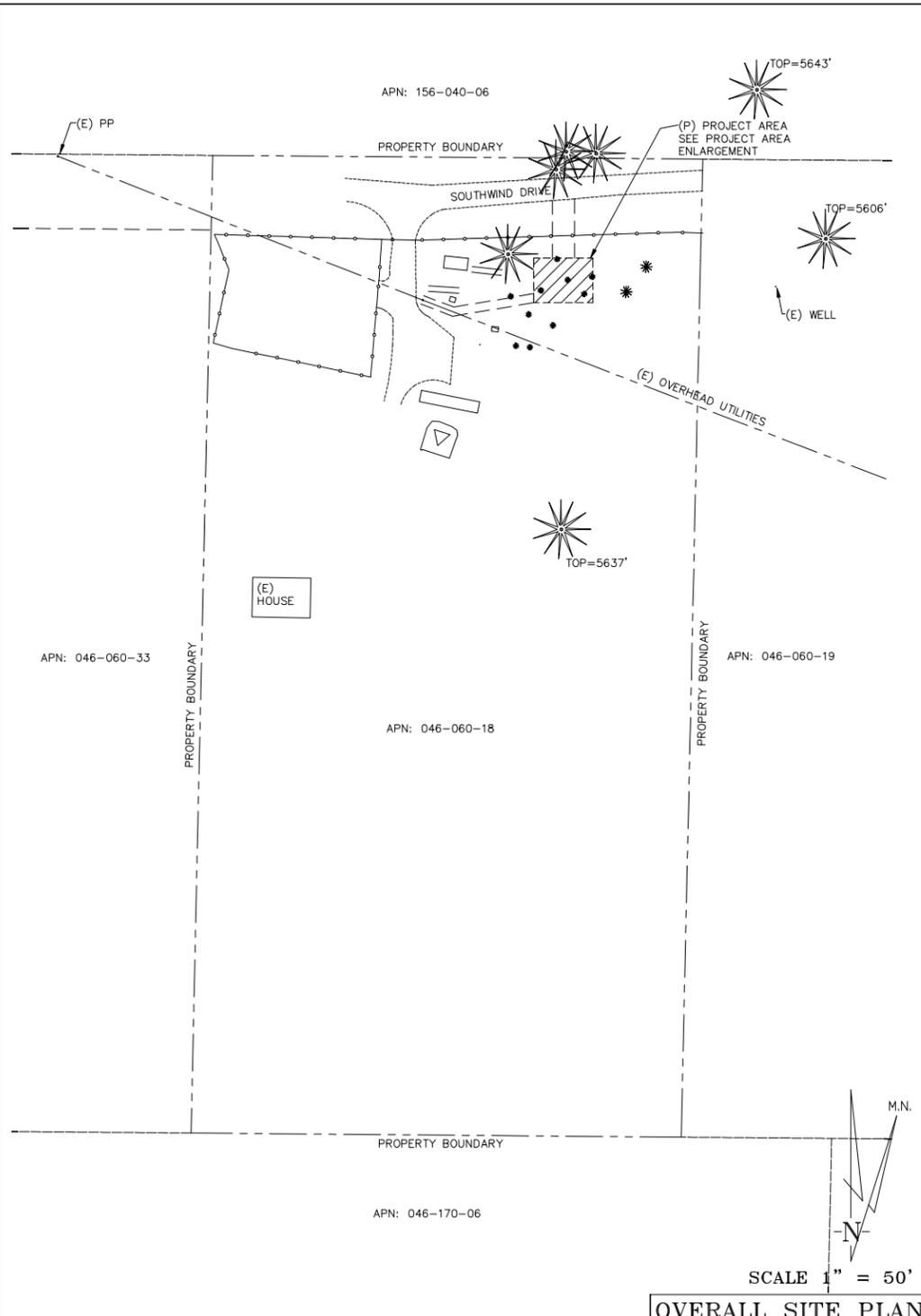
ELEVATION of Ground at Base of Structure (NAVD88): 5590' AMSL

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CERTIFICATION: I, the undersigned, do hereby certify elevation listed above is based on a field survey done under my supervision and that the accuracy of those elevations meet or exceed 1-A Standards as defined in the FAA ASAC Information Sheet 91:003, and they are true and accurate to the best of my knowledge and belief.

Kenneth D. Geil Nevada PLS 13385 Date

THE SITE TITLE PER US TITLE SOLUTIONS REPORT OF TITLE FILE NO. 36624-NV1101-5035 DATED 01-13-2011, HAS BEEN REVIEWED ALONG WITH SUPPORTING DOCUMENTS FOR THE SUBJECT PROPERTY AND FIND THAT NO EASEMENTS LISTED IN THE TITLE REPORT AFFECT THE SITE.



BOUNDARY SHOWN IS BASED ON MONUMENTATION FOUND AND RECORD INFORMATION. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP WITH PROPERTY LINES AND EASEMENTS BEING A GRAPHIC DEPICTION BASED ON INFORMATION GATHERED FROM VARIOUS SOURCES OF RECORD AND AVAILABLE MONUMENTATION FOUND DURING THE FIELD SURVEY. NO EASEMENTS WERE RESEARCHED OR PLOTTED. PROPERTY LINES AND LINES OF TITLE WERE NOT INVESTIGATED NOR SURVEYED EXCEPT AS SHOWN ON THIS PLAN. NO PROPERTY MONUMENTS WERE SET.

APPROVALS

DATE	BY:

DRAWN BY: N. ROHDE
 CHECKED BY: K. GEIL

SHEET TITLE

PLOT PLAN AND
 SITE TOPOGRAPHY

SHEET NUMBER

C-1



NOTE: ALL ELEVATIONS ARE A.M.S.L. UNLESS NOTED OTHERWISE.

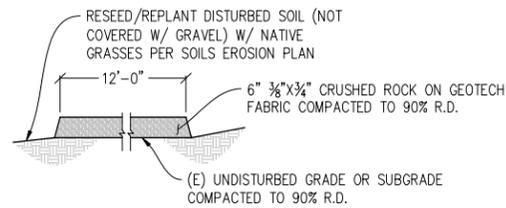
PROJECT AREA ENLARGEMENT

EARTHWORK QUANTITY

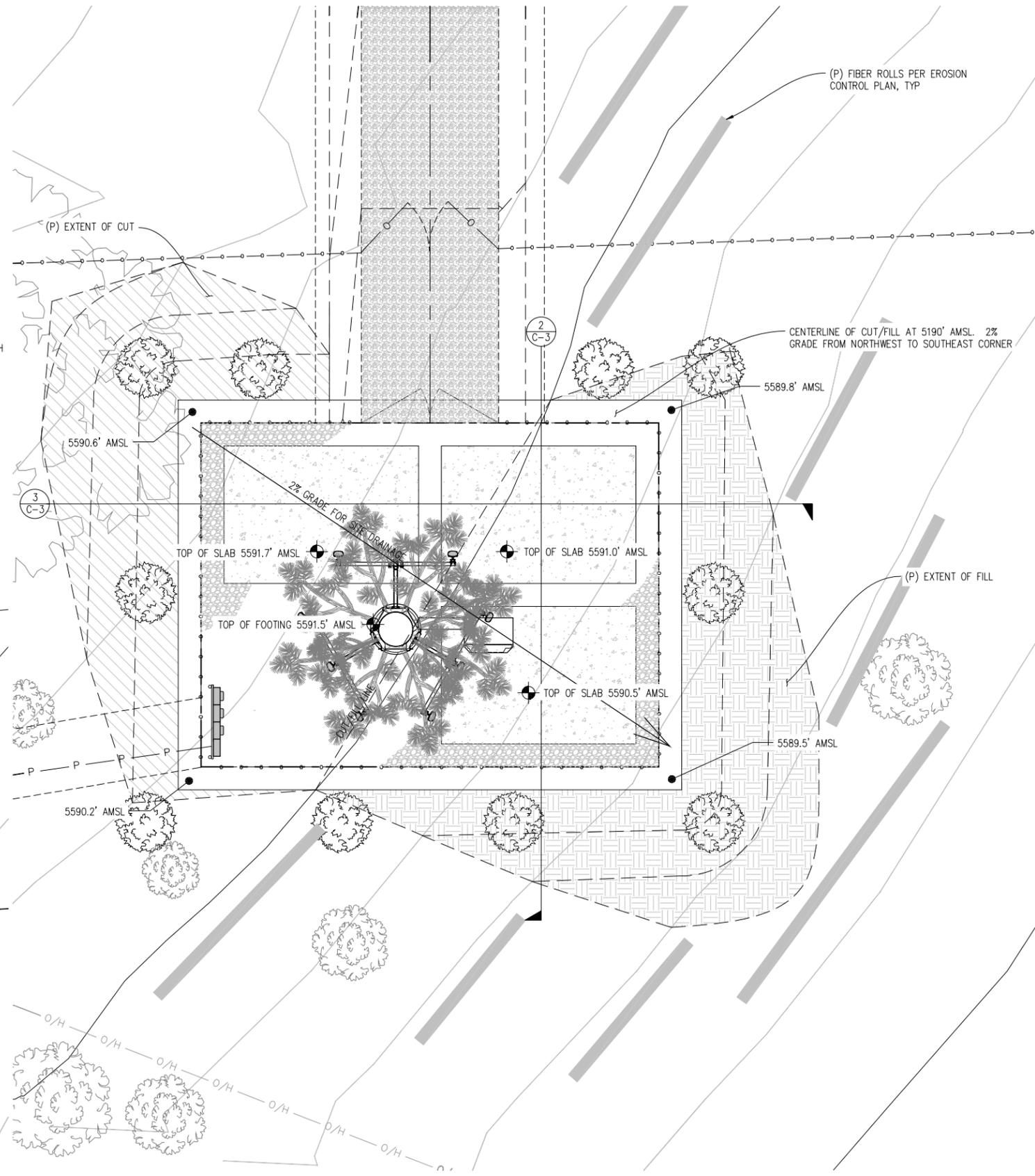
CUT 83 C.Y.
 FILL 76 C.Y.
 TOTAL: 159 C.Y.

WASHOE COUNTY USE PERMIT NOTES

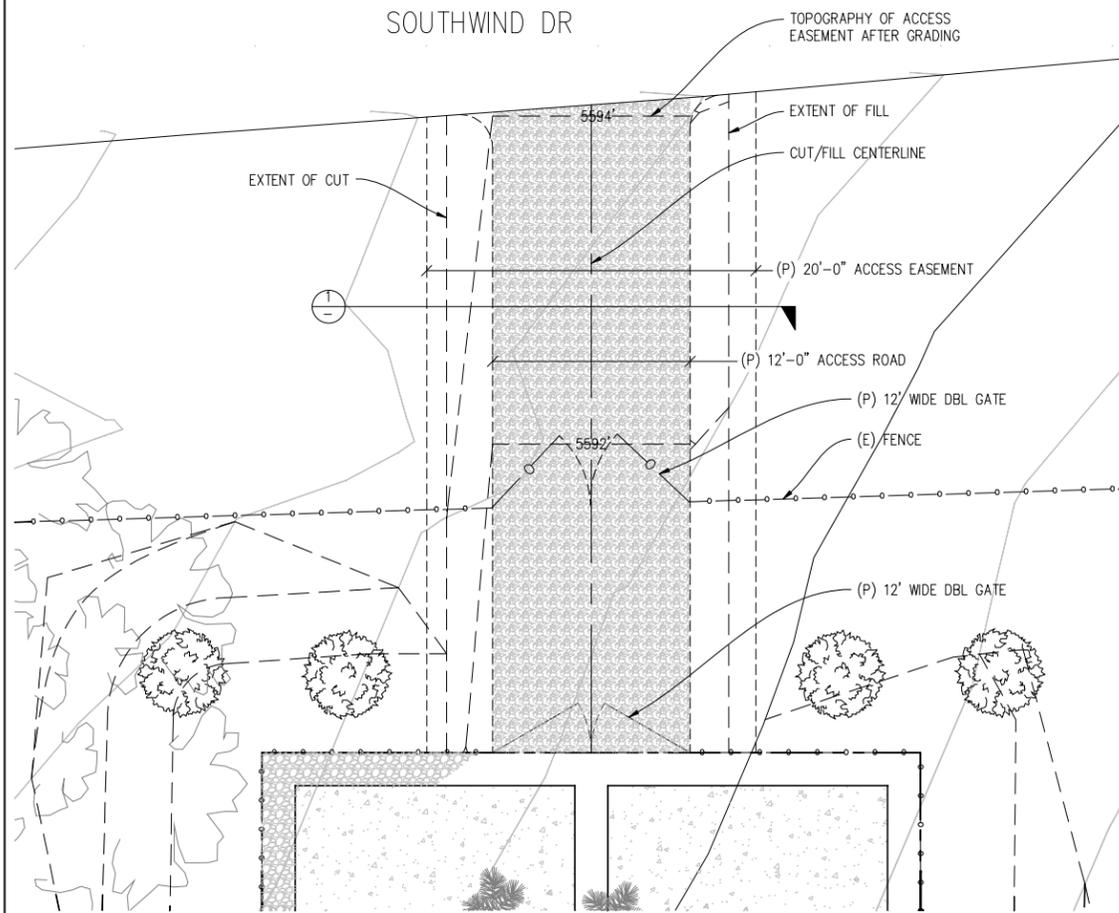
- 1) SLOPES: THE ENTIRE SITE LIES ON A UNIFORM SLOPE OF ~17%. AFTER GRADING, PORTIONS OF THE PROJECT WILL RESULT IN 2:1 SLOPES (50%), AS SHOWN ON THE GRADING PLAN.
- 2) THE INFORMATION SHOWN ON THESE PLANS IS INTENDED FOR APPLICATION FOR A SPECIAL USE PERMIT TO ALLOW A WIRELESS COMMUNICATION EQUIPMENT SITE INCLUDING AN ANTENNA POLE AND SPACE INTENDED TO CONTAIN RADIO, POWER & TELCO EQUIPMENT APPURTENANT TO ANTENNA USE.
- 3) IMPROVEMENTS SHOWN ON THESE PLANS ARE INTENDED TO INDICATE COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THE WASHOE COUNTY DEVELOPMENT CODE.
- 4) THERE ARE NO SIGNIFICANT HYDROLOGICAL RESOURCES WITHIN THE MEANING OF ARTICLE 418 OF THE WASHOE COUNTY DEVELOPMENT CODE, AND NO EARTH SLIDE, AVALANCHE, OR HAZARDOUS SLOPE AREAS WITHIN THE PROPOSED DEVELOPMENT AREA OF THE PROJECT.
- 5) THIS PROJECT IS NOT FOR HUMAN OCCUPATION AND WILL NOT UTILIZE SNOW REMOVAL.



1 ACCESS ROAD DETAIL
 1/2" = 1'-0"



2 EXTENT OF GRADING
 1" = 5'-0"



ACCESS ROAD GRADING
 1" = 5'-0"

SOUTHWIND DR
NV111
 17 SOUTHWIND DR
 NEW WASHOE, NV 89704

ISSUE STATUS

Δ	DATE	DESCRIPTION	REV.
	04/11/11	ZD 90%	J.S.
	04/13/11	ZD 100%	A.M.
	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

CHECKED BY: L. HOUGHTBY

APPROVED BY:

DATE: 05/20/11

Streamline Engineering and Design, Inc.

8445 Sierra College Blvd, Suite E, Granite Bay, CA 95746
 Contact: Larry Houghtby Phone: 916-275-4180
 E-Mail: larry@streamlineeng.com Fax: 916-660-1941

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TALLAC TOWER GROUP

450 US HWY 395 NORTH
 CARSON CITY, NV 89704

SHEET TITLE:
 GRADING PLAN & DETAIL
 SHEET NUMBER:
C-2

ISSUE STATUS

Δ	DATE	DESCRIPTION	REV.
	04/11/11	ZD 90%	J.S.
	04/13/11	ZD 100%	A.M.
	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

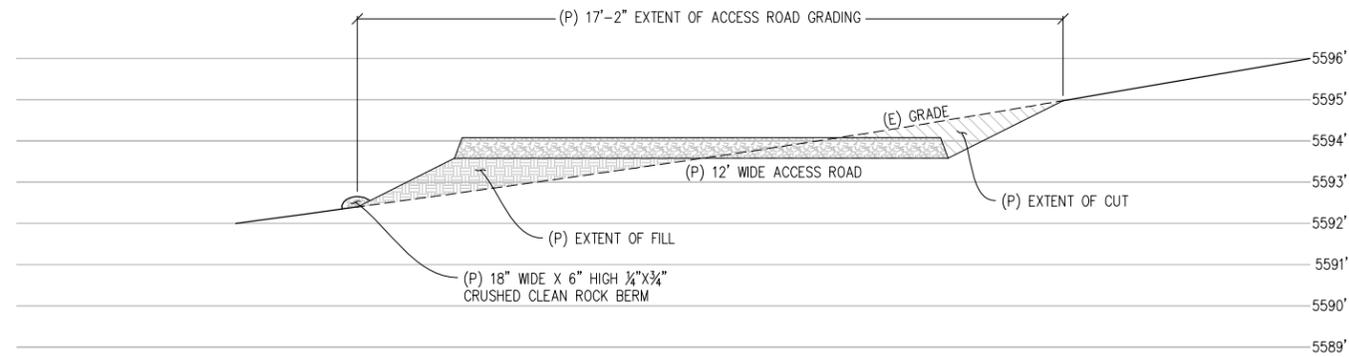
CHECKED BY: L. HOUGHTBY

APPROVED BY:

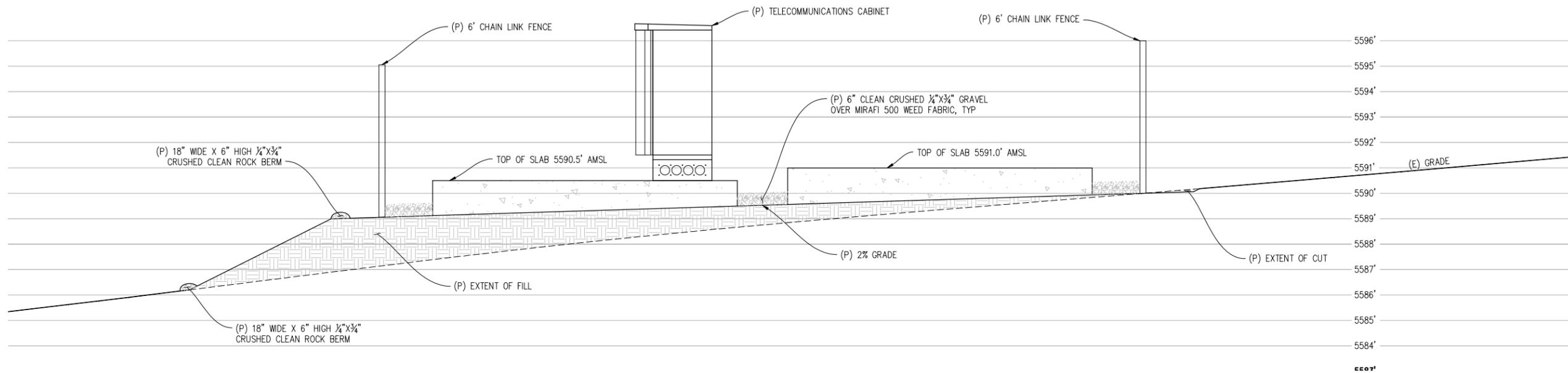
DATE: 05/20/11

Streamline Engineering and Design, Inc.
8445 Sierra College Blvd, Suite E, Granite Bay, CA 95746
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

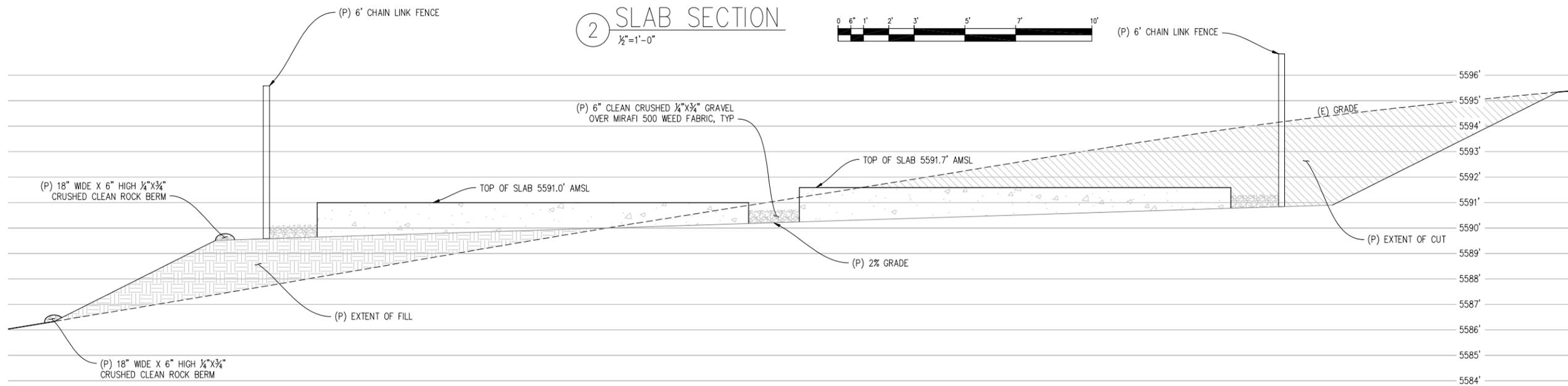
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1 ACCESS ROAD SECTION
1/2"=1'-0"



2 SLAB SECTION
1/2"=1'-0"



3 SLAB SECTION
1/2"=1'-0"



TALLAC TOWER GROUP
450 US HWY 395 NORTH
CARSON CITY, NV 89704

BEST MANAGEMENT PRACTICES TABLE

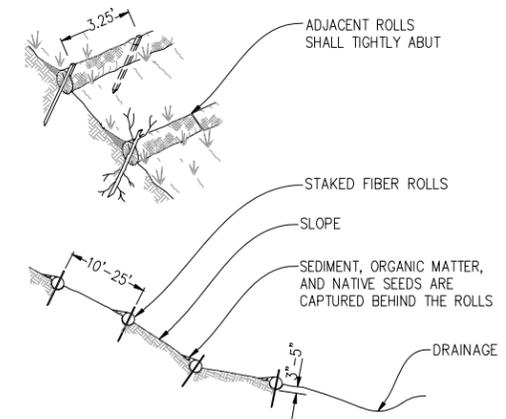
BEST MANAGEMENT PRACTICES	LOCATION	SCHEDULE IMPLEMENTATION	MAINTENANCE SCHEDULE
PRESERVING EXISTING VEGETATION	AROUND PERIMETER OF PROJECT SITE	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	EDUCATE EMPLOYEES AND SUBCONTRACTORS REGARDING IMPORTANCE OF MAINTAINING EXISTING VEGETATION TO PREVENT EROSION AND FILTER OUT SEDIMENT IN RUNOFF FROM DISTURBED AREAS ON THE CONSTRUCTION SITE. INSPECT SITE PERIMETER MONTHLY TO VERIFY THE OUTSIDE VEGETATION IS NOT DISTURBED.
PROTECT GRADED AREAS AND SLOPES FROM WASHOUT AND EROSION	THROUGHOUT PROJECT SITE	CONTINUOUS	INSPECT GRADED AREAS AND SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. THE GRADE TRIBUTARY AREAS OR INSTALL SAND DIKES AS NECESSARY TO PREVENT EROSION.
GRAVEL FILTER	ALONG FLOW LINES OF UNPAVED ROADWAYS WITHIN SITE	IN PLACE CONTINUOUSLY UNTIL ROADWAYS ARE PAVED	INSPECT AFTER EACH STORM. REMOVE ONSITE SEDIMENT DEPOSITED BEHIND BERM OR BARRIER TO MAINTAIN EFFECTIVENESS.
BAG INLET FILTER	INLETS TO THE STORM DRAINAGE SYSTEM	CONTINUOUS UNTIL LANDSCAPING IS IN PLACE	INSPECT WEEKLY AND AFTER EACH STORM. REMOVE SEDIMENT AND DEBRIS BEFORE ACCUMULATION HAVE REACHED ONE THIRD THE DEPTH OF THE BAG. REPAIR OR REPLACE INLET FILTER BAG AS SOON AS DAMAGE OCCURS.
FIBER ROLLS	SEE NOTE 3 OF EROSION & CONTROL NOTES	CONTINUOUS	INSPECT AFTER EACH STORM. REMOVE SEDIMENT DEPOSITED BEHIND FIBER ROLLS WHENEVER NECESSARY TO MAINTAIN EFFECTIVENESS.
HYDROSEEDING	3:1 SLOPES	IN PLACE DURING BY SEPT. 15	INSPECT SLOPES ON AT LEAST A MONTHLY BASIS TO CHECK FOR EROSION. IF EROSION IS NOTED, SPREAD STRAW MULCH OVER AFFECTED AREAS.
STABILIZED CONSTRUCTION ENTRANCE	ENTRANCES TO SITE FROM PUBLIC ROADWAYS	CONTINUOUS, UNTIL ENTRANCES AND ONSITE ROADWAYS ARE PAVED	INSPECT ON A MONTHLY BASIS AND AFTER EACH RAINFALL. ADD AGGREGATE BASE MATERIAL WHENEVER NECESSARY TO PREVENT SEDIMENT FROM BEING TRACKED INTO PUBLIC STREET.
WIND EROSION CONTROL PRACTICES	WHEREVER NECESSARY THROUGHOUT PROJECT SITE	CONTINUOUS UNTIL GRADING IS COMPLETED AND SOILS HAVE STABILIZED	INSPECT SITE DURING WINDY CONDITIONS TO IDENTIFY AREAS WHERE WIND AND EROSION IS OCCURRING AND ABATE EROSION AS NECESSARY.
GOOD HOUSEKEEPING MEASURES	THROUGHOUT PROJECT SITE	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT SITE ON AT LEAST A MONTHLY BASIS TO VERIFY GOOD HOUSEKEEPING PRACTICES ARE BEING IMPLEMENTED.
PROPER CONSTRUCTION MATERIAL STORAGE	DESIGNATED AREA	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT SITE ON AT LEAST A WEEKLY BASIS TO VERIFY THAT CONSTRUCTION MATERIALS ARE STORED IN A MANNER WHICH COULD NOT CAUSE STORM WATER POLLUTION.
PROPER CONSTRUCTION WASTE STORAGE AND DISPOSAL INCLUDING	DESIGNATED COLLECTION AREA AND CONTAINERS	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	INSPECT SITE ON AT LEAST A WEEKLY BASIS TO ASSURE WASTE IS STORED PROPERLY AND DISPOSED OF AT LEGAL DISPOSAL SITE, DAILY.
CONCRETE SPILL CLEANUP PAINT & PAINTING SUPPLIES	MATERIAL HANDLING AREAS	IMMEDIATELY AT TIME OF SPILL	INSPECT MATERIAL HANDLING AREAS ON AT LEAST A MONTHLY BASIS TO VERIFY PROPER SPILL CLEANUP.
VEHICLE FUELING, MAINTENANCE & CLEANING	DESIGNATED AREA WITH SECONDARY CONTAINMENT	CONTINUOUS	KEEP AMPLE SUPPLIES OF SPILL CLEANUP MATERIALS ON SITE & INSPECT ON REGULAR SCHEDULE.
STREET AND STORM DRAINAGE FACILITY MAINTENANCE DEFINITIONS	STREETS AND STORM DRAINAGE FACILITIES	CONTINUOUS UNTIL CONSTRUCTION IS COMPLETED	MAINTAIN STORM DRAINAGE FACILITIES AND PAVED STREETS CLEAR OF SEDIMENT AND DEBRIS.
<p>1. WET SEASON: ENTIRE PERIOD BETWEEN OCTOBER 1 THROUGH APRIL 30. CONTRACTOR SHALL ALSO IMPLEMENT WET SEASON MEASURES IF WET WEATHER IS EXPECTED DURING THE DRY SEASON</p> <p>2. PHASES OF GRADING</p> <p>INITIAL: WHEN CLEARING AND GRUBBING ACTIVITIES OCCUR.</p> <p>ROUGH: WHEN CUT AND FILL ACTIVITIES OCCUR AND THE SITE IMPROVEMENTS ARE CONSTRUCTED, INCLUDING UNDERGROUND PIPING, STREETS, SIDEWALKS, AND OTHER IMPROVEMENTS.</p> <p>FINAL: WHEN FINAL ELEVATION IS SET, AND SITE IMPROVEMENTS ARE COMPLETED AND READY FOR CITY ACCEPTANCE.</p>			

EROSION AND SEDIMENT CONTROL NOTES

- THE CONTRACTOR SHALL FOLLOW TYPICAL GUIDELINES FOR GRADING, EROSION AND SEDIMENT CONTROL FOR THE MEASURES SHOWN OR STATED ON THESE PLANS.
- CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONTRACTOR SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS PRIOR TO OCTOBER 1.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF A REPRESENTATIVE OF THE DEPARTMENT OF UTILITIES.
- THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF OR AT THE DIRECTION OF A REPRESENTATIVE OF THE DEPARTMENT OF UTILITIES.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
- CONTRACTOR SHALL MAINTAIN A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF BMPs, AS WELL AS, ANY CORRECTIVE CHANGES TO THE BMPs OR EROSION AND SEDIMENT CONTROL PLAN.
- IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE COMPATIBLE, DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
- THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
- ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEPED AT THE END OF EACH WORKING DAY OR AS NECESSARY.
- CONTRACTOR SHALL PLACE GRAVEL BAGS AROUND ALL NEW DRAINAGE STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE GRAVEL BAGS SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.
- WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
- WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
- CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - SOLID WASTE MANAGEMENT:** PROVIDE DESIGNATED WASTE COLLECTION AREAS AND CONTAINERS. ARRANGE FOR REGULAR REMOVAL AND DISPOSAL. CLEAR SITE OF TRASH INCLUDING ORGANIC DEBRIS, PACKAGING MATERIALS, SCRAP OR SURPLUS BUILDING MATERIALS AND DOMESTIC WASTE DAILY.
 - MATERIAL DELIVERY AND STORAGE:** PROVIDE A DESIGNATED MATERIAL STORAGE AREA WITH SECONDARY CONTAINMENT SUCH AS BERMING. STORE MATERIAL ON PALLETS AND PROVIDE COVERING FOR SOLUBLE MATERIALS. RELOCATE STORAGE AREA INTO BUILDING SHELL WHEN POSSIBLE. INSPECT AREA WEEKLY.
 - CONCRETE WASTE:** PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASH-OUT. DISPOSE OF HARDENED CONCRETE OFFSITE. AT NO TIME SHALL A CONCRETE TRUCK DUMP ITS WASTE AND CLEAN ITS TRUCK INTO THE CITY STORM DRAINS VIA CURB AND GUTTER. INSPECT DAILY TO CONTROL RUNOFF, AND WEEKLY FOR REMOVAL OF HARDENED CONCRETE.
 - PAINT AND PAINTING SUPPLIES:** PROVIDE INSTRUCTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE, AND CLEAN UP. INSPECT SITE WEEKLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - VEHICLE FUELING, MAINTENANCE AND CLEANING:** PROVIDE A DESIGNATED FUELING AREA WITH SECONDARY CONTAINMENT SUCH AS BERMING. DO NOT ALLOW MOBILE FUELING OF EQUIPMENT. PROVIDE EQUIPMENT WITH DRIP PANS. RESTRICT ONSITE MAINTENANCE AND CLEANING OF EQUIPMENT TO A MINIMUM. INSPECT AREA WEEKLY.
 - HAZARDOUS WASTE MANAGEMENT:** PREVENT THE DISCHARGE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE DRAINAGE SYSTEM THROUGH PROPER MATERIAL USE, WASTE DISPOSAL AND TRAINING OF EMPLOYEES. HAZARDOUS WASTE PRODUCTS COMMONLY FOUND ON-SITE INCLUDE BUT ARE NOT LIMITED TO PAINTS & SOLVENTS, PETROLEUM PRODUCTS, FERTILIZERS, HERBICIDES & PESTICIDES, SOIL STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.

FIBER ROLL NOTES

- REPAIR OR REPLACE SPLIT, TORN UNRAVELING OR SLUMPING FIBER ROLLS.
- INSPECT FIBER ROLLS WHEN RAIN IS FORECAST, FOLLOWING RAIN EVENTS, AT LEAST DAILY DURING PROLONGED RAINFALL, AND AT TWO-WEEK INTERVALS DURING THE NON-RAINY SEASON.
- SEDIMENT SHOULD BE REMOVED WHEN SEDIMENT ACCUMULATION REACHES ONE-HALF THE DESIGNATED SEDIMENT STORAGE DEPTH, USUALLY ONE-HALF THE DISTANCE BETWEEN THE TOP OF THE FIBER ROLL AND THE ADJACENT GROUND SURFACE. SEDIMENT REMOVED DURING MAINTENANCE MAY BE INCORPORATED INTO THE EARTHWORK ON THE SITE OR DISPOSED AT AN APPROPRIATE LOCATION.
- FILTER BARRIER SHALL BE CONSTRUCTED LONG ENOUGH TO EXTEND ACROSS THE EXPECTED FLOW PATH AND AS APPROVED BY THE LANDSCAPE INSPECTOR.
- FILTER ROLL (8"-12" DIAMETER) SHALL BE PLACED INTO THE KEY TRENCH AND STAKES ON BOTH SIDES OF THE ROLL WITHIN 6 FEET OF EACH END AND THEN EVERY 3' TO 4' WITH 1X2 23" STAKES. STAKES ARE TYPICALLY DRIVEN IN ON ALTERNATING SIDES OF THE ROLL. ADJACENT ROLLS SHALL TIGHTLY ABUT.
- CLEAR SUBGRADE SO THAT REMOVAL OF ALL LOCAL DEVIATIONS AND TO REMOVE LARGE STONES OR DEBRIS THAT WILL INHIBIT CLOSE CONTACT OF THE FIBER ROLL WITH THE SUBGRADE.
- PRIOR TO ROLL INSTALLATION, CONTOUR A CONCAVE TRENCH (2 - 4) INCHES DEEP ALONG THE PROPOSED INSTALLATION ROUTE. FIBER ROLL SHALL BE INSTALLED ALONG THE SIDE OF WALKS AND AROUND THE CATCH BASINS. THE BOTTOM EDGE OF THE FIBER ROLL SHALL EXTEND TO AND ACROSS THE BOTTOM OF THE TRENCH. THE TRENCH SHALL BE BACKFILLED TO 4 INCHES ABOVE GROUND AND COMPACTED TO BURY AND SECURE THE BOTTOM OF THE FIBER ROLL.
- CONTRACTOR SHALL MAKE INSPECTIONS WEEKLY DURING THE WET SEASON, MONTHLY DURING THE DRY SEASON AND IMMEDIATELY AFTER EACH RAINFALL TO DETERMINE IF REPAIRS AND SEDIMENT REMOVAL IS REQUIRED. SEDIMENT SHALL BE REMOVED BEFORE IT HAS REACHED ONE THIRD THE HEIGHT OF THE FIBER ROLL.



3 SPACING DETAIL
NO SCALE

SEEDING MAY BE USED ONLY BETWEEN APRIL 1 AND JUNE 30, AND SEPTEMBER 1 AND OCTOBER 30.

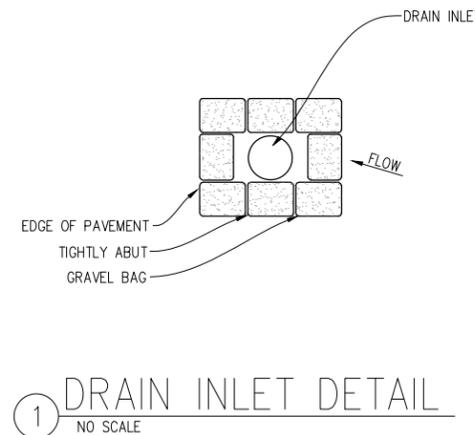
AREA STRIPPED AND THEN TEMPORARILY SEEDED, USING EITHER BONDED FIBER MATRICES OR HYDRO SEEDING TECHNIQUES

STRAW MULCHING:

- FOR AREAS OF SITE WITH LESS THAN 30% SLOPE; 2-3 BALES OF STRAW EQUALS 2-INCHES OF STRAW MULCH OVER 1000 SQUARE FEET.
- MULCH SHALL BE WEED FREE STRAW.

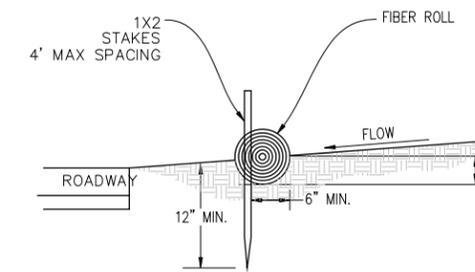
SEEDING MIXTURES			
NAME	PROPORTIONS BY WEIGHT	% PURITY	% GERMINATION
REDTOP (AGROSTIS ALBA)	10%	92	90
ANNUAL RYE (LOLIUM MULTIFLORUM)	40%	98	90
CHEWINGS FESCUE (FETUCA RUBRA COMMUTATA)	40%	97	80
WHITE DUTCH CLOVER (TRIFOLIUM PEPENS)	40%	96	90

TO PROVIDE TEMPORARY SOIL STABILIZATION BY PLANTING GRASSES AND LEGUMES TO AREAS THAT WOULD REMAIN BARE FOR MORE THAN 7 DAYS WHERE PERMANENT COVER IS NOT NECESSARY OR APPROPRIATE.

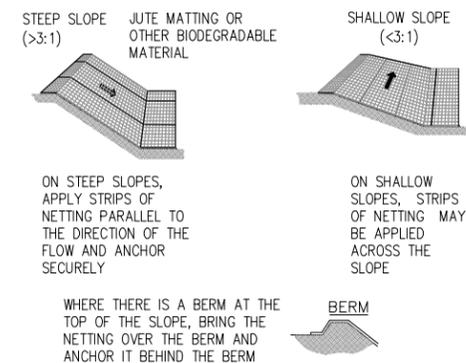


1 DRAIN INLET DETAIL
NO SCALE

4 TEMP SEEDING & MULCHING
NO SCALE



2 FIBER ROLL DETAIL
NO SCALE



TO PROVIDE IMMEDIATE PROTECTION TO EXPOSED SOILS DURING THE PERIOD OF SHORT CONSTRUCTION DELAYS

5 MATTING/ROLLED EROSION CONTROL PRODUCTS
NO SCALE

**SOUTHWIND
DR
NV111**
17 SOUTHWIND DR
NEW WASHOE, NV 89704

ISSUE STATUS

Δ	DATE	DESCRIPTION	REV.
	04/11/11	ZD 90%	J.S.
	04/13/11	ZD 100%	A.M.
	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

CHECKED BY: L. HOUGHTBY

APPROVED BY:

DATE: 05/20/11

Streamline Engineering and Design, Inc.

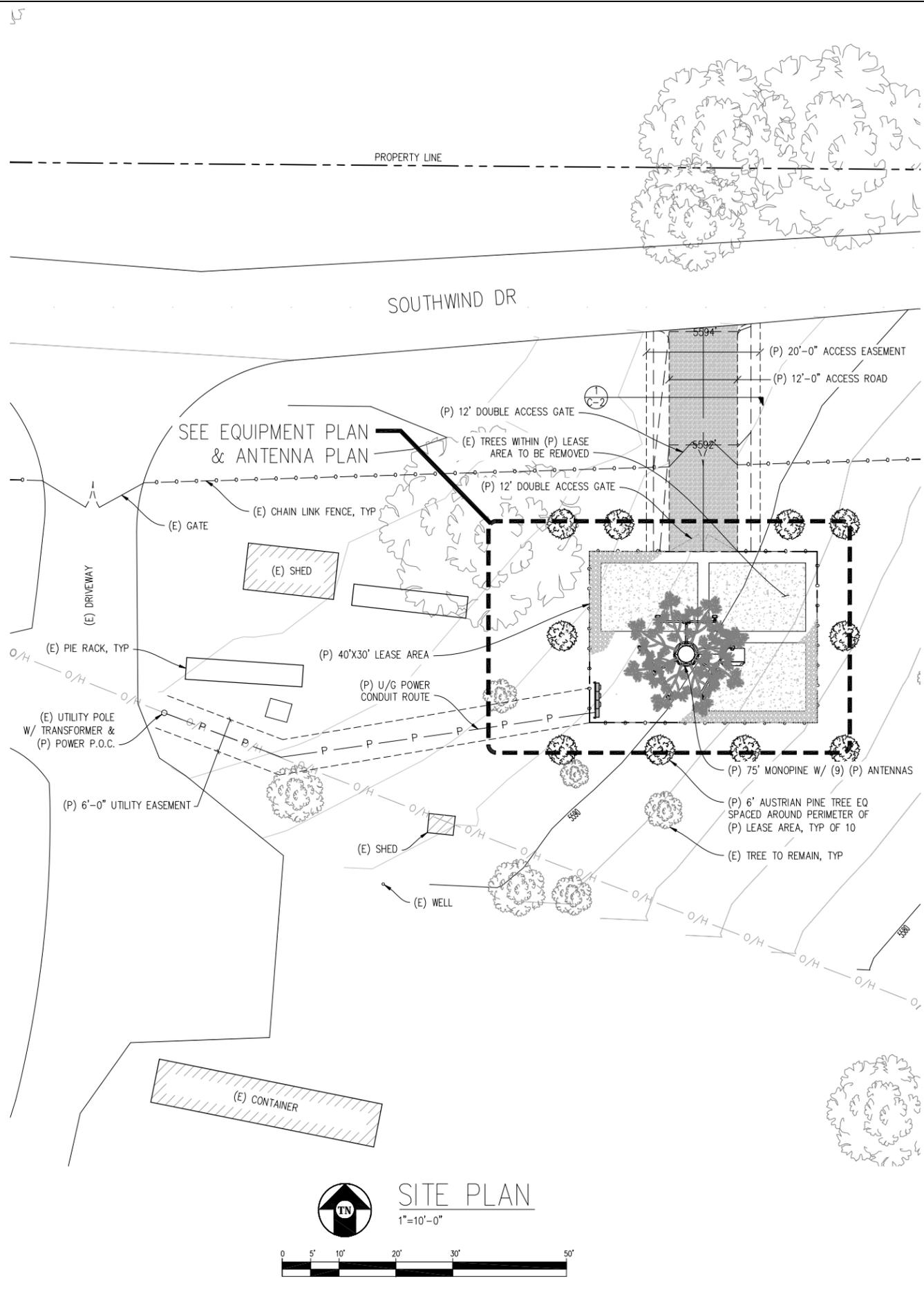
8445 Sierra College Blvd, Suite E, Granite Bay, CA 95746
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

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**TALLAC
TOWER GROUP**

450 US HWY 395 NORTH
CARSON CITY, NV 89704

SHEET TITLE:
EROSION CONTROL
& DETAILS
SHEET NUMBER:
C-4



SOUTHWIND DR

NV111

17 SOUTHWIND DR
NEW WASHOE, NV 89704

ISSUE STATUS

Δ	DATE	DESCRIPTION	REV.
	04/11/11	ZD 90%	J.S.
	04/13/11	ZD 100%	A.M.
	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

CHECKED BY: L. HOUGHTBY

APPROVED BY:

DATE: 05/20/11

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8445 Sierra College Blvd, Suite E, Granite Bay, CA 95746
Contact: Larry Houghtby Phone: 916-275-4180
E-Mail: larry@streamlineeng.com Fax: 916-660-1941

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TALLAC TOWER GROUP
450 US HWY 395 NORTH
CARSON CITY, NV 89704

SHEET TITLE:
OVERALL SITE PLAN & SITE PLAN

SHEET NUMBER:
A-1

NOTES:

1. SITE TO CONTAIN SIGN IDENTIFYING SITE OWNER & EMERGENCY CONTACT #
2. ANY SITE LIGHTING IS FOR MAINTENANCE PURPOSES ONLY, NO CONTINUOUS LIGHTING WILL BE ALLOWED.
3. LANDSCAPING IS NATIVE DROUGHT TOLERANT PLANTINGS. HAND WATERING IN THE FIRST YEAR TO ESTABLISH PLANTING CAN BE PERFORMED BUT NO IRRIGATION IS PROPOSED.

(P) 6' TALL CHAIN LINK FENCE

(P) 12' DOUBLE ACCESS GATE

(P) 40'X30' LEASE AREA

(P) 17'X12' CONCRETE EQUIPMENT SLAB FOR FUTURE CARRIERS

(P) 17'X12' CONCRETE EQUIPMENT SLAB FOR FUTURE CARRIERS

(P) 6' AUSTIAN PINE TREE EQ SPACED AROUND PERIMETER OF (P) LEASE AREA, TYP OF 10

(P) TELECOMMUNICATIONS CABINET

(P) 75' MONOPINE

(P) 17'X12' CONCRETE EQUIPMENT SLAB FOR FUTURE CARRIERS

(P) U/G POWER CONDUIT ROUTE

REMOVE (E) TREES & SHRUBS

(P) 600 AMP SERVICE METER BANK

(P) 6" CLEAN CRUSHED 1/4"X3/4" GRAVEL OVER MIRAFI 500 WEED FABRIC

(P) 6'-0" UTILITY EASEMENT



EQUIPMENT PLAN

1/2"=1'-0"



NOTE: MONOPINE BRANCHES NOT SHOWN FOR CLARITY

**SOUTHWIND
DR
NV111**

17 SOUTHWIND DR
NEW WASHOE, NV 89704

ISSUE STATUS

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	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

CHECKED BY: L. HOUGHTBY

APPROVED BY:

DATE: 05/20/11

**Streamline Engineering
and Design, Inc.**

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**TALLAC
TOWER GROUP**

450 US HWY 395 NORTH
CARSON CITY, NV 89704

SHEET TITLE:

ENLARGED
SITE PLAN

SHEET NUMBER:

A-2

**SOUTHWIND
DR
NV111**

17 SOUTHWIND DR
NEW WASHOE, NV 89704

ISSUE STATUS

Δ	DATE	DESCRIPTION	REV.
	04/11/11	ZD 90%	J.S.
	04/13/11	ZD 100%	A.M.
	05/20/11	CLIENT REV	A.M.
	09/14/12	CLIENT REV	A.M.

DRAWN BY: J. SMITH

CHECKED BY: L. HOUGHTBY

APPROVED BY:

DATE: 05/20/11

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(P) ANTENNA W/ ANTENNA SOCK, TYP OF 9

TOP OF (P) MONOPINE
±75'-0" A.G.L.
 RAD. CENTER OF (P) ANTENNAS
±72'-0" A.G.L.

(P) ANTENNA W/ ANTENNA SOCK, TYP OF 9

(P) 80' MONOPINE

(P) 80' MONOPINE

BOTTOM OF (P) MONOPINE BRANCHES
±20'-0" A.G.L.

(P) 12' DOUBLE ACCESS GATE

(P) 40'X30' LEASE AREA

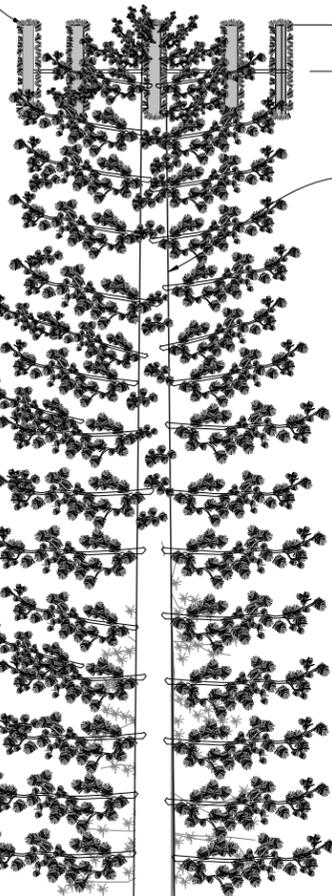
(P) 6' TALL CHAIN LINK FENCE

(P) 40'X30' LEASE AREA

(P) 6' TALL CHAIN LINK FENCE

(P) 6' AUSTIRAN PINE TREE, TYP OF 10'

GROUND LEVEL @ POLE
0'-0" (5590' AMSL)



NORTH ELEVATION
3/16"=1'-0"



EAST ELEVATION
3/16"=1'-0"

**TALLAC
TOWER GROUP**

450 US HWY 395 NORTH
CARSON CITY, NV 89704

SHEET TITLE:

ELEVATIONS

SHEET NUMBER:

A-3



P.O. Box 19284
Reno, Nevada 89511
Tel. (775) 826-6338 Fax (775) 826-6355
www.tallactowergroupllc.com

November 6, 2012

To: Trevor Lloyd, Senior Planner
Washoe County Community Development

From: Mitch Legarza, Managing Partner
Tallac Tower Group, LLC

Re: SUP Case # SB11-001

Alternative site analysis for the Southwind Communications Facility

The substantial increase in elevation on the new section of Interstate 580 in Washoe Valley has created coverage gaps for a number of cellular service providers. Our objective is to provide a suitable site from which improved service for I-580, and the greater Washoe Valley area, can be provided with as small an impact as possible to the surrounding area. Because height is the key issue here, the commercial properties on old 395 did not provide an adequate solution. The properties West of the new interstate have the required elevation as well as a General Rural zoning designation which accepts this usage.

Our current proposal is for a 75' monopine structure, which is the most appropriate option for the proposed area. Building or façade mounted antennas would be appropriate in an urban setting and typically placed on high commercial buildings which are simply not available in this case. Here, the proposed area is heavily wooded by natural pines making a monopine structure the ideal solution because it results in the most limited visual impact for the area and achieves the needed height. Collocation is not an option in this specific area because existing sites either sit too low to provide adequate coverage or were designed as single carrier structures.

Alternate #1 - 450 US Highway 395 N. Carson City, NV 89704 (APN 050-234-50)

Analysis: This property is approximately 25,500+ sqft, commercially zoned and located at valley elevation (5090') directly east of the proposed site. It is owned by, and is the current business location for, Radco Communications, the construction arm of Tallac Tower Group. The benefits of this site would be the commercial zoning, ease of negotiations for the site lease and a streamlined construction process. However, because the site sits significantly lower (approximately 150') than the new 395 bypass, it would require at least a 200' tower to

properly service that coverage gap and would still be 300' lower than the subject property – meaning far less general coverage for the Valley. In addition to being less effective, the size of such a tower would have a significant negative visual impact to the area and also be prohibitively expensive.

Action: did not pursue

Alternate #2 - 19 Southwind Drive – parcel number 046-060-19

Analysis: This developed 5 acre home site abuts the eastern property line of the currently proposed site and also has a GR designation. However it sits approximately 50' lower than the subject property with a home located in the immediate vicinity of the best building site for the tower. Moving the site west on the property would result in having no native trees to help camouflage the communication site.

Action: did not pursue – however, it is important to note that the owners/occupiers of this home site (James and Thelma Saladin) fully support our project and spoke on our behalf at the West Washoe Valley CAB meeting. We feel this is an important point, because they are direct neighbors and feel we have done a good job in mitigating the negative visual impacts.

Alternate #3 - Parcel number 046-060-33

Analysis: This undeveloped 5 acre parcel abuts the western property line of the currently proposed site. It shares the GR zoning designation. It offers no benefits above that of the proposed site but has a couple of drawbacks. First, as we move west, we lose a little bit of elevation. The site also has very few trees within the appropriate development area. This would result in a more unnatural, less camouflaged look for the site which seems to be the most sensitive issue in the area. And finally, proposing a site on an undeveloped home lot opens the door to future conflicts during the construction phase of the residence.

Action: did not pursue

EXHIBIT C

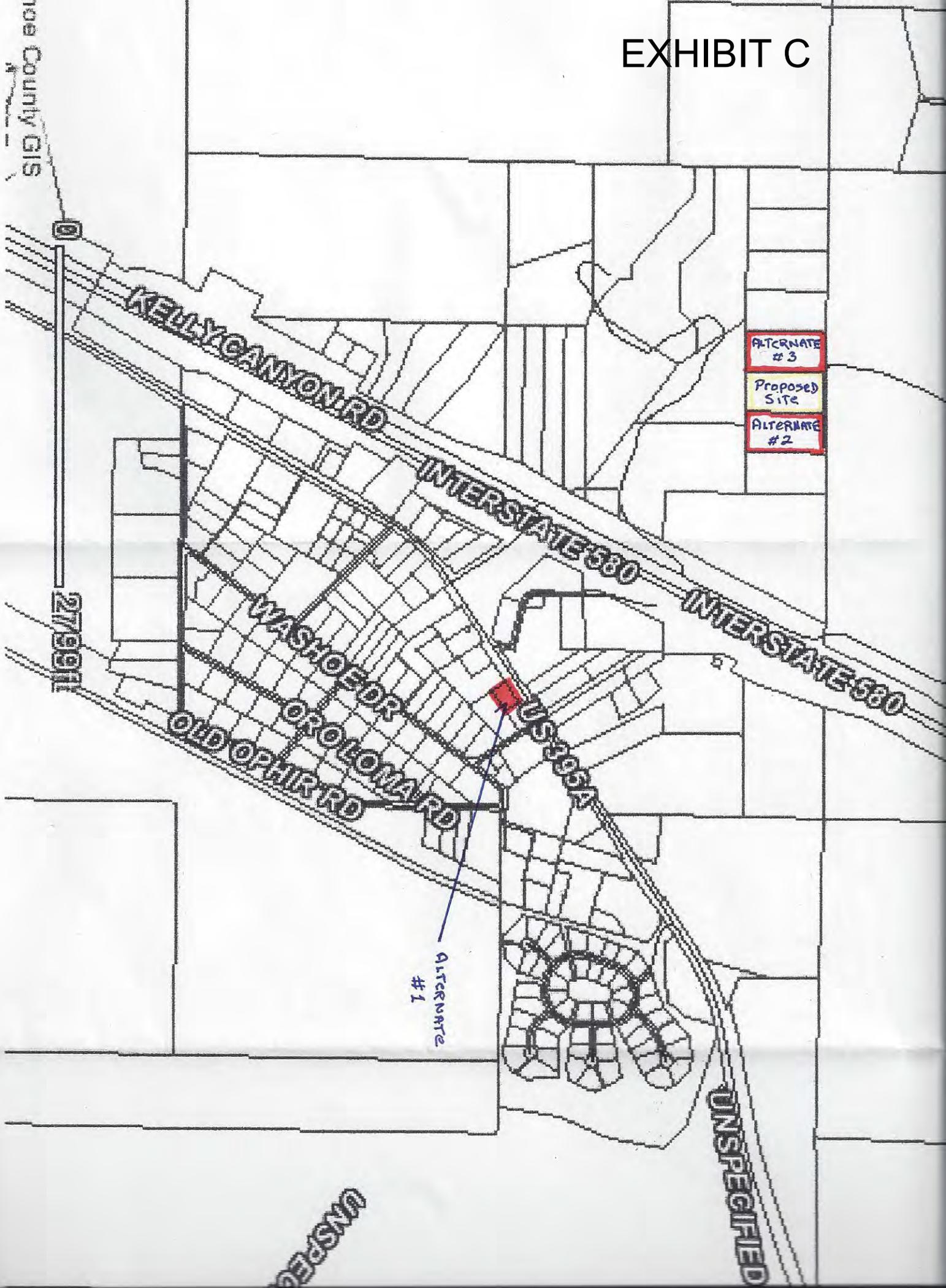


EXHIBIT D

GALENA-STEAMBOAT CITIZEN ADVISORY BOARD



DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the special meeting of the Galena-Steamboat Citizen Advisory Board held July 14, 2011 at the South Valley Library, 15650A Wedge Parkway, Reno, Nevada

1. **CALL TO ORDER** - The meeting was called to order at 6:00 p.m. by Ron Penrose, Chair. Ms. Pierce led the salute to the flag. Ron Penrose welcomed Dennie Hartman and Dave Snelgrove to the CAB.
2. **MEMBERS PRESENT** – Dennie Hartman, Steamboat/Toll Road, Robert Parker, At-Large, Ron Penrose, Chair, Galena Forest/Southwest Pines, Ginger Pierce, Pleasant Valley, Vice Chair, Dave Snelgrove, Callahan Ranch and Dennis Wilson, At-Large, Alternate.
3. **APPROVAL OF AGENDA** – Robert Parker moved to approve the July 14, 2011 agenda as posted. Dennie Hartman seconded the motion. The motion carried unanimously. Ron Penrose changed the order for presentation of 8A, 8D, 9A, 8A & 5C
4. **APPROVAL OF MINUTES** – Ginger Pierce moved to approve the minutes of the May 12, 2011 regular meeting as submitted. Robert Parker seconded the motion. The motion carried unanimously.
5. **REPORTS AND UPDATES** – The following reports and updates will be informational only and no action will be taken and will be limited to five minutes each.
 - A. **UPDATES/ANNOUNCEMENTS/CORRESPONDENCE** – This item is limited to updates and announcements from CAB members, or review of correspondence received by the CAB. The CAB will not discuss or take action on matters raised during this item. CAB files and correspondence, which are part of the public record, are on file in the Washoe County Community Development Department and are available for public review. Written correspondence and testimony will be included in the public record when a request is made to make the document a part of the public record and when a copy is provided to the CAB Chair, who forwards the document to the County.
 - Dave Snelgrove reported that everyone is invited to attend a hearing of the application for the Monte Vista Tentative Map which will be presented to the SWTM CAB on July 21, 2011.
 - Ron Penrose announced that there have been public workshops to hear comments and concerns from the community on water issues including domestic wells concerns. The plan includes a county wide domestic well mitigation program. The PowerPoint presentation of the plan is available on the Washoe County website under Department of Water Resources. The first reading will be August 9, 2011 with the opportunity for citizens to make public comment and a second reading on August 23, 2011.
 - Robert Parker reported that citizens in ArrowCreek have filed a complaint with the State Department of Taxation related to taxes for fire protection in the City of Reno Fire Department when ArrowCreek is served by Sierra Fire Protection District.
 - Dave Snelgrove invited anyone interested in the Monte Vista project to call him at 745-0341.
 - B. **SHERIFF'S OFFICE ITEMS** – A representative from the Sheriff's Office may be present to report on public safety issues within the CAB area, including recent calls for service.
 - C. **SIERRA FIRE PROTECTION DISTRICT (SFPD)** – Chief Michael Greene, SFPD announced that the groundbreaking was held and the value of the location of the new station was demonstrated by a shorter response time to two emergency calls for and construction with anticipated grand opening in March 2012. .If a SFPD representative is not present, please refer to the County Updates provided online at www.washoecounty.us/cab (follow the link to the Galena-Steamboat CAB).
 - D. **GALENA VOLUNTEER FIRE DEPARTMENT (GVFD)** - A representative from the GVFD may be present to report on fire safety issues within the CAB area, including recent calls for service and information related to residential fire safety. The GSCAB asked that this item be removed from the agenda and brought back should there be updated information to present.
 - E. **TRUCKEE MEADOWS FIRE PROTECTION DISTRICT** - A representative from the TMFPD may be present to report on fire safety issues within the CAB area, including recent calls for service and information related to residential fire safety. The GSCAB asked that this item be removed from the agenda and brought back should there be updated information to present.
6. **COUNTY COMMISSION/COUNTY LIAISON REPORTS** – Sarah Tone, County Liaison for Districts 1, 2, and 3 is available to answer questions and concerns. Please feel free to contact her at stone@washoecounty.us or (775) 328-2721. To sign up to receive email updates from the County visit www.washoecounty.us/cmail. The written County updates are available online at www.washoecounty.us/cab (follow the link to your CAB).

7. **PUBLIC COMMENT** – Any person is invited to speak on any topic that is not listed as an action item on this agenda (public testimony will be received during each action item). Each speaker must fill out a "Request to Speak and/or Submit Comments for the Record" sheet, may discuss any matter not listed on the agenda as an action item, and must limit comments to three minutes. The comments may be discussed, but action may not be taken on any matter raised during this Public Comment period until the matter is specifically listed on a future agenda as an action item. Comments are to be made to the CAB as a whole.⁴

- Concerns were raised (name not stated) that taxes for fire services have increased with the new tax assessment.
- Ron Penrose asked for further comments and hearing none, closed this agenda item.

8. **NEW BUSINESS** - (The staff contact listed on items for Community Development may not be in attendance but can be contacted with code and policy questions.)

A. Special Use Permit Case No. SB11-001 for Southwind Communications Facility – Denise Baclawski, St. James's Village resident provided a PowerPoint presentation pertaining to negative impacts from the proposed monopine for review and possible recommendations. The request is to allow for the construction of an unmanned wireless communications facility involving the installation of four wireless telephone carriers and/or broadband internet providers on a ±5 acre parcel located at 17 Southwind Drive in Washoe Valley (APN 046-060-18) as authorized in Article 324, Communication Facilities. The property is zoned General Rural (GR), in the South Valleys Area Plan, and is located in Commission District 2 within Section 23, T17N, R19E, Washoe County, Nevada. The applicant has changed the design of the tower from a monopole to a monopine. In Don Morehouse, Staff representatives absence, (775-328-3632 - Email: dmorehouse@washoecounty.us) Eva Krause, Staff Representative was available to address code and policy questions. This application is tentatively scheduled for a public hearing by the Board of Adjustment on August 4, 2011. Ms. Baclawski stated that there are significant errors and omissions in the application and it is inconsistent with the South Valleys Area Plan. **MOTION:** Ron Penrose moved to recommend denial of SB11-001, Southwind Communications Facility by the Board of Adjustment as presented with the following reasons: 1). non existent alternatives analysis; 2) adverse aesthetic and visual impacts to adjacent properties, particularly those uphill and those on the valley floor; 3) apparent non existent gap analysis. Robert Parker seconded the motion. The motion carried with Dave Snelgrove abstained.

Comments and Concerns

- In response to questions raised, it was stated that the installation is speculation that they would be able to sell the facility.
- Concerns were stated that one property owner installed a windmill without notifying any of his neighbors and it appears that the monopine will be installed adjacent to the windmill.
- Robert Parker stated that Washoe County code allows for two towers on a 1.25 acre parcel.
- Ginger Pierce stated that the property owner stated that there was going to be 'pay-back' for the negative impacts.
- Ron Penrose stated that there were no alternative analysis included in the application and it does not conform to the area plan and there needs to be a gap analysis done.
- Concerns were raised that the proposed facility would be an eyesore to adjacent residents.
- Karen Mullen reminded everyone that there have been discussions in the past and there needs to be a gap analysis and this is a residential area not commercial.
- Dave Snelgrove stated that the inconsistencies need to be addressed.

B. Phillip & Annie Callahan Park and Galena Schoolhouse Master Plan Update – Cheryl Surface, Park Planner, Washoe County Department of Regional Parks and Open Space (WCRPOS) and Dale Doerr from Lumos & Associates presented a review of the plan process to date, and present the conceptual plan for public review and comment. Ms. Surface and Mr. Doerr were available to respond to questions from the CAB members and citizens. Following discussion, the Galena-Steamboat CAB may forward comments and/or recommendations to the Washoe County Commission pertaining to possible recommendations for the WCRPOS to forward the Master Plan update to the Washoe County Open Space and Regional Park Commission for future consideration. Staff contact: Cheryl Surface, Park Planner, WCRPOS, 775.823.6512, email: csurface@washoecounty.us. Mark Johnson, H+K Architects provided information on the options to stabilize the building and integrate it into the master plan. **MOTION:** Dave Snelgrove moved to recommend approval of the Callahan Park and Galena Schoolhouse Master Plan as presented with the following suggestions: That the applicant work with the Callahan family, if they are accepting, to retain the easement for a trail across their property, to recommend the retention of sani-huts at the facility rather than a fixed structure that is paid for with operation and maintenance budget, and to tie in the trail and road access network into the design with the future Calamont property. Ginger Pierce seconded the motion. The motion carried unanimously.

Comments and Concerns

- Robert Parker stated that the trail is extended beyond where the applicant's map indicates.

WEST WASHOE VALLEY CITIZEN ADVISORY BOARD



DRAFT: *Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.*

Minutes of the regular meeting of the West Washoe Valley Citizen Advisory Board held July 11, 2011 at Bowers Volunteer Fire Department, 3905 Old US Highway 395, Washoe Valley, Nevada.

- 1.* **CALL TO ORDER** – Chairperson Countryman called the meeting to order at 7:05 p.m.
- 2.* **ROLL CALL/DETERMINATION OF QUORUM** – Roll call was heard and a quorum of five members was determined. Later in the meeting, Bill Elliott left the meeting leaving a quorum of four members present.
MEMBERS PRESENT – Jane Countryman (Chairperson), Rob Smith, Jim Rummings, Shyrl Bailey, Bill Elliott
MEMBERS ABSENT – none
3. **APPROVAL OF AGENDA FOR JULY 11, 2011** – Chairperson Countryman stated there was a request to combine agenda items 6B and 9C due to time constraints of Fire Chief Mike Greene. There was no objection heard. Rod Smith moved to approve the July 11, 2011 meeting agenda as amended. Bill Elliott seconded the motion. The motion carried unanimously.
4. **APPROVAL OF MEETING MINUTES FOR MAY 2, 2011** – The following correction was noted: (a) on page 1, item 2, Rod Smith was an excused absence. Jim Rummings moved to approve the May 2, 2011 meeting minutes as amended. Bill Elliott seconded the motion. The motion carried unanimously.
- 5.* **UPDATES/ANNOUNCEMENTS/CORRESPONDENCE**

- A Community Forum will be held at Bowers Fire Station starting at 7:00 p.m. on August 1, 2011 to provide an opportunity for the community to discuss issues related to West Washoe Valley. Relevant information from Washoe County Commission meetings will also be given. Discussion topics will include, but not limited to: Status of tax-based services and what to expect in the near future regarding fire and emergency medical services, the Truckee Meadows Water Authority (TMWA) takeover as water authority for Washoe County, and follow-up on NDOT's status determining high-wind events. The Forum will also include announcements and/or discussion of planned events in West Washoe Valley, as well as any topic residents wish to bring to the Forum. (Note: The Community Forum is not sponsored by either Washoe County or the West Washoe Valley CAB.)

Chairperson Countryman:

- Welcomed Shyrl Bailey to the Board.
 - Announced Bill Elliott was re-appointed to the CAB for another two years and Debbie Sheltra was appointed as alternate.
 - Stated there were no County announcements to present.
 - Announced the next Community Forum will be held at Bowers Fire Station on August 1, 2011 beginning at 7:00 p.m. She noted the Forum was not related to the County therefore does not abide by Nevada Open Meeting Law.
6. **ACTIVITY AND INCIDENT REPORTS BY REGIONAL/COUNTY DEPARTMENTS** – These reports are based on need as determined by the departments as well as the availability of presenters.
A.* Washoe County Sheriff's Office Items – There was no one in attendance to present a report. Debbie Sheltra reported two new houses under construction on the south end of the valley were broken into.
B.* Fire Safety Issues & 9C.* Bower's Fire Station/SFPD—Discussion on results of June 28, 2011 Board of County Commissioner (BCC) and the respective Fire Boards regarding Sierra Fire Protection and Truckee Meadows Fire Protection Districts. Depending on BCC decisions, discussion may be heard regarding the level of service for West Washoe Valley verses other similar areas and inequity of proposed changes, open discussion on impact of changes to the community and other related concerns regarding fire and emergency service delivery. Chief Mike Greene reported four out of five Commissioners terminated the interlocal agreement which means a new fire department will be established for the Truckee Meadows Fire Protection District next year. He commented that this action could provide an opportunity to begin building on a Regional Plan for fire services. June calls for service were reviewed. Chief Greene noted NDF funding has been reduced to \$50,000 per year.

Concerns/Comments

- Board member Rummings reported East Lake Fire Station has a dumping program for tree trimmings and brush until the middle of June as part of fuels reduction. He asked if a similar dumping program could be established for the West Washoe Valley area. Chief Greene stated he would not feel comfortable with storing brush, but that the chipping program was still in place.
- Board member Smith stated agenda item 10B regarded the re-use of an existing building that is within his neighborhood and that the individual involved reported the fire department visited the property the other day and stated it did not meet fire code requirements. Chief Greene stated it was a re-classification issue and

explained the issue is that the property does not have the sufficient amount of water available to fight a fire on the property and is not in a location within close proximity to a water source, as required by Code for new structures. He stated current homes in the area fall under the Code that was in place at the time those homes were built. The fire department does bring their own water when fighting a fire, but they also require a sufficient amount of water on site. Discussion followed regarding sufficient water levels and the amount of hose length on fire engines.

- Debbie Sheltra asked when there would be access to funding for the Truckee Meadows Fire Protection District and if funding provided for services to the Truckee Meadows area would be reimbursed or if there would be one budget for both Districts. Chief Greene stated \$206,000 would be requested next month for the construction of the Arrow Creek Fire Station and that additional funding would be requested based on a formula of assessed valuation. He stated there could be significant cost savings that would benefit both districts if put into one fund, but that funding would not be available until next July.
- Bob Rusk asked about the "big, green machine". Chief Greene explained it was a 25KW that was donated to the District by a private party through an NV Energy grant.
- Debbie Sheltra requested agenda item 9C remain on the agenda for possible further discussion later in the meeting. Chairperson Countryman agreed.

C.* Truckee Meadows Fire Protection District – There was no one in attendance to present a report.

D.* Reno Emergency Communications – Chairperson Countryman stated Suzy Rogers was not in attendance due to scheduling conflicts. She stated this agenda item may be removed and only agendaized when Ms. Rogers can be in attendance or when specific questions arise.

7.* UPDATES AND LIAISON REPORTS

A.* Liaison Report – Barbara Scott, EVWCAB Liaison, reported the fuels reduction program at East Lake Fire Station discussed earlier in the meeting was a big success. She reported on fund raising relating to legal defense.

B.* County Commissioner/County Liaison Updates – This item was addressed earlier in the meeting.

C.* I-580 Project – Bob Rusk reported he called about the project a few days ago and was informed the bypass would be open in approximately two weeks and that the center lane of Parker Ranch Road could be used as a stack lane to merge into traffic. He noted the sound wall proposed was a barrier rail. Discussion followed regarding concern about using the center lane as a stacking lane.

Concerns/Comments

- Tim Stevens commented that he was surprised NDOT would not establish a merging lane similar to the merging lane near Bowers Mansion. Board member Elliott stated the roadway and the right-of-way is eleven feet too narrow for a merging lane.
- Cliff Low asked if the Bowers Mansion exit will be closed until the project is complete. Mr. Rusk replied yes.
- Eileen Androjesky stated a wall on the bridges was needed due to the high winds, but was told a wall would only be built if noise exceeded decibel levels. She commented on high winds and noise levels in the area.

8.* PUBLIC COMMENT

A. Ginger Pierce provided a STEMGID Report regarding the TMWA water takeover issue. She explained STEMGID was a privately-owned water company.

B. Tom Hall stated a settlement was finally being reached regarding the Weston litigation issue. He provided a brief history of the issue. He stated the West Washoe Association has distributed their newsletter. A barbeque will be held on Saturday, August 27, 2011 at Shyrl Bailey's house beginning at 4:00 p.m.

C. Jim Rummings announced the Annual NRA Dinner will be held on Saturday, July 16, 2011 at the Atlantis Hotel and Casino. Individuals interested in attending the dinner as part of a group can contact him directly.

At this time, Chairperson Countryman announced that, for agenda items 9 and 10, public comment will be limited to two (2) minutes, with the exception of Ms. Baclawski's presentation, due to the number of items that are to be presented.

9. OLD BUSINESS

A.* Continuation of Discussions for Special Use Permit Case No.: SB11-001 for Southwind Communications Facility from the May 2, 2011 West Washoe Valley CAB Meeting – To allow for the construction of an unmanned wireless communications facility involving the installation of four wireless telephone carriers and/or broadband internet providers. The applicant has changed the design of the tower from a monopole to a monopine. The parcel is located at 17 Southwind Drive, Washoe Valley (APN 046-06018), and is ±5 acres in size, is zoned General Rural (GR), is located within the South Valleys Area Plan. This request is authorized in Article 324, Communication Facilities in the Washoe County Development Code, is in Commission District 2, within Section 23, T17N, R19E, MDM Washoe County, NV. Staff Representative: Don Morehouse, Planner, 775.328.3632, dmorehouse@washoecounty.us. This application is tentatively scheduled to be heard by the Washoe County Board of Adjustment on August 4, 2011.

Mitch Legarza and Robert Davis were in attendance to give the presentation. He noted that the suggestions made at the last WWV CAB meeting had been taken into consideration and presented changes to the project based on the suggestions. Material was distributed. He stated they were now proposing a monopine as opposed to a monopole. They were also reducing the height of the proposal to 75 feet from the initial 80 feet.

Concerns/Comments

- With a PowerPoint presentation, Denise Baclawski, St. James Village property owner, reviewed inaccuracies regarding the application, the easement, the established need for a communication tower, the tower's construction against the stated goals of the South Valley Area Plan, clustering, and the visual impact to surrounding residential areas, as outlined in Washoe County Code. Printed slides of the PowerPoint presentation are included herein by reference.
- Board member Smith commented that trees grow; therefore, the visual impact will change over time and that the windmill structure is more unsightly than the monopine being proposed.
- Board member Rummings asked about the access road and how this affects the West Washoe Valley area. Chairperson Countryman noted the issue was the right of a third party to use the easement. Mr. Legarza stated the land owner had a legal right to the easement and that there will be low-volume use of the easement. Chairperson Countryman stated this was an issue that will affect West Washoe Valley and that the Galena-Steamboat area will also review this issue.
- Debbie Sheltra stated, as a point of clarification, that the trees in the area are already full grown.
- Board member Elliott commented that there can be no objection if the property owner has a legal right to erect this project on his property and if all requirements are met.
- Chairperson Countryman noted all special use permit requirements need to be met.
- Board member Bailey stated she was in support of the homeowners if there is a visual impact.
- Chairperson Countryman commented that property value concerns of the undeveloped area were for the property owner to address, but community concerns were still strong. There were also still concerns about having no contracts for utilization of the poles. Mr. Legarza stated there would be significant gap interruption when the bypass is developed and that the extent of how much will need to be built needs to be known first before committing to contracts. He noted the Salidans are the closest neighbors and that they were in support of the project. Chairperson Countryman noted the Saladin property is below the project; therefore, would not be visually impacted by the project.
- Board member Elliott which was a more objectionable view, the windmill or the proposed cell tower. It was stated both. Mr. Legarza stated the monopole may enhance the visual impact from certain angles for some property owners because it will block the view of the windmill.
- Pat Wallis commented that pine trees would visually impact her view of Washoe Lake and questioned why cell towers were not being proposed for more undeveloped areas. Mr. Legarza stated this is an appropriate use for the zoning designation of the area. Ms. Wallis stated the project will not enhance views or the quality of surrounding properties.
- Debbie Sheltra stated, for the record, that she had said at the last meeting that AT&T informed her they have contracted four sites for more coverage in the area therefore this was not an issue of lack of coverage, in her opinion. In her opinion, this project is premature since there are no contracts to utilize the poles and that the project does not meet special use permit conditions even though it may meet zoning requirements for the area.
- Chairperson Countryman reviewed the Special Use Permit section of the Washoe County Development Code.
- Board member Smith commented that, in his opinion, the project was premature and will have a visual impact to property owners in the area. Therefore, the Board should not vote on this project until these issues are resolved.

Rod Smith moved for the Board not to vote on this project until all issues are resolved. Bill Elliott seconded the motion. The motion carried unanimously.

B.* Update on Discussions regarding Washoe Valley Resident Use of the Carson City Dump – The Chair will report on information regarding the CAB's request for Washoe County officials to negotiate with Carson City officials to allow Washoe Valley residents with the zip code 89704 to use the Carson City Dump at a cost equal to what Carson City residents pay. (This item is for information only and no action will be taken by the CAB.)

This item was addressed later in the meeting.

10. NEW BUSINESS - Time for each item's presentation is limited to no more than fifteen minutes to provide sufficient time for questions and comments; an extension may be granted by the Chair.

A. Administrative Permit Case No. AP11-002 (Maranatha Road DAS) – Discussion and possible recommendation on an application for an administrative permit to allow for the construction of a detached accessory structure (DAS) of a larger square footage than the existing residence. The DAS would be constructed pursuant to Article 306 of the Development Code (Washoe County Code Chapter 110). The parcel is located at 47 Maranatha Road, Washoe Valley (APN 046-05137), and is ±3.25 acre parcel, is zoned High Density Rural (HDR), and is located within the South Valleys Area Plan in Washoe County Commission District No. 2. The property is located within Section 34, T17N, R19E, MDM, Washoe County, Nevada. Staff representative: Don Morehouse, Planner, 775.328.3632, dmorehouse@washoecounty.us. This application is tentatively scheduled to be heard by the Washoe County Board of Adjustment on August 4, 2011.

WEST WASHOE VALLEY CITIZEN ADVISORY BOARD



DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the regular meeting of the West Washoe Valley Citizen Advisory Board held May 2, 2011 at Bowers Volunteer Fire Department, 3905 Old US Highway 395, Washoe Valley, Nevada.

- 1.* **CALL TO ORDER** – Chairperson Countryman called the meeting to order at 7:00 p.m.
- 2.* **ROLL CALL/DETERMINATION OF QUORUM** – Roll call was heard and a quorum of four members were present.
MEMBERS PRESENT – Jane Countryman (Chairperson), Jim Rummings, Debbie Sheltra, Bill Elliott
MEMBERS ABSENT – Rod Smith
3. **APPROVAL OF AGENDA FOR MAY 2, 2011** – Debbie Sheltra moved to approve the agenda for the May 2, 2011 meeting as posted. Bill Elliott seconded the motion.
4. **APPROVAL OF MEETING MINUTES FOR MARCH 7, 2011** – Chairperson Countryman requested that in the future, additional detail be given regarding discussion that is held pertaining to agenda items. Jim Rummings moved to approve the March 7, 2011 meeting minutes as presented. Chairperson Countryman seconded the motion. Motion carried unanimously.
- 5.* **UPDATES/ANNOUNCEMENTS/CORRESPONDENCE**
 - A Community Forum will be held at Bowers Fire Station starting at 7:00 p.m. on June 6, 2011 to provide an opportunity for the community to discuss issues related to West Washoe Valley. Relevant information from Washoe County Commission meetings will also be given. Discussion topics will include: an update on fire service in the WWV area and an update on the water authority transition to TMWA. The Forum will also include announcements and/or discussion of planned events in West Washoe Valley, as well as any topic residents wish to bring to the Forum. (Note: The Community Forum is not sponsored by either Washoe County or the West Washoe Valley CAB.)
 - A. Chairperson Countryman announced that earlier today she was given a written update from Washoe County. She will leave the report on the table for anyone wishing to read it as it contains several informational items. She pointed out that this newsletter can also be obtained by going to the county's website.
 - B. Board member Sheltra announced that the West Washoe Valley Homeowners' Association has a Clean-up on May 21, 2011 to clean-up Old 395 and Franktown Road. Participants will meet at Wilson Commons Park on William Brent Road at 8:00 a.m. Anyone interested in participating can obtain additional information by calling Tom Hall at 882-7775. Bring gloves, grabber tool and/or pitch fork if you have them.
6. **ACTIVITY AND INCIDENT REPORTS BY REGIONAL/COUNTY DEPARTMENTS**
 - A. **Washoe County Sheriff's Office Items**
 - Lt. Shuman reported that he is replacing Lt. Perry, who previously attended the CAB meeting as Lt. Perry has retired. He provided information on the Alert ID Program. This is a notification system the Sheriff's Office has put in place to alert residents about crimes in this area, as well as other important information. You can sign up for the service by going online to AlertID.com. Alerts can then be sent to you via e-mail or text message on your cell phone. They are very close to being "real time" alerts.
 - Sgt. Frederickson reported that the most current reporting does not indicate any crime trends for the Franktown area, but the South District (which includes the rest of Washoe Valley, Hidden Valley and portions of the Mt. Rose Highway) shows several vehicle and residential burglaries have taken place. Most of these are crimes of opportunity because the property wasn't secured. He encouraged residents to call the Sheriff's Office if any suspicious activities are observed.

Concerns/Comments

- ❖ Chairperson Countryman commented that she had attended the CAB Chair meeting and Sheriff Haley was present. He discussed upcoming budget cuts and the need for input to assist in determining how best to utilize his resources. He assured residents that he will make sure that all areas are safe, and will assign resources as needed. She encouraged residents to do their part in securing their property to lessen crimes of opportunity. Also, comments from members of the community regarding the reduction of patrol officers should be sent to legislative and county representatives.
- ❖ Board member Sheltra stated that for the past several years discussions have taken place regarding a safe exit route out of St. James Village, but to date nothing have been put in place. Currently, the plan is to have everyone coming out of the development stop at Parker Ranch Road to turn left just south of the old Cattleman's Restaurant. After reviewing the layout of the road at that point, she requested to know if it was illegal to sit in the center yellow turn lane area of the road until it's safe to make a turn into four lanes of traffic. Lt. Sherman replied that by law you are supposed to merge right into a lane of traffic.

Board. The Truckee Meadows Fire Board will meet on May 24, 2011, and they will then make a recommendation regarding giving Notice to Reno about the agreement. He pointed out that the agreement automatically renews if no notice is given.

- Fruitful discussions have taken place regarding ways that the various departments can work cooperatively to save money and enhance service delivery. Chief Greene stated that, in his opinion, this month it will be determined what the future of fire and emergency services in this county will be.

A question was raised regarding the meeting date, and some present stated that their information indicated that the meeting was to be held on May 16, 2011.

Concerns/Comments

- ❖ Chairperson Countryman requested clarification that the discussion currently underway with Truckee Meadows Fire pertains only for funding to build the Arrowcreek Station and doesn't include staffing. Chief Greene replied that discussions have expanded to include staffing and efficiencies in order to save on expenses.
- ❖ Chairperson Countryman requested to know if there is any indication regarding the future of Bowers Fire Station. Chief Greene replied that there may be minimum staff at the station. Minimum staff would be a two-man crew, with one being a paramedic. A final decision has not yet occurred.
- ❖ Chairperson Countryman reiterated that it is important that the community support these services and attend the meetings to provide input. She is concerned that if staffing is reduced at any station, particularly in Washoe Valley, down to a two-man crew they will not be able to enter a burning structure until back-up comes and this could take too long. She again encouraged residents to write the proper authorities regarding the reduction in police, fire and other emergency personnel.
- Chief Greene reported that Truckee Meadows Fire has a surplus large water tender fire engine that is currently in Palomino Valley. This fire engine may be moved permanently to Bowers Fire Station within the next few weeks. This will be confirmed at the May 24, 2011 meeting. Chief Greene stated that, due to the importance of these meetings, he will confirm the meeting dates and send them to Chairperson Countryman.

Concerns/Comments

- ❖ Cliff Low explained the purpose of the Joint Fire Advisory Board (JFAB) and provided a short history of its creation. He reported that JFAB was created as a result of the agreement between the Truckee Fire Protection District and the City of Reno. It doesn't affect residents in the Sierra Fire Protection District, and the majority of the population resides in the City of Reno. He agreed that it is important that residents express their opinions and become involved by attendance at meetings. Mr. Low pointed out that residents in the Sierra Fire Protection District and the Truckee Meadows Fire Protection District pay taxes specifically for fire and emergency services while the residents of the City of Reno do not.
- ❖ Board member Sheltra agreed with Mr. Low and commented that you not only need to attend the meetings but you need to voice your opinion as well. She asked Mr. Low if the eight minute response time requirement for Thunder Canyon that was based on density levels is still in place. Recent changes relating to a consultant's recommendation were reviewed. It was noted that Arrowcreek has been designated suburban.
- Chief Green reported that he has spoken with the State Forester regarding placing a Nevada Division of Forestry crew in Washoe Valley during the upcoming fire season. Further discussion will be held in the next few weeks regarding how this might be feasible.

C.* Update On Discussions Regarding Washoe Valley Residents Use Of The Carson City Dump – Chairperson Countryman reported that she has received an e-mail from Sarah Tone stating that she has contacted Carson City. They are reviewing the contract and will consider including zip code 89704. This will be an agenda item on the next CAB meeting agenda.

10. NEW BUSINESS - Time for each item's presentation is limited to no more than fifteen minutes to provide sufficient time for questions and comments; an extension may be granted by the Chair.

A. Special Use Permit Case No. SB11-001 For Southwind Communications Facility – To allow for the construction of an unmanned wireless communications facility involving the installation of four wireless telephone carriers and/or broadband internet providers. The parcel is located at 17 Southwind Drive, Washoe Valley (APN 046-060-18), and is ± 5 acres in size, is zoned General Rural (GR), is located within the South Valleys Area Plan. This request is authorized in Article 324, Communication Facilities in the Washoe County Development Code, is in Commission District 2, within Section 23, T17N, R19E, MDM Washoe County, NV.

Mitch Legarza introduced himself and Robert Davis from Tallac Tower Group. Board member Sheltra requested to know who the applicant was. Mr. Legarza replied that it was Tallac Tower Group and Thomas Danzinger. He reported that the proposal is for an eighty foot monopole and tower to be located at 17 Southwind Drive. The project would also include a thirty foot fenced-in area with a chain link fence with slates to help camouflage the area along with the appropriate landscaping. The purpose of the project would be to provide improved cell service.

Concerns/Comments

- Board member Elliott requested to know what is being done to camouflage the tower itself. Mr. Legarza replied that currently the proposal is for a monopole that would be painted to blend in with the surrounding landscaping as best as possible. He pointed out that very near the tower is a sixty foot pine tree, and the plan is to position

the tower behind that tree. Board member Elliott noted that the tower could be camouflaged as a pine tree, and other options as well are available. Mr. Legarza commented that this would be a more expensive option, but the purpose of being at this meeting is to hear everyone's input.

- Cathy Rotes, St. James resident, commented that she currently has a view of the existing wind machine in the area and she is concerned about adding another eyesore. She requested to know if it could be located somewhere else. Mr. Legarza replied that it is possible to better camouflage the tower, such as a pine tree, if needed.
- Board member Sheltra requested to know if this tower is already dedicated to a service such as AT & T. Mr. Legarza responded that it is not currently dedicated, but they do know that the carriers are interested in it.
- Rick Riley, President of the Jeffrey Pines Homeowners' Association, stated that there are two parcels directly below where this tower is proposed. The construction of the tower will destroy the property values in this area and the Association is very strongly in opposition to its construction.
- Pat Wallis requested to know if the property in question is zoned Rural or Agricultural. Mr. Legarza replied that it is zoned General Rural. She commented that the proposal would place a commercial enterprise on that parcel. It was noted that this is an allowable use under the current zoning.
- Mitchell VanClaus, St. James Village resident, commented that even though it is an allowable use, it is required that a presentation be given. Mr. Legarza agreed that this is required. Mr. VanClaus noted that if this information had been available for this meeting it would have been helpful.
- Michael Nolan, Reno real estate broker, stated that he is representing the resident at 7301 Granite Ridge which is directly south of the proposed site. He commented that the property he is representing is a ten-acre parcel, and the owner feels its value would be severely damaged by this project. Using the booklet presentation, Mr. Nolan reviewed the locations of the Granite Ridge property and the project site. He reiterated that the owner of the Granite Ridge parcel is opposed to the cell tower being built.
- Brian O'Leary stated that he lives right next to the property on Granite Ridge being represented by Mr. Nolan. He noted that they own approximately one hundred acres in that area and have invested millions of dollars in this property. He commented that, in his opinion, the wind machine is ridiculous and was constructed without notice, and is in their line of sight. He noted that this is not a rural area and there are several beautiful homes surrounding the proposed project site. Many people would be adversely affected by this cell tower being built.
- Jeff Frankovich commented that he never saw a use permit application for the wind machine. Chairperson Countryman clarified that the permits on the wind machine went through a complete public process with very little participation and input. Now, county staff reviews and permits on these types of wind machines with no public participation.
- Jane Baclawski expressed her concern about having tower clutter and their impact on the views and property values of area properties. Mr. Legarza commented that if the tower was disguised as a tree, it would be very difficult to pick it out. Cathy Rotes commented that the tower would need to have 360 degrees of camouflage.
- Paul Rotes commented that some people may be more amenable to the cell tower camouflaged as a tree if the wind machine was taken down. Mr. Legarza replied that taking the wind machine down is beyond their control.
- Alene Andrijeski requested to know if there would be a noise level with the cell tower. Mr. Legarza responded that there was no noise associated with it. She commented that she sees the wind machine every day and asked if it could be painted another color because of the glare from the sun.
- Ginger Pierce requested confirmation that slates are going to be placed around the bottom of the tower. Mr. Legarza replied they would go around the fencing and would be considered camouflage. She suggested that the tower be located on Steamboat Hill where there is already a radio tower. Mr. Legarza commented that it is very difficult to locate something like this on BLM land.
- Jim Sullivan, resident of 19 Southwind Drive, stated that he has lived there for more than twenty-five years. He pointed out that there is a man-made pine tree concealing a cell tower near the fire station on Mt. Rose Highway. In his opinion, he finds it difficult to see how a man-made pine tree concealing a cell tower would adversely impact the aesthetic value of the area. He has no objections to the project if it has such a tree. Further, they see the wind machine generating free electricity every day, and wishes that it had been available thirty years ago when they built their house.
- Barbara Small requested to know if the tower needs to be eighty feet high. Mr. Legarza replied that this is the allowed height and it helps coverage, but this could be discussed to see if some compromise could be reached.
- Mr. Legarza clarified that there are no plans for additional towers in that vicinity. Mr. Riley commented that he questions whether or not this is a wise move to begin commercial ventures like this in the valley.
- Jeff Frankovich stated, in his opinion, the illustration being used is not representative of the height of the trees in the neighborhood, and there are very few trees in that vicinity. Mr. Legarza suggested that the actual photos be referenced instead.
- Judy Covert, resident of St. James Village, noted that the schedule which was distributed states that the project goes before the Washoe County Board of Adjustment on June 2, 2011. She pointed out that this CAB won't be meeting again before that time. Mr. Legarza stated that there will be opportunity for public input during the zoning

process, and there won't be anything different than what is presented at this meeting shown at the June 2nd meeting. Ms. Covert commented that St. James Village is in the Galena/Steamboat CAB boundary and this project impacts St. James Village. Mr. Legarza replied they were directed to present to this CAB by county staff. Chairperson Countryman suggested that the issue could be brought up at the Board of Adjustment meeting.

- Board member Sheltra pointed out that AT & T has already selected three cell tower sites for West Washoe Valley, and she suggested that Regional Planning be contacted to see where those towers are going to be placed. This information would be helpful to have prior to the Board of Adjustment meeting.
- Chairperson Countryman stated that based on the discussion this evening, the project may be more amenable to residents if the cell tower is camouflaged as a pine tree and shortened the height. However, the wind machine is already in place and probably won't be changed.
- Susan O'Leary, Jeffrey Pines resident, commented that this project will affect their view. Also, there will be two houses built which will affect the property value of those homes. Lastly, although there is no proven health risks, this tower will emit radio frequency. Mr. Legarza commented that there is no good science on this issue, and it is not part of the zoning process.
- Brian O'Leary, Jeffrey Pines resident, stated that no resident of Jeffrey Pines has any interest in any kind of cell phone tower in this location, whether it is shortened in height or camouflaged as a pine tree as it is not an appropriate location for it.
- Chairperson Countryman stated that she has received an e-mail from a St. James Village resident, Donna Peterson, who was unable to be present at the meeting. Ms. Peterson has requested that Chairperson Countryman pose some questions on her behalf.
 - The first question has to do with appropriate zoning, and Chairperson Countryman commented that she can answer that for Ms. Peterson.
 - The second question is: "Will the proposed design negatively and unnecessarily obstruct the view of neighbors in St. James's Village thereby affecting property values?" Chairperson Countryman noted that this issue has been previously addressed in the meeting, but this is also a concern voiced by Ms. Peterson.
 - The next question is: "Does the proposed design blend in to the environment and surrounding communities?" Chairperson Countryman commented that she did not know if the proposal of camouflaging the tower as a pine tree would be acceptable to Ms. Peterson since it is not acceptable to some of the audience members present, but she would relay that information to her.
- Mitch Michael Lee requested additional information regarding the lease agreement, and Mr. Legarza replied that this information is confidential. Lastly, he commented that because of health concerns, one of the neighbors had inquired as to the wattage output of the tower. Mr. Legarza replied that there would be a heightened RF presence, but the wattage being transmitted was low. An audience member pointed out that the many people living in Washoe Valley choose to live where they do so they wouldn't be exposed to some of the existing environmental pollutants that are present in other parts of Washoe County.
- Michael Nolan commented that the property just south of the proposed location of the cell tower might be affected by people coming in and out. He requested to know if the tower was going to be located on the south end of this piece of land. Mr. Legarza responded that it would not, but rather would be located on the north end approximately seventy-nine feet off of the road that accesses their property, and traffic to it would be minimal.
- Board member Sheltra requested to know if the power poles were above-ground or underground. Mr. Legarza replied that there already are above-ground power poles on the property, and the power to the cell phone tower would be placed underground from the above-ground poles.
- Kai Wallis requested to know the elevation of the existing wind machine compared to the cell tower. Mr. Legarza provided the height differences and commented that the blades of the wind machine add additional height to that structure.
- Barbara Small suggested that the cell phone tower be placed inside the wind machine. Mr. Legarza stated that this was considered, but it was determined that it wasn't feasible.

Chairperson Countryman stated that she would now bring the issue back to the CAB as this was an action item. She requested comments from the CAB for the worksheet:

- Board member Elliott stated, in his opinion, some mitigation is necessary in order to address the concerns expressed by the residents of the surrounding area. He encouraged concerned citizens to attend the Board of Adjustments meeting scheduled for June 2, 2011 to voice their concerns and request mitigation measures be put in place.
- Chairperson Countryman commented that the project does require a Special Use Permit, so the developer will need to try to meet the concerns that are presented. Therefore, it is important that residents attend the Board of Adjustments meeting scheduled for 1:30 p.m., June 2, 2011 to be held at the Washoe County Commission Chambers located at Wells and 9th Street. Board member Sheltra noted that residents can also present their concerns at the Planning Commission review level by attending the meeting scheduled for May 13, 2011, 8:30 a.m. at the Washoe County Commission Chambers. Chairperson Countryman pointed out that the Planner, Don Morehouse, will develop the staff report for the Board of Adjustments meeting based on the information from this

meeting. She stated that his phone number is 328-3632 if anyone would like to give him input, or you can e-mail him at dmorehouse@washoecounty.us.

Debbie Sheltra stated that due to the problems which have been identified at this meeting, and the strong opposition to the project in its current form, she moved that the project not be recommended for approval until these problems are resolved with the surrounding homeowners. Bill Elliott seconded the Motion. Board member Sheltra commented that since there are three more cell tower projects in development, she would like some confirmation that this project was not just a speculative business venture presented at this meeting.

- Chairperson Countryman commented that she is not happy with all of the wind machines being built due to their impact on the view. She stated that she does believe the developer of this project is trying to meet the community's concerns in at least trying to present a better design, but further discussion should be held with the residents of St. James Village about their issues. She noted that the rural areas want to stay rural, and do not want to become a wind machine/cell tower community.
- Shryl Bailey requested to know if the issue of the development and placement of future wind machines could be placed on a future CAB agenda to discuss the concerns of residents.

Motion carried unanimously.

B.* Update On The Potential Merger Of The Department Of Water Resources (DWR) Water Utility Functions With The Truckee Meadows Water Authority (TMWA) – Chairperson Countryman commented that this is an important issue which needs to be followed closely, and that Ginger Pierce has been attending the meetings pertaining to the topic. She reported that a presentation on this item was given at the CAB Chair meeting, and it was reported that efficiencies would be increased with the merger. Chairperson Countryman stated that she asked who the decision-makers would be in the scenario presented, and she was told it would be a Board comprised of County Commissioners, elected officials and a non-elected official for Reno. She voiced her concern to the person making the presentation that the rural areas would not be adequately represented on this proposed Board. A meeting is scheduled for July, 2011. At this time she does not know the date, but she will let interested persons know it when she finds out. A brief discussion was held regarding the concern of Washoe Valley residents that if the merger occurs, the potential exists for water and/or water rights to be transferred out of Washoe Valley to Reno.

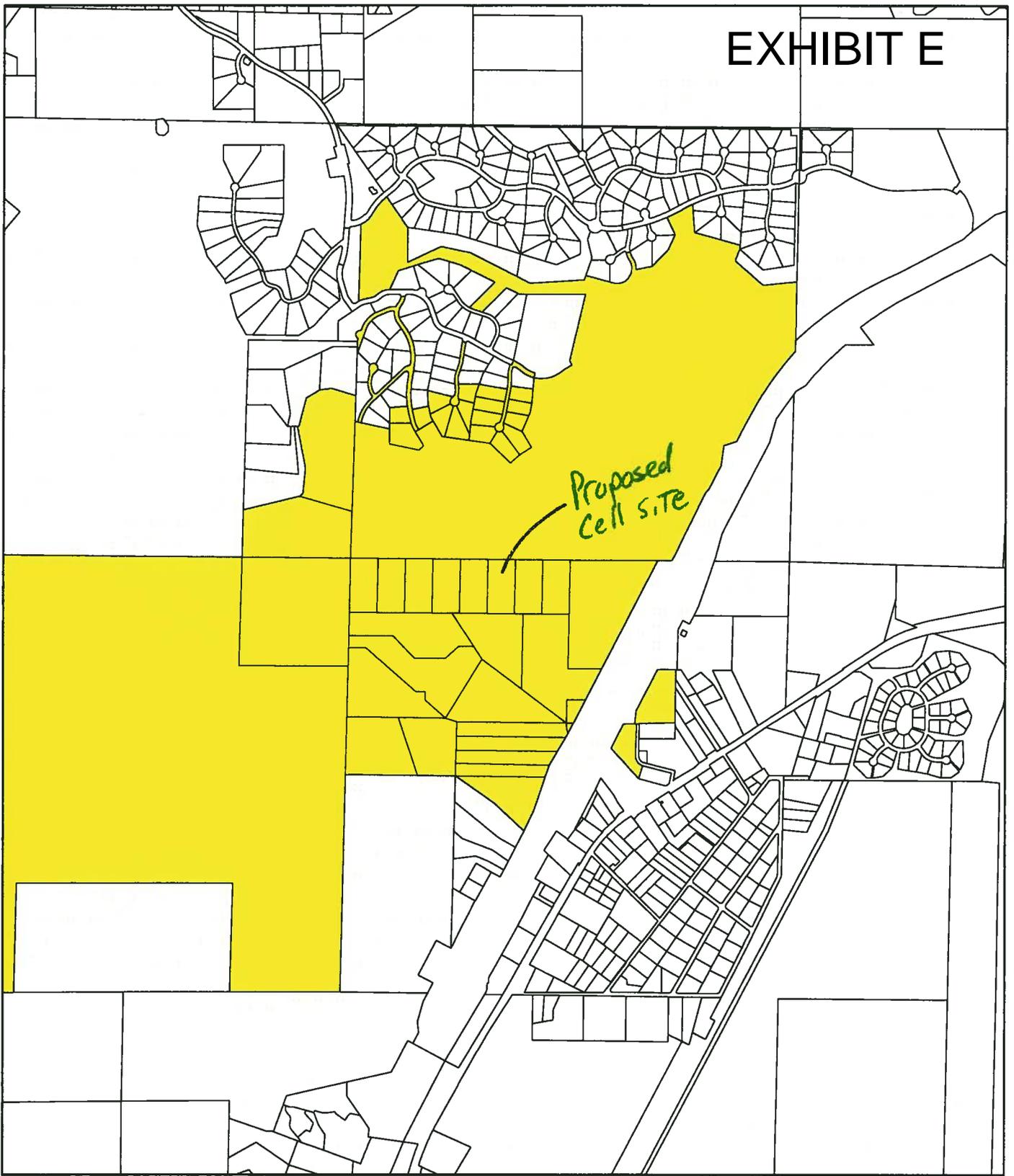
C. Rescheduling Of The July 4, 2011 West Washoe Valley CAB Meeting – Chairperson Countryman reported that the meeting scheduled for July, 2011 needs to be rescheduled since it falls on a holiday. It was moved, seconded and carried to change the meeting date to July 11, 2011.

- 11. CHAIRMAN/BOARD MEMBER ITEMS** – (This item limited to announcements of topics/issues posed for future workshops/agendas.) - Chairperson Countryman reported that there will be two CAB vacancies, and one Alternate vacancy upcoming. She noted that Board members Elliott and Sheltra will be going off of the CAB, and Board member Sheltra has applied to fill the Alternate position as she is not eligible for reappointment as a full CAB member. Board member Elliott is eligible for reappointment only if there are no other qualified applicants for the position. She encouraged interested persons to apply to serve, and the deadline for filing is in the next few days. She pointed out that if there are not enough qualified applicants who apply in order to establish a quorum, the CAB will be dissolved.

Future agenda items include: (a) Update On Discussions Regarding Washoe Valley Residents Use Of The Carson City Dump (7/11); (b) impact of wind machines, and, (c) Election of Officers (7/11)

- 12. ADJOURNMENT** – There being no further business, the meeting adjourned at 9:05 p.m. Debbie Sheltra moved to adjourn the meeting. Bill Elliott seconded the motion. Motion carried unanimously.

EXHIBIT E



MAILMAP

SB11-001
Tallac Tower Group



Department of
Community
Development
**WASHOE COUNTY
NEVADA**

Post Office Box 11130
Reno, Nevada 89520
(775) 328-3600



Administrative Permit Staff Report

Meeting Date: December 6, 2012

Subject: Administrative Permit Case No: AP12-008
Applicant(s): Gary Owens
Agenda Item No. 8B
Summary: To allow the construction of a detached accessory structure that is larger than the dwelling on the parcel
Recommendation: Approval with Conditions
Prepared by: Roger D. Pelham - MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description

Administrative Permit Case No AP12-008 – To allow the construction of a detached accessory structure that is larger than the dwelling on the parcel.

- Applicant/Owner Gary Owens, 3983 S. McCarran #258, Reno, NV 89502
- Location: 8895 Lakeside Drive, at the southwest corner of its intersection with Holcomb Ranch Road
- Assessor's Parcel No: 041-130-57
- Parcel Size: 5.73 acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 306, Accessory Uses and Structures
Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 11, Township 18 North, Range 19 East, MDB&M, Washoe County, NV

Staff Report Contents

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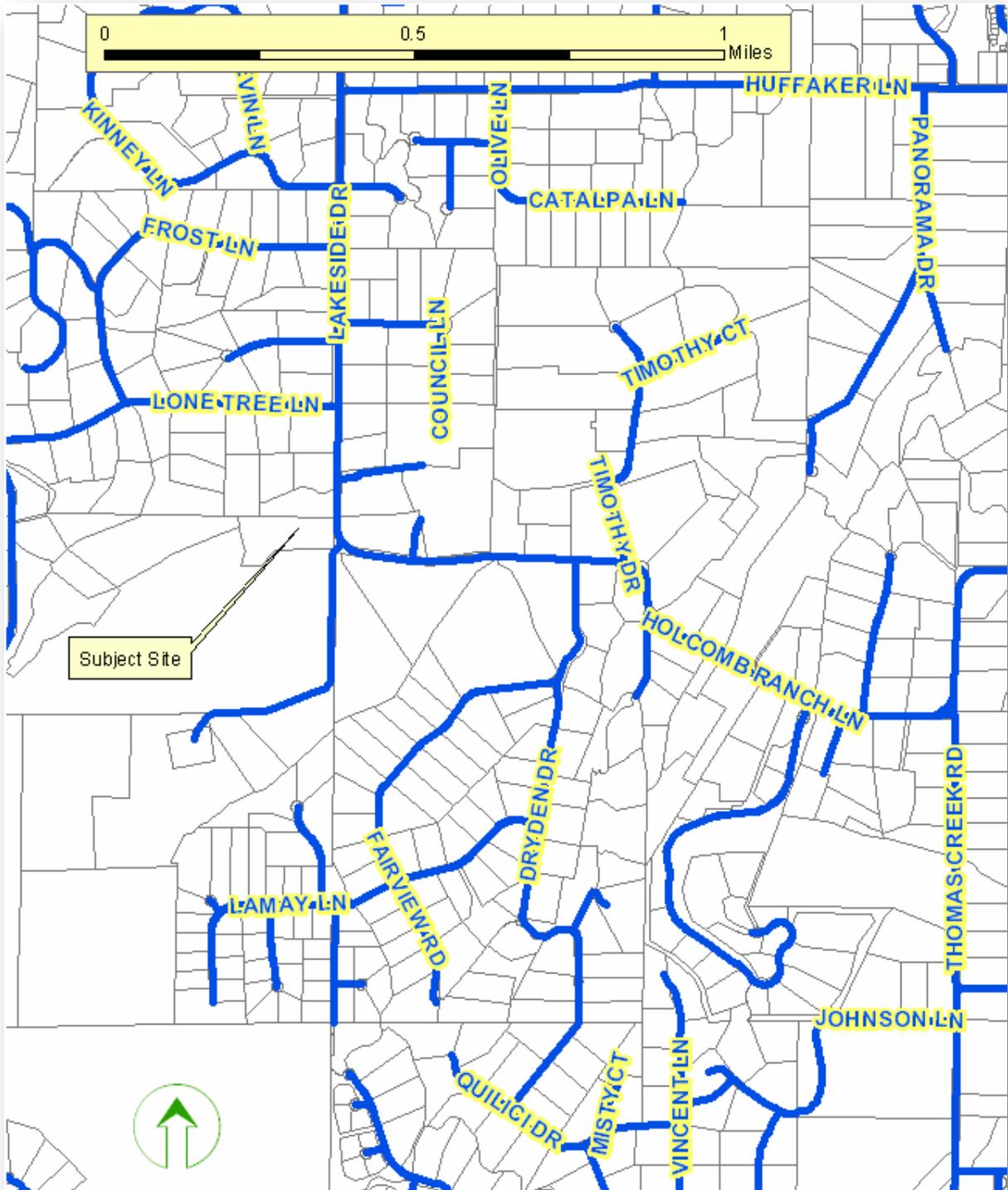
Exhibits Contents

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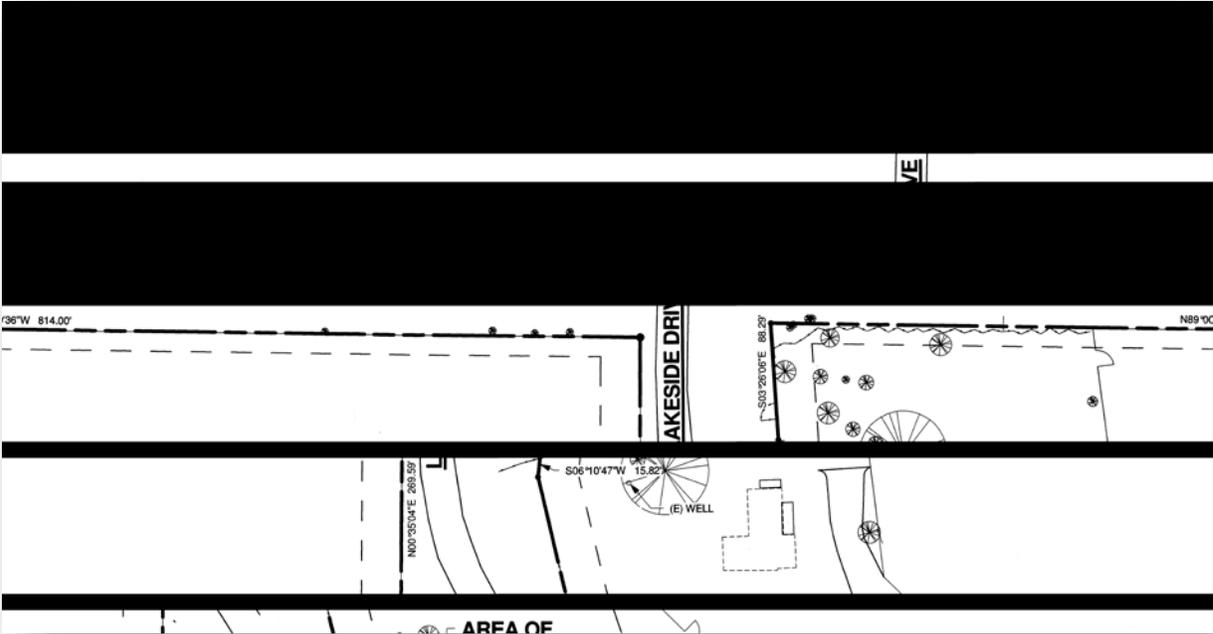
Administrative Permit Definition

The purpose of an Administrative Permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment or the Hearing Examiner may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Hearing Examiner or the Board of Adjustment must find that all of the required findings, if applicable, are true.

The Conditions of Approval for Administrative Permit Case No. AP12-008 are attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan

Project Evaluation

A single family main dwelling unit approximately 2320 square feet in size (not including garage space) is located in the west-central portion of the 5.73-acre property. The applicant is seeking approval of a Detached Accessory Structure (DAS) in conjunction with a previously-approved Detached Accessory Dwelling (DAD). The previously-approved DAD portion of the building will be the second floor and consist of 1160 square feet of living space (50% of the square footage of the main dwelling). The DAS portion of the building is proposed to consist primarily of the first floor of the structure, the overall structure will be built into the hillside and adapt to the existing topography, as can be seen in the proposed building elevations on page 6 of this report.

The proposed structure is primarily concrete construction with flat roofs. The existing dwelling is a typical "old ranch" style of structure. The applicant's representative has indicated that the existing dwelling is planned to be replaced by a new dwelling that will match the proposed DAD in style, color and building materials. There are no easements, CC&R's, or other encumbrances that affect the proposed use.

The northwest portion of the subject parcel is within a sensitive stream buffer zone area as defined by Article 418 of the Development Code, however the proposed DAS is completely outside that zone.

The Development Code at section 110.306.10(d) requires an administrative permit for approval of a DAS that is larger than the main dwelling unit. This Administrative Permit request is an effort to comply with the conditions of approval placed upon the approval of the DAD.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
 - Engineering Division
 - Planning and Development Division
 - Water Resources
- Washoe County Health District
 - Air Quality Management Division
 - Environmental Health Division
- Truckee Meadows Fire Protection District

Three out of the six above-listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Washoe County Community Services Department, Planning and Development Division addressed landscaping and lighting standards and imposed general conditions that will be in effect for the life of the project.
Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us
- Washoe County Community Services Department, Engineering Division required standard construction drawings be submitted for the project.
Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us
- Truckee Meadows Fire Protection District provided the requirement for residential fire suppression sprinklers to be installed in the structure.
Contact: Amy Ray, 775.326.6005, aray@washoecounty.us

Staff Comment on Required Findings

Section 110.808.25 of Article 808, *Administrative Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan.

Staff Comment: There are no Policies and Action Programs within the Southwest Truckee Meadows Area Plan that are particularly applicable to the request for the proposed Detached Accessory Structure.

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.

Staff Comment: Adequate improvements have been conditioned and will be ensured upon approval of a building permit.

3. Site Suitability. That the site is physically suitable for a Detached Accessory Structure, and for the intensity of such a development.

Staff Comment: The structure is proposed to be set into a hillside and will be partially screened from nearby neighbors and will be located as far as possible from the public right-of-way.

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.

Staff Comment: Detached Accessory Structures of many types including garages, barns and riding arenas are common throughout the Southwest Truckee Meadows Area Plan. Approval of the proposed Detached Accessory Structure is unlikely to create any significant detriment.

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.

Staff Comment: There is no military installation in the vicinity of the proposed Detached Accessory Structure.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Administrative Permit Case No. AP12-008 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move 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 Administrative Permit Case No. AP12-008 for Gary Ownes, *having made all five findings in accordance with Washoe County Development Code Section 110.808.25:*

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the

proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for a Detached Accessory Structure, 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; and

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing and decision date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant / Property Owner: Gary Owens, 3983 S. McCarran #258, Reno, NV 89502

Representatives: James Molder, 11512 Chesapeake Drive, Reno, NV 89506

Action Order xc: Greg Salter, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; Susan Hood/John Cella, Department of Water Resources; Kimble Corbridge/Leo Vesely, Engineering Division; Amy Ray, Truckee Meadows Division, Reno Fire Department; Southwest Truckee Meadows Citizen Advisory Board, Chair.



Conditions of Approval

Administrative Permit Case No. AP12-008

The project approved under Administrative Permit Case No: AP12-008 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on December 6, 2012. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Department of Community Development.

Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.**

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Community Services Department, Planning and Development Division

1. The following conditions are requirements of the Department of Community Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, 775.328.3622

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. The Department of Community Development shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Department of Community Development.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- d. Best practice design guidelines shall be implemented to mitigate visual impacts. Architectural articulations shall be used to break-up long blank walls.
- e. Landscaping plans shall be submitted with the building permit application and shall include trees placed to provide visual breaks to long blank walls.
- f. There shall be complete screening of roof mounted HVAC equipment.
- g. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- g. All exterior lighting on the structure shall be down-shielded such that light is emitted downward only.
- h. The following **Operational Conditions** shall be required for the life of the development:
 - 1. This administrative permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - 2. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Department of Community Development.
 - 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Washoe County Community Services Department, Engineering Division

- 2. The following condition is a requirement of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.325.8032

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control, and slope stabilization. Placement or removal of any excavated materials shall be indicated on the site/grading plan. Silts shall be controlled on-site and not allowed to exit the property.

Truckee Meadows Fire Protection District

- 3. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

Contact Name – Amy Ray, 775.326.6005

- a. A residential fire sprinkler system and/or water for fire suppression shall be installed in the proposed structure due to the use and lack of water for fire suppression, per the Washoe County Code 60 and the IFC, in the area.
- b. Plans and/or permits for the residence shall be obtained and approved prior to the construction in accordance with Washoe County Code 60.

*** End of Conditions ***

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No.: AP 12-008	
Project Name (commercial/industrial projects only):			
Project Description: a new Detached Accessory Structure			
Project Address: 8895 Lakeside Drive			
Project Area (acres or square feet): 3240 sq. ft.			
Project Location (with point of reference to major cross streets AND area locator): West of Holcomb Ranch Ln. and Lakeside Dr. intersection			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
041-130-57	5.73		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case Nos. DADAR 11-02			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Gary L. Owens Trust		Name: James Molder	
Address: 3983 S. McCarran #258		Address: 11512 Chesapeake Dr.	
Reno, Nv	Zip: 89502	Reno, NV	Zip: 89506
Phone: 775-851-5486	Fax:	Phone: 775-843-9328	Fax:
Email: garylowens@yahoo.com		Email: gadaski21@gmail.com	
Cell:	Other:	Cell:	Other:
Contact Person: Gary Owens		Contact Person: James Molder	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Administrative Permit Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to administrative permits may be found in Article 808, Administrative Permits.

1. What is the type of project or use being requested?

The project being requested is the construction of a Mechanical/Storage building with a cool tunnel (for natural ventilation). The pressure tank for the well will be located in this building. There will be a separate battery/inverter room for the solar panels. This building will have a toilet and sink.

2. What currently developed portions of the property or existing structures are going to be used with this permit?

An existing barn/shop detached accessory structure will be adjacent/attached to the east of proposed detached accessory structure.

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

Power, water & sewer will be installed to this building however the site consist of existing utilities, sanitation & water.

4. What is the intended phasing schedule for the construction and completion of the project?

This will be constructed as one phase

5. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The project is mostly located up and inside the hillside which allows for cool storage of garden grown vegetables. The proposed mechanical/storage use is low intensity.

6. What are the anticipated beneficial aspects or effects your project will have on adjacent properties and the community?

The beneficial aspects of this project is that it has minimal visibility to adjacent properties.

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

This project should have no negative impacts on adjacent properties. Most of this building is underground and will no be visible to adjacent properties.

8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

The project will have minimal to no impact on the community, therefor see no need for voluntary conditions of approval to be imposed.

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

none

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

a landscape plan has not yet been developed at this time, although the owners plans are to have drought tolerant planting's in conjunction with natural vegetation. Also the owner plans for a defensible space (for fires) around entire project. The project also has intensive green roofs.

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

N/A

12. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

13. Utilities:

a. Sewer Service	Septic System
b. Water Service	Private Well

For most uses, the Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required:

c. Permit #		acre-feet per year	
d. Certificate #		acre-feet per year	
e. Surface Claim #		acre-feet per year	
f. Other, #		acre-feet per year	

i. Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources):

N/A

FLOOR PLAN NOTES

1. ALL DIMENSIONS ARE PROVIDED TO FACE UNLESS OTHERWISE NOTED TO FACE OF MEMBER.
2. ALL DIMENSIONS ARE PROVIDED TO FACE UNLESS OTHERWISE NOTED TO FACE OF MEMBER.
3. ALL DIMENSIONS ARE PROVIDED TO FACE UNLESS OTHERWISE NOTED TO FACE OF MEMBER.
4. PROVIDE WALL FLOOR FINISH AS REQUIRED.
5. ALL ELECTRICAL SHALL BE PERMITTED BY STATE LICENSED CONTRACTOR.

WALL LEGEND

- 1. 1/2" GYPSUM BOARD OVER 1/2" INSULATION
- 2. 1/2" GYPSUM BOARD OVER 1/2" INSULATION
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James Owen Resistor

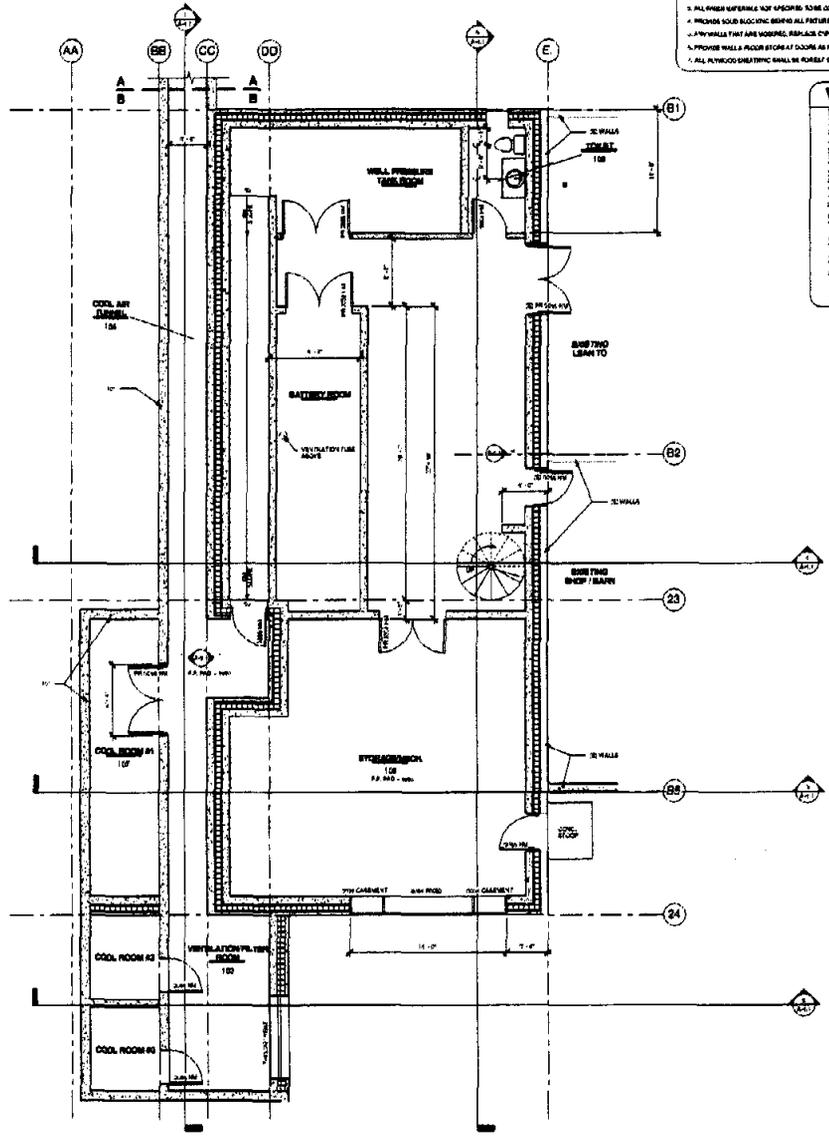
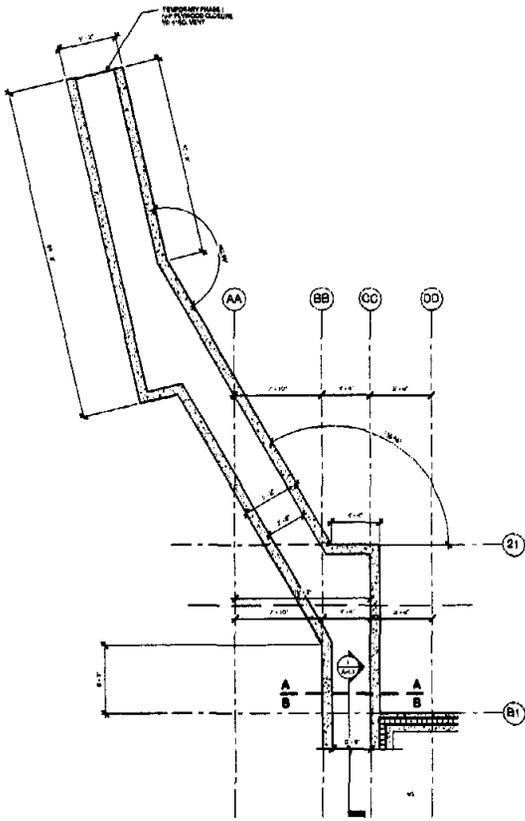
OWENS RESIDENCE
STORAGE / MECHANICAL BUILDING
8895 LAKEVIEW DRIVE
WASHOE COUNTY, NEVADA 89511

ADMINISTRATIVE PERMIT 11-1-2012

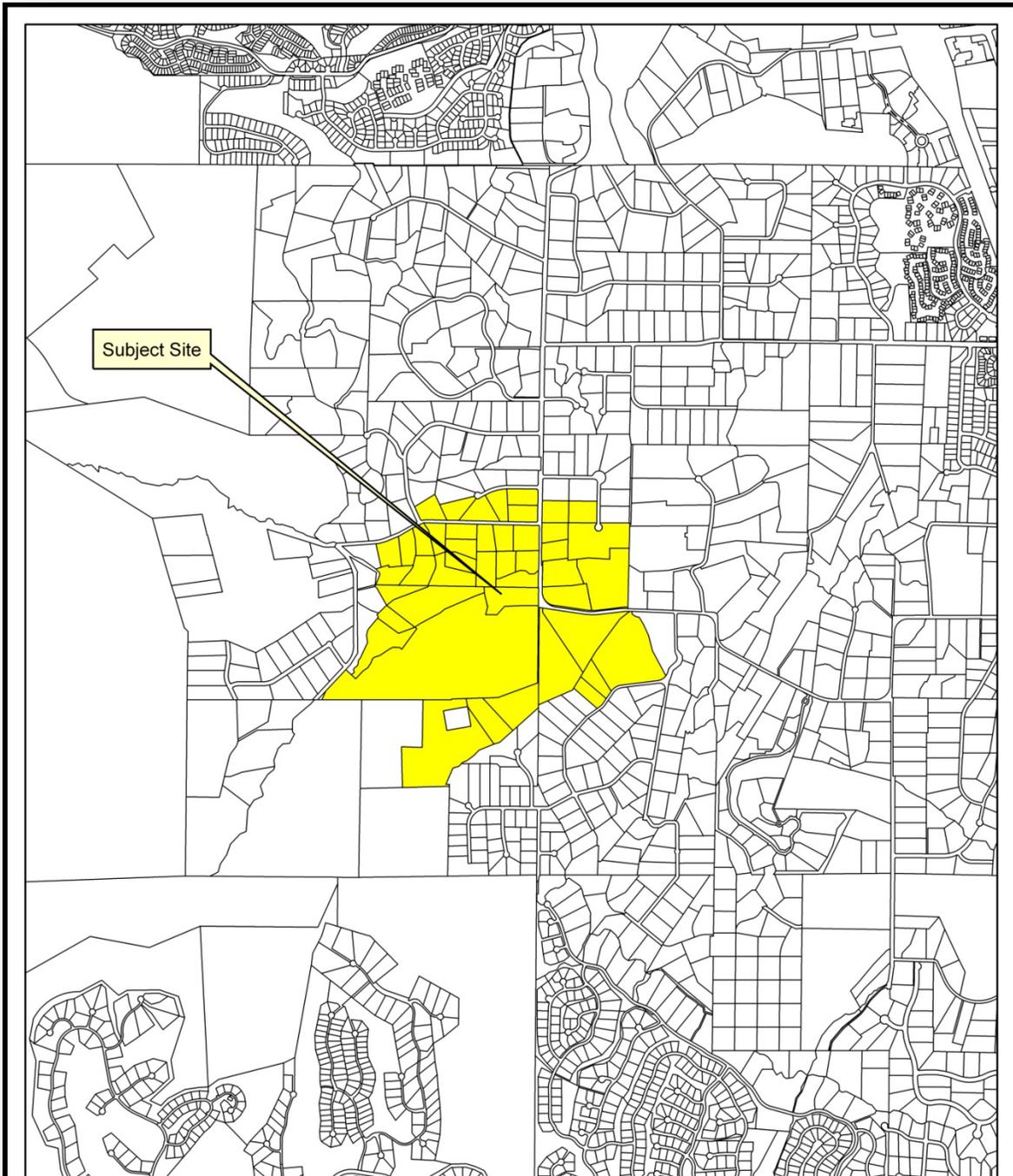
DATE	
REVISIONS	
NO.	
DESCRIPTION	
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BY	
CHECKED BY	
DATE	
BY	

PROJECT NO.	STORAGE/MECH PER 2.1
DATE	08/13/2008
BY	JAM
CHECKED BY	JAM
DATE	08/22/08
BY	JAM

BT 2.1



AP12-008 - Exhibit C - Public Notice Map



Mailing Label Map

Case No AP12-008
Gary Owens Detached Accessory Structure
46 Parcels selected at 1300 feet.



Department of
Community
Development
WASHOE COUNTY
NEVADA

Post Office Box 11130
Reno, Nevada 89520
(775) 328-3600

Source: Community Planning Services

Date: November 2012

Amy Ray
Fire Marshal



Tim Leighton
Division Chief

Charles A. Moore
Fire Chief

November 16, 2012

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Administrative Permit Case Number: AP12-008 Owens Trust

The Truckee Meadows Fire Protection District (TMFPD) will approve the above permit with the following conditions:

- A residential fire sprinkler system shall be installed in the proposed structure due to the use and lack of water for fire suppression, per the Washoe County Code 60 and the IFC, in the area.
- Plans and/or permits for the residence shall be obtained and approved prior to construction in accordance with Washoe County Code 60.

Please contact me with any questions at (775) 326-6005.

Thank you,

A handwritten signature in blue ink that reads "Amy Ray".

Amy Ray
Fire Marshal



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: November 19, 2012
TO: Roger Pelham, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **AP12-008**
APN 041-130-57
OWENS TRUST ACCESSORY STRUCTURE

I have reviewed the referenced administrative permit application and have the following condition:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control, and slope stabilization. Placement or removal of any excavated materials shall be indicated on the site/grading plan. Silts shall be controlled on-site and not allowed to exit the property.

LRV/Irv



Board of Adjustment Staff Report

Meeting Date: December 6, 2012

Subject: Administrative Permit Case No: AP12-009
Applicant: David Wood
Agenda Item No. 8C
Summary: To allow the construction of an accessory structure (garage and indoor play area) that will be larger in square footage than the proposed main dwelling.

Recommendation: Approval with Conditions

Prepared by: Grace Sannazzaro, Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3771
Email: gsannazzaro@washoecounty.us

Description

Administrative Permit Case No. AP12-009 – To allow the construction of an accessory structure (garage and indoor play area) that will be larger in square footage than the proposed main dwelling.

- Applicant/Property Owner: David Wood
- Project Location: 14085 Bihler Road, Reno, NV 89511
- Assessor's Parcel No: 142-241-19
- Parcel Size: ± 2.5 Acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 306, Accessory Uses and Structures
Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 30, T18N, R20E, MDM, Washoe County

Staff Report Contents

Description 1

Administrative Permit Definition 3

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Site Plan 5

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Elevations & Floor Plan of Main Dwelling 8

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Southwest Truckee Meadows Citizen Advisory Board.....10

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Staff Comment on Required Findings11

Recommendation.....12

Motion.....12

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Exhibits Contents

Conditions of ApprovalExhibit A

Southwest Truckee Meadows CAB Comments (2).....Exhibit B

Engineering Division Condition of Approval..... Exhibit C

Department of Water Resources Conditions of Approval Exhibit D

Truckee Meadows Fire Protection District Conditions of Approval.....Exhibit E

Public Notice MapExhibit F

Project Application Exhibit G

Amended Project Description..... Exhibit H

Administrative Permit Definition

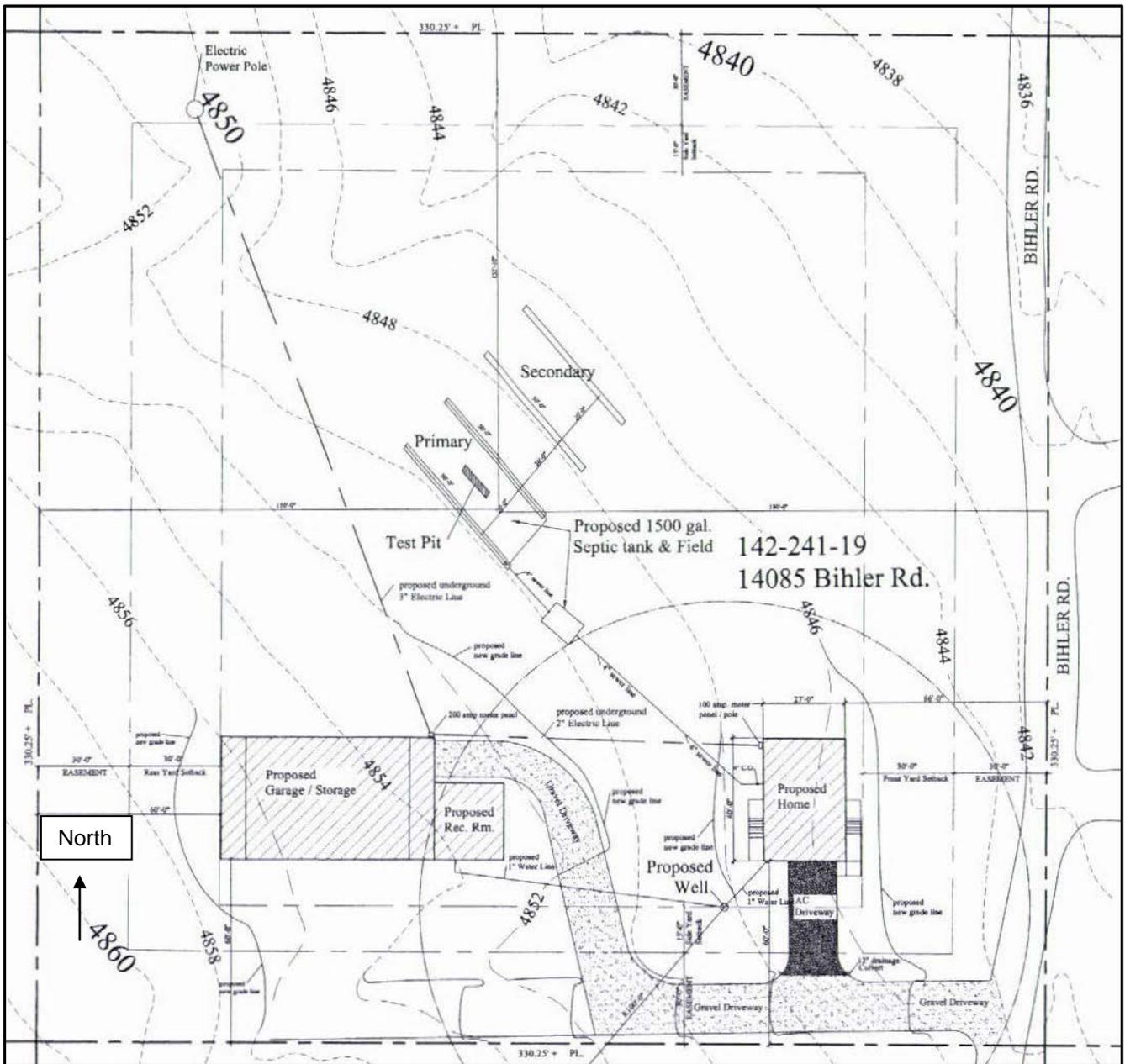
The purpose of an Administrative Permit is to provide a method of review for a proposed use which possesses characteristics that require a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Board of Adjustment may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an Administrative Permit, the Board of Adjustment must find that all of the required findings, if applicable, are true.

The Conditions of Approval for Administrative Permit Case No. AP12-009 are attached to this staff report and will be included with the Action Order.

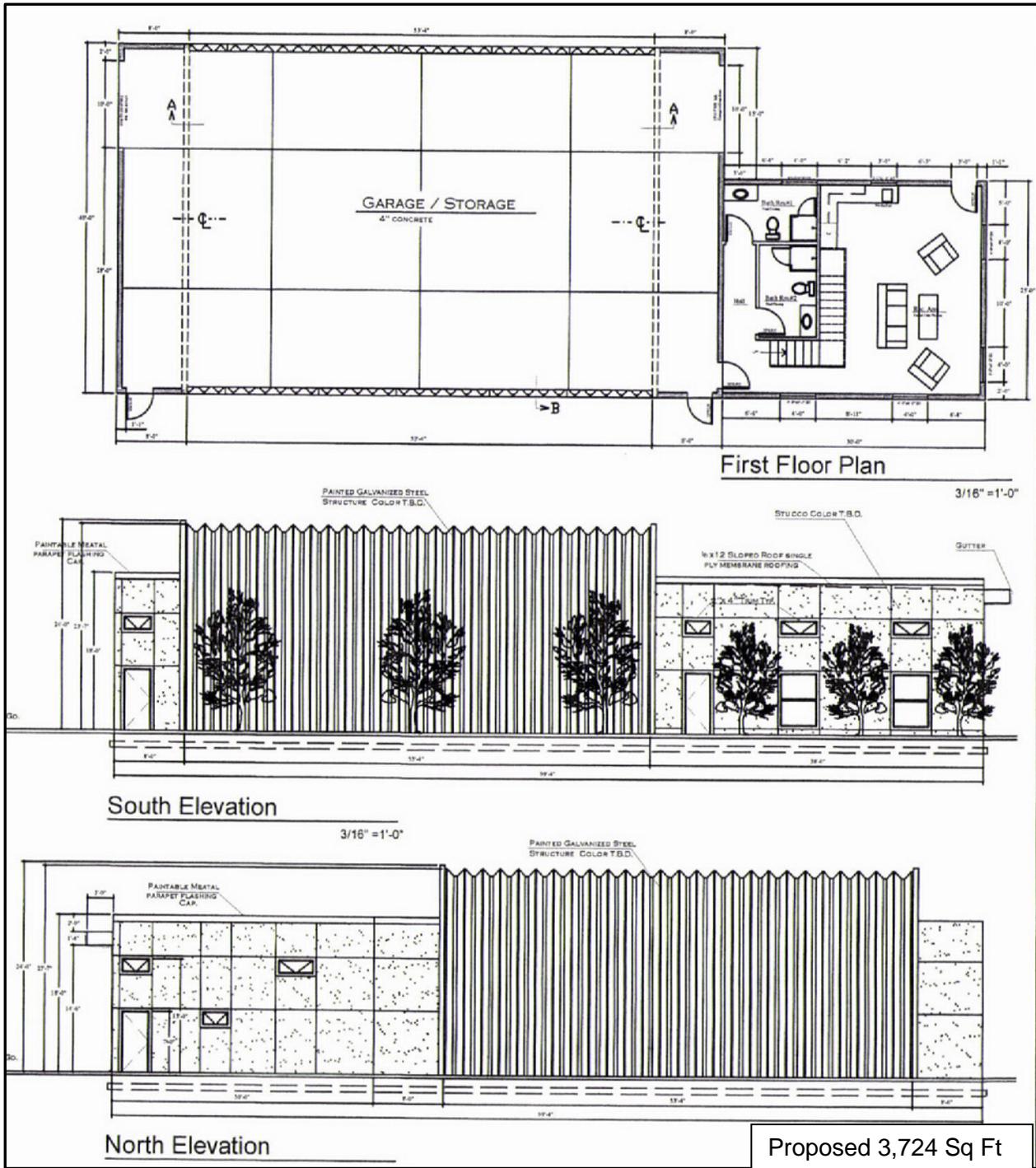


Vicinity Map

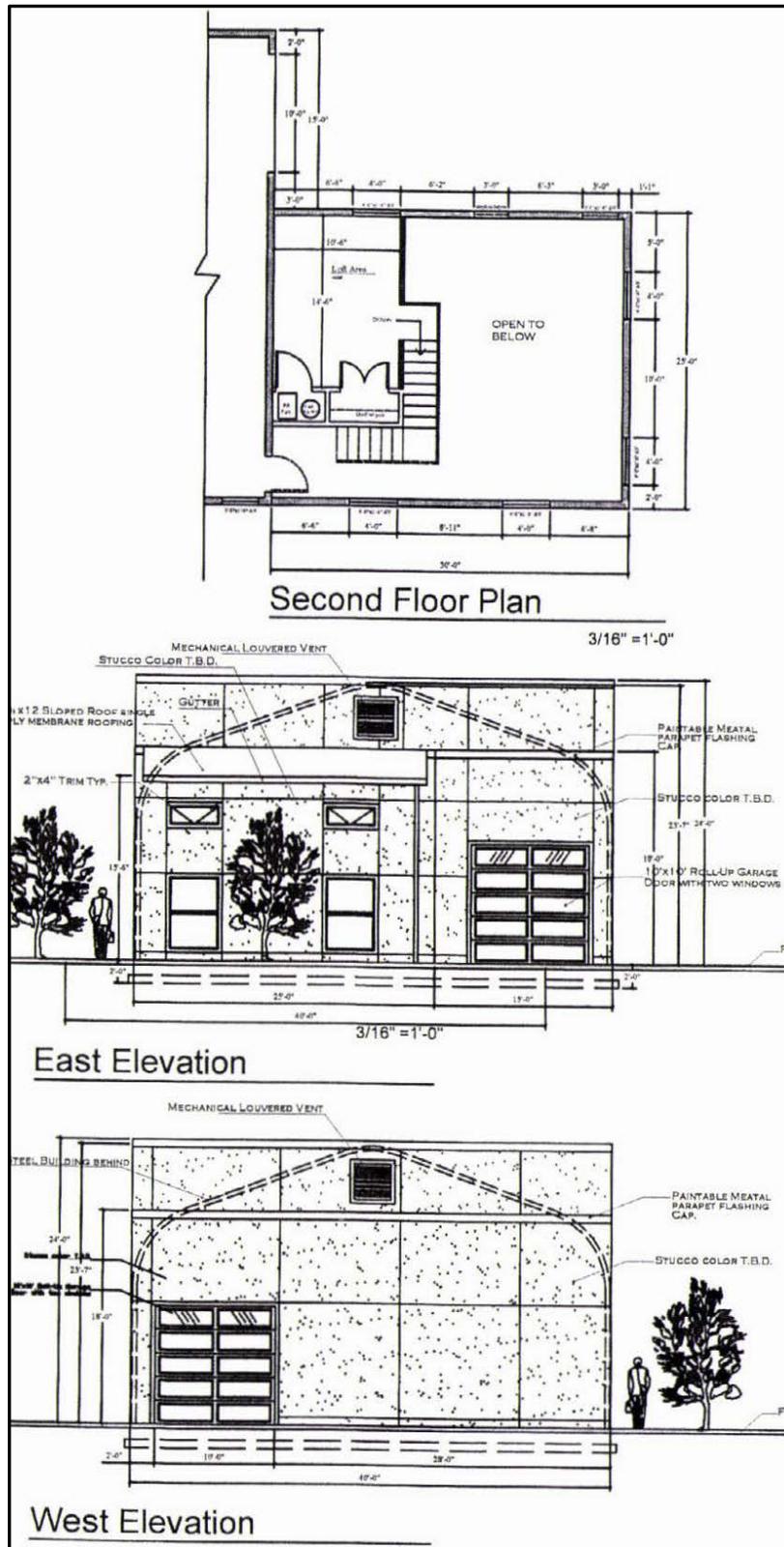
Subject Parcel Address: 14085 Bihler Road, Reno
Truckee Meadows Southwest Planning Area
Access to the subject parcel is roughly ¾ of a mile north of the Mount Rose Highway (SR 431).



Site Plan



Elevations & Floor Plan of Accessory Structure
(Cont'd on next page)



Elevations & Floor Plan of Accessory Structure (Cont'd)



Elevations & Floor Plan of Main Dwelling
(For information only. Not a part of this application.)

Project Evaluation

The applicant is requesting to construct a detached accessory structure larger in square footage than the main single family dwelling. Article 306, Accessory Uses and Structures, of the Washoe County Development Code states that a proposal to establish a detached accessory structure that is larger (i.e., has more square footage or a larger building footprint) than the main structure shall require the approval of an Administrative Permit pursuant to Article 808, Administrative Permits. The construction of a main residence does not require special review/approval and is allowed by right.

The applicant is requesting to construct a 3,725 square foot detached accessory structure alongside a 1,080 square foot single family dwelling on an undeveloped 2.5 acre parcel that has a regulatory zone designation of High Density Rural (HDR). The subject parcel is a part of the government homesites subdivision that is situated north of the Mount Rose Highway and south of Arrowcreek Parkway, and is within the Southwest Truckee Meadows Planning Area. Access to the subject parcel is off of the Mount Rose Highway to the north, through the Galena Estates subdivision, and onto a private unpaved access easement known as Bihler Road. The subject parcel is fairly level and the Southwest Truckee Meadows Development Suitability Map identifies the parcel as most suitable for development. Water and sewer will be provided by a new domestic well and septic system.

The surrounding parcels are government homesite parcels, all being approximately 2.5 acres and all are designated with High Density Rural (HDR) zoning. Two of the four adjacent parcels are developed with single family homes, each with their own domestic well and septic system. According to the Washoe County Assessor, the parcel adjacent to the west has a two story 4,233 square foot single family dwelling and a 1,320 square foot detached garage; the parcel adjacent to the east has a two story 4,123 square foot single family dwelling, and the parcels adjacent to the north and south remain undeveloped. The square footage of the proposed accessory structure will be in the same size range as the existing homes on the surrounding parcels. The proposed detached accessory structure will have a $\pm 2,780$ square foot garage/storage room, a ± 902 square foot recreation/play room, two full bathrooms, and a 152 square foot upstairs loft area. Article 306 of the Washoe County Development Code requires that the combined square footage of building footprints on any parcel with High Density Suburban (HDS) zoning cannot exceed 50% lot coverage. With the subject parcel being 2.5 acres (108,900 square feet), there is 54,450 square feet of allowed lot coverage available. The combined square footage of proposed building footprints (accessory structure and main dwelling) is $\pm 3,335$ square feet.

Section 110.304.15, Residential Use Types, of the Washoe County Development Code states that a detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure causes the structure to be considered as a detached accessory dwelling and it is then subject to accessory dwelling unit provisions. Therefore, the property owner will be required to sign and record a deed restriction prohibiting the proposed accessory structure from being used in a fashion that would constitute a secondary residence, a separate living space, or a detached accessory dwelling, with no kitchen facilities being installed.

Article 902 of the Washoe County Development Code defines "Kitchen" as a room or space within a room equipped with such electrical or gas hookup that would enable the installation of a range, oven, or like appliance using 220/40 volts or natural gas (or similar fuels, such as propane) for the preparation of food, and also containing either or both a refrigerator and sink

for the washing and/or disposal of food. The applicant had originally planned for both a kitchen and bathrooms in the accessory structure, but submitted an amended project description (Exhibit H) and omitted the kitchen on the floor plan after learning that installation of both a kitchen and a bathroom changes the classification of an accessory structure to an accessory dwelling. An accessory dwelling has its own requirements of which the applicant did not want to go through. The regulations for an accessory dwelling include a limited amount of square footage compared to the main house, and review and approval by the Director of Planning and Development.

The site plan submitted for this proposal shows the accessory structure (and the main house) will meet the required setbacks for High Density Rural (HDR) zoning, which are 30 feet for front/rear yards and 15 feet for side yards. The proposed accessory structure will not exceed the maximum height requirement of 35 feet. Plans for the accessory structure will go through the building permit process, which will involve review of plans by several departments/agencies for safety, health and welfare. As is customary, the accessory structure will not receive a final sign-off on the building permit until all building and safety requirements and conditions of approval related to the Administrative Permit are satisfied. With this in mind, Washoe County staff does not foresee that the proposed accessory structure would be a risk to public health, safety or welfare. Additionally, with the proposed accessory structure being similar in size to the two adjacent single family dwellings, staff does not expect that the proposed accessory structure would create any kind of substantial negative impact to the adjacent neighbors or to the surrounding neighborhood.

Southwest Truckee Meadows Citizen Advisory Board

Washoe County Code does not require Administrative permits to be presented at Citizen Advisory Board (CAB) meetings. However, the CAB board members were notified of the proposed accessory structure, and their comments, questions, and concerns were requested. Planning and Development staff received two replies from CAB members. One CAB member stated that they had no comment on the project and the other CAB member stated that the accessory structure is an appropriate use, and the property owner will need to follow any requirements of CC&R's or other guiding documents (Exhibit B).

Reviewing Agencies

The following five divisions/agencies received a copy of the project application for review and evaluation.

- Washoe County Planning & Development Division
- Washoe County Engineering Division
- Washoe County Department of Water Resources
- Washoe County Environmental Health Division
- Truckee Meadows Fire Protection District

The following four divisions/agencies responded with recommended conditions of approval in response to their evaluation of the project application. A **summary** of the recommended conditions of approval and contact information are provided below. Any question regarding a condition of approval should be directed to the specific contact person. The Conditions of Approval in their entirety are attached to this staff report and if the proposal is approved, they will be included with the Action Order.

- **Washoe County Planning and Development Division** is requiring a signed and recorded Deed Restriction to better ensure that the proposed detached accessory structure will not be used as a second dwelling unit.
Contact: Grace Sannazzaro, 775.328.3771, gsannazzaro@washoecounty.us
- **Washoe County Engineering Division** is requiring a complete set of construction improvement drawings and an onsite grading plan.
Contact: Leo Vesely, 775.328.8032, lvesely@washoecounty.us
- **Washoe County Department of Water Resources** is requiring installation of a meter near the well, submittal of total water usage to the Nevada State Engineer on an annual basis, and advised that no more than 2 acre feet per year of total water usage is allowed per Nevada Revised Statutes (NRS). The Nevada Division of Water Resources will determine a final agreement with the property owner.
Contact: John Cella, 775.954-4656, jcella@washoecounty.us
- **Truckee Meadows Fire Protection District** is requiring a residential fire sprinkler system in the detached accessory structure due to the lack of water in the area for fire suppression.
Contact: Amy Ray, Fire Marshal, 775.326.6005, aray@washoecounty.us

Staff Comment on Required Findings

Section 110.808.25 of Article 808, *Administrative Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the Administrative Permit. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. **Consistency.** That the proposed use of an accessory structure that is larger in square footage than the main dwelling is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan.

Staff Comment: The proposed accessory dwelling does not contradict the Goals or Policies of the Master Plan. This proposal supports Goal Three of the Land Use and Transportation Element of the Master Plan in that the proposed development will occur on an existing vacant lot that is within an existing Suburban Character Management Area. Additionally, this proposal does not conflict with the goals or policies of the Southwest Truckee Meadows Area Plan.

2. **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: The only improvements necessary for this proposal will be a private well and septic system; and power will be provided by NV Energy. Access will be from Bihler Road, which is an existing unpaved private road that adequately serves other homes.

3. Site Suitability. That the site is physically suitable for a large accessory structure and for the intensity of such a structure.

Staff Comment: The subject site consists of a parcel approximately 2.5 acres in size. The subject parcel is fairly flat, and is situated among other 2.5 acre parcels. The intensity of a 3,724 square foot structure is not unusual for the neighborhood. Two of the adjacent parcels are each developed with two story houses that exceed 4,000 square feet, and one of these parcels also has a 1,320 square foot detached accessory structure.

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.

Staff Comment: The proposed plans for the accessory structure (and main house) meet the required setbacks for the High Density Rural (HDR) regulatory zone, which are 30 feet for front/rear yards and 15 feet for side yards. The proposed accessory structure (and main house) will go through the building permit process, which means they will need to meet all of the regulations/requirements issued by the various reviewing agencies. Also, the square footage and design of the proposed accessory structure will not be out of character with the existing dwellings and accessory structures on adjacent parcels.

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.

Staff Comment: This condition is not applicable, as there is no military installation nearby.

Recommendation

Those agencies which reviewed the application have recommended conditions in support of approval of this project. Therefore, after a thorough analysis and review, Administrative Permit Case No. AP12-009 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move 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 Administrative Permit Case No. AP12-009 for David Wood, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways,

and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for a large accessory structure, and for the intensity of such an accessory structure;
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.

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant/Property Owner: David Wood, 8094 Anselmo Court, Reno, NV 89511

Consultant: Joe Snider, 2212 Longwood Drive, Reno, NV 89509

EXHIBIT A



Conditions of Approval

Administrative Permit Case No. AP12-009

The project approved under Administrative Permit Case No: AP12-009 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on December 6, 2012. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the District Health Department must be appealed to the District Board of Health.

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following are conditions of the Planning and Development Division, which shall determine compliance with these conditions.

Contact: Grace Sannazzaro, 775.328.3771, gsannazzaro@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
- b. No accessory structure shall be constructed prior to the construction of the main single family dwelling.
- c. The subject accessory structure shall not contain a kitchen as defined in Article 902 of the Washoe County Development Code.
- d. Prior to receiving approval of a building permit for the subject detached accessory structure, the property owner shall have their signature notarized on a *Deed Restriction and Covenant Against Use of Detached Accessory Structure as a Detached Accessory Dwelling Where Structure is Connected to Water or Wastewater Facilities* which is provided by the Planning and Development Division of Washoe County; and the property owner shall be responsible for recording the Deed Restriction and Covenant with the Washoe County Recorder's Office, and shall provide a conformed copy of the recorded document to the Planning and Development Division.
- e. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division.
- f. The applicant shall attach a copy of the Action Order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- g. Best practice design guidelines shall be implemented to mitigate visual impacts. Architectural articulations shall be used to break up long blank walls.

- h. There shall be complete screening of roof mounted HVAC equipment.
- i. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- j. The following **Operational Conditions** shall be required for the life of the development:
 - 1. This Administrative Permit shall remain in effect until or unless it is revoked or is inactive for one year.
 - 2. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.
 - 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with the Planning and Development Division to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify the Planning and Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Washoe County Engineering Division

- 2. The following condition is a requirement of the Engineering Division, which shall be responsible for determining compliance with this condition.

Contact: Leo Vesely, 775.325.8032, lvesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with Best Management Practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control, and slope stabilization. Placement or removal of any excavated materials shall be indicated on the site/grading plans. Silts shall be controlled on site and shall not be allowed to exit the subject property.

Washoe County Department of Water Resources (WCDWR)

3. The following conditions are requirements of the Department of Water Resources, which shall determine compliance with these conditions.

Contact: John Cella, 775.954-4656, jcella@washoecounty.us

- a. The combined water use from the well for the main residence and any accessory dwelling shall not exceed two (2) acre-feet per year as provided in Chapter 534.180 of the Nevada Revised Statutes (NRS).
- b. A totalizing meter shall be installed near the discharge of the well that provides water to the main residence and the accessory dwelling. This meter shall be easily accessible for meter reading by the Nevada State Engineer staff and maintained in good working order and shall be installed to measure all water pumped from the well for the purposes of this approval. No water shall be used by the accessory dwelling until the meter has been installed.
- c. The main residence and any accessory dwelling shall remain on the same parcel as determined by the County Assessors' records, or this authorization shall be rescinded.
- d. Water usage measurements from the totalizing meter must be submitted by the parcel owner to Nevada State Engineer no later than January 31st of each calendar year.
- e. The "Acceptance of Conditions and Approval for Domestic Water Well Use for an Accessory Dwelling" form (available from the Washoe County website) regarding accessory dwellings shall be completed and returned to WCDWR for approval, and WCDWR will send the request to the Nevada State Engineer. The Nevada Division of Water Resources will determine the final agreement with the owner of the property.

Truckee Meadows Fire Protection District

4. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

Contact: Amy Ray, Fire Marshal, 775.326.6005, aray@washoecounty.us

- a. A residential fire sprinkler system shall be installed in the proposed structure due to the use and lack of water for fire suppression in the area, per the Washoe County Code 60 and the International Fire Code.
- b. Plans and/or permits for the residence shall be obtained and approved prior to construction in accordance with Washoe County Code 60.

*** End of Conditions ***

Washoe County Citizen Advisory Boards CAB Member Worksheet



NOV 15 2012

Citizen Advisory Board: SOUTH WEST TRUCKEE MEADOWS.

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Meeting Date (if applicable): _____

Topic or Project Name (include Case No. if applicable): CASE # AP12-008 & AP12-009.

Please check the appropriate box:

My comments were (or) were not discussed during the meeting.
INFORMATION PROVIDED VIA E-MAIL

Identified issues and concerns:

NO SPECIFIC CONCERNS REGARDING THESE APPLICATIONS OTHER THAN:

- AESTHETIC CONSIDERATIONS IF NEAR ADJACENT PROPERTIES INCLUDING PROTECTION OF VIEWS AS PROVIDED FOR IN CCR'S OR OTHER GUIDING DOCUMENTS.
- APPROPRIATE USE.

Suggested alternatives and/or recommendations:

Name BRIAN D. WAEVER
(Please Print)

Date: 11/12/12

Signature: [Handwritten Signature]

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

If you would like this worksheet forwarded to your Commissioner, please include his/her name.
Commissioner's Name: HUMKE

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office
Attention: CAB Program
Post Office Box 11130, Reno, NV 89520-0027
Fax: 775.328.2037;
Email: cab@washoecounty.us

Sannazzaro, Grace

From: Richard Wood [r.d.wood@live.com]
Sent: Thursday, November 15, 2012 2:42 PM
To: CAB
Cc: Leuenhagen, Nancy; Tone, Sarah M; Webb, Bob; Spinola, Dawn; Sannazzaro, Grace
Subject: RE: Amended Description to (Administrative Permit Case No AP12-009 – Wood)

Importance: High

I have no comment on this project.

Richard D. Wood, Architect/Landscape Architect

1075 La Guardia Lane, Reno, NV 89511
(775) 825 3892 Office • (775) 852-7888 Fax
R.D.Wood@Live.com • www.RDWoodOnline.com

From: cab@washoecounty.us
To: cab@washoecounty.us
CC: NLeuenhagen@washoecounty.us; STone@washoecounty.us; bwebb@washoecounty.us; DSpinola@washoecounty.us; GSannazzaro@washoecounty.us
Subject: Amended Description to (Administrative Permit Case No AP12-009 – Wood)
Date: Thu, 8 Nov 2012 22:00:28 +0000

Dear Southwest Truckee Meadows CAB Members:

Per the request of the planner, Grace Sannazzaro, I have also attached an amended description to the Development Application: **AP12-009 - David Wood** that was previously sent to you. Should you have any questions or concerns regarding this email, please feel free to contact Ms. Sannazzaro or myself directly.

Following is the information for: AP12-009

Case Title: Administrative Permit Case No AP12-009 – Wood

Link to Application: http://www.washoecounty.us/comdev_files/bc/bc_boa_2012_cases/ap12009app.pdf

Case Planner: Grace Sannazzaro, Planner

Phone: 775.328.3771

Email: gsannazzaro@washoecounty.us

Mailing Address: Community Services Department, PO Box 11130, Reno, NV 89520

Thank you,

Andrea Tavener
Community Relations
Washoe County Manager's Office
p: (775) 328-2720
f: (775) 328-2037
atavener@washoecounty.us



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: November 19, 2012
TO: Grace Sannazzaro, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **AP12-009**
APN 142-241-19
WOOD ACCESSORY STRUCTURE

I have reviewed the referenced administrative permit application and have the following condition:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control, and slope stabilization. Placement or removal of any excavated materials shall be indicated on the site/grading plan. Silts shall be controlled on-site and not allowed to exit the property.

LRV/lrv



EXHIBIT D

November 07, 2012

**Washoe County
Department of
Water Resources**

4930 Energy Way
Reno, NV 89502
Tel: 775-954-4600
Fax: 775-954-4610

To: Grace Sannazzaro, Planner; Community Development

From: John Cella, Engineering Tech; Department of Water Resources

Subject: **AP12-009 David Wood**

The Department of Water Resources (DWR) has reviewed the subject application and has the following comments:

1. The applicant is proposing the installation of a Mobile Home (main dwelling) and the construction of an Accessory Dwelling. The parcel size is ± 2.5 acres, located at 14085 Bihler Road in the Southwest Truckee Meadows Area Plan.
2. Water and sewer will be provided by a new domestic well and septic system.

The Department of Water Resources (DWR) has reviewed the subject application and recommends approval with the following condition:

1. The combined water use from the well for the main residence and any accessory dwelling shall not exceed two (2) acre-feet per year as provided in Chapter 534.180 of the Nevada Revised Statutes (NRS).
2. A totalizing meter shall be installed near the discharge of the well that provides water to the main residence and the accessory dwelling. This meter shall be easily accessible for meter reading by the Nevada State Engineer staff and maintained in good working order and shall be installed to measure all water pumped from the well for the purposes of this approval. No water shall be used by the accessory dwelling until the meter has been installed.
3. The main residence and any accessory dwelling shall remain on the same parcel as determined by the County Assessors' records, or this authorization shall be rescinded.
4. Water usage measurements from the totalizing meter must be submitted by the parcel owner to Nevada State Engineer no later than January 31st of each calendar year.
5. The "Acceptance of Conditions and Approval for Domestic Water Well Use for an Accessory Dwelling" form (available from the Washoe County website) regarding accessory dwellings shall be completed and returned to WCDWR for approval, and WCDWR will send the request to the Nevada State Engineer. The Nevada Division of Water Resources will determine the final agreement with the owner of the property.

/jc

Department of



Water Resources



Amy Ray
Fire Marshal

Tim Leighton
Division Chief

Charles A. Moore
Fire Chief

November 16, 2012

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Administrative Permit Case Number: AP12-009 Wood

The Truckee Meadows Fire Protection District (TMFPD) will approve the above permit with the following conditions:

- A residential fire sprinkler system shall be installed in the proposed structure due to the use and lack of water for fire suppression, per the Washoe County Code 60 and the IFC, in the area.
- Plans and/or permits for the residence shall be obtained and approved prior to construction in accordance with Washoe County Code 60.

Please contact me with any questions at (775) 326-6005.

Thank you,

A handwritten signature in blue ink that reads "Amy Ray".

Amy Ray
Fire Marshal

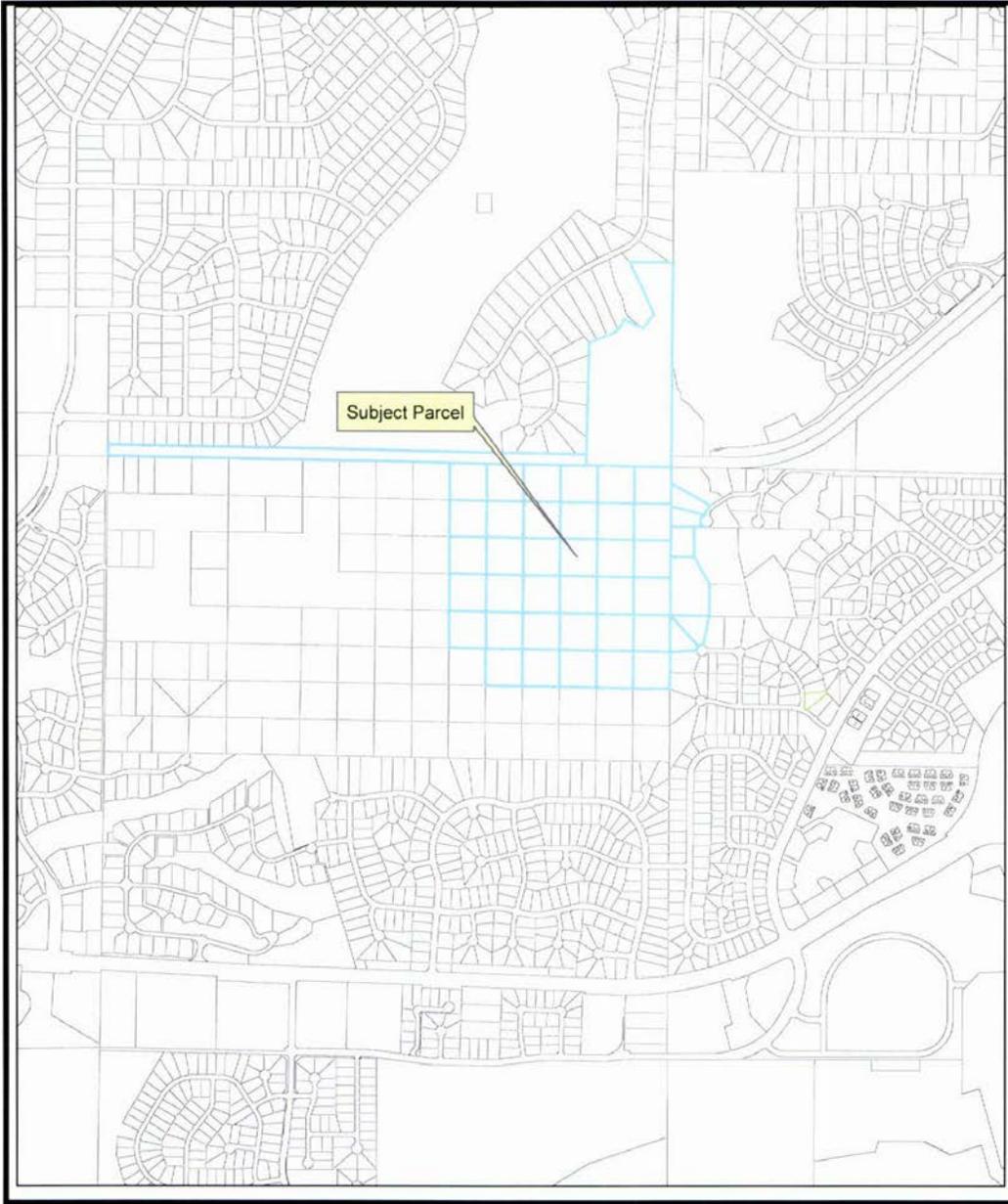
TRUCKEE MEADOWS FIRE PROTECTION DISTRICT

1001 E. Ninth St. Bldg D 2nd Floor • Reno, Nevada 89512 • PO Box 11130 • Reno, Nevada 89520
Office 775.326.6000 Fax 775.326.6003

Exhibit F

Public Notice

Washoe County Code requires that public notification of an Administrative Permit be mailed to a minimum of 30 separate property owners within a minimum 500 foot radius of the subject property. This proposal was noticed within a 750 foot radius of the subject property, noticing 36 separate property owners at least 10 days prior to the public hearing date.



Noticing Map

For Administrative Permit Case No. AP12-009

EXHIBIT G

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No.: <u>AP12-009</u>	
Project Name (commercial/industrial projects only):			
Project Description: <u>DAVID WOOD Developing personal Residence with 2008 Mobile Home and a Large Storage Building with a Guest House.</u>			
Project Address: <u>14085 Bihler Road Reno NV 89511</u>			
Project Area (acres or square feet): <u>2.5 Acres</u>			
Project Location (with point of reference to major cross streets AND area locator):			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
<u>142-241-19</u>	<u>2.5 Acres</u>		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case Nos.			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: <u>DAVID WOOD</u>		Name: <u>JOE SNIDER</u>	
Address: <u>8094 ANSELMO CT</u> <u>RENO NV</u> Zip: <u>89523</u>		Address: <u>2212 LONGWOOD DR</u> <u>RENO NV 89509</u> Zip: <u>89509</u>	
Phone: <u>775-219-6514</u> Fax:		Phone: <u>775-827-8713</u> Fax:	
Email: <u>DAVIDLWOOD@LIVE.COM</u>		Email: <u>JWS1450@ADL.COM</u>	
Cell: <u>775-219-6514</u> Other:		Cell: <u>775-232-0959</u> Other:	
Contact Person: <u>DAVID WOOD</u>		Contact Person: <u>JOE SNIDER</u>	
Applicant/Developer:		Other Persons to be Contacted:	
Name: <u>DAVID WOOD</u>		Name:	
Address: <u>8094 ANSELMO CT</u> <u>RENO NV</u> Zip: <u>89511</u>		Address:	
Phone: <u>775-219-6514</u> Fax:		Phone:	
Email: <u>DAVIDLWOOD@LIVE.COM</u>		Email:	
Cell: <u>775-219-6514</u> Other:		Cell:	
Contact Person: <u>DAVID WOOD</u>		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Administrative Permit Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to administrative permits may be found in Article 808, Administrative Permits.

1. What is the type of project or use being requested?

ADMINISTRATIVE PERMIT TO ALLOW
FOR A LARGER GARAGE/STORAGE
~~OR~~ THAN THE PROPOSED HOME
HOME 1080 SQ FT.
GARAGE/STOR 3525 SQ FT.
LFT 199 SQ FT.

2. What currently developed portions of the property or existing structures are going to be used with this permit?

PROPERTY IS NOT DEVELOPED
NO STRUCTURES

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

PROPOSED

- 1) RESIDENCE (MANUF. HOUSE w/ FOUNDATION)
- 2) GARAGE/STOR/REC. AREA
- 3) WELL (DOMESTIC USE)
- 4) SEPTIC SYSTEM (TANK + FIELD)
- 5) ELECTRIC SERVICE (UNDERGROUND)
- 6) DRIVEWAY TO HOME + GARAGE (GRAVEL)

4. What is the intended phasing schedule for the construction and completion of the project?

SETTING HOME W/ PERMITS, DRILL WELL,
INSTALLING SEPTIC SYSTEM, INSTALLING
ELECTRICAL UTILITIES, BUILDING GARAGE
& STORAGE.

5. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

LARGE PROPERTY W/ EXTRA LARGE
SETBACKS (MIN 30' ALL SIDES
FOR EASEMENTS AND 30' FRONT & REAR
SETBACKS FROM EASEMENTS W/ 15' SETBACKS
FROM EASEMENTS ON SIDES)

6. What are the anticipated beneficial aspects or effects your project will have on adjacent properties and the community?

(NONE) WE ANTICIPATE, ALL ADJACENT
PROPERTIES ARE AS LARGE AND
SETBACKS ARE THE SAME.

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

BUILDINGS WILL BE PAINTED NATURAL
COLORS (EARTH COLORS) TO MATCH
NATIVE PROPERTY

8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

LARGE GARAGE - 2 SPACES @ HOME
NA OFF SITE

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

N/A

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

N/A

12. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

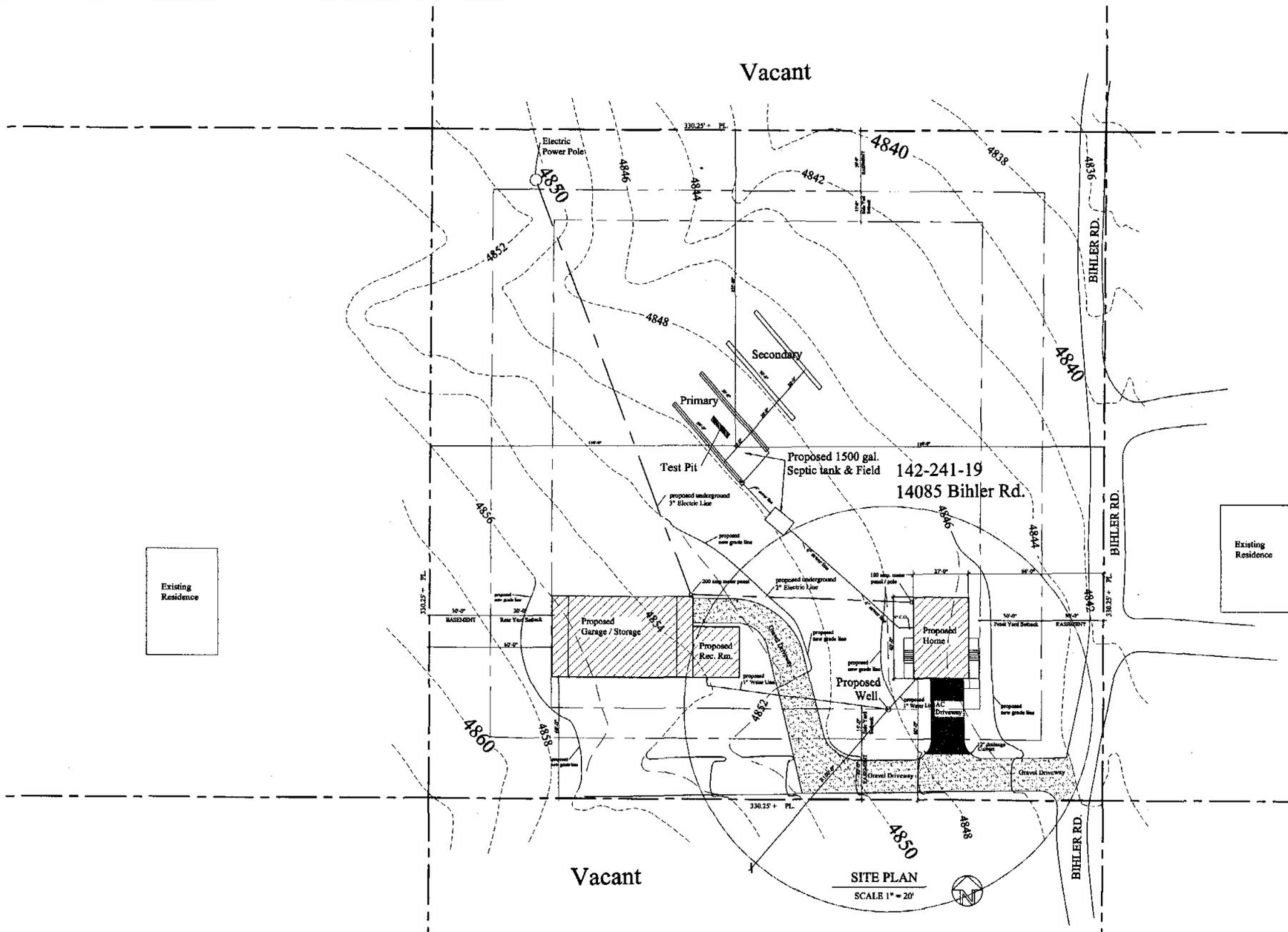
13. Utilities:

a. Sewer Service	BY OWNER
b. Water Service	BY OWNER

For most uses, the Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required:

c. Permit #		acre-feet per year	
d. Certificate #		acre-feet per year	
e. Surface Claim #		acre-feet per year	
f. Other, #		acre-feet per year	

i. Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources):



Revised By

JOSEPH W. SNIDER ARCHITECT
 2212 LONGWOOD DRIVE
 RENO, NV. 89509 (775) 827-8713
 ARCHITECT

David Wood Resid. Garage/Stor.
 14085 Bihler
 Reno, Nv. 89521

Date: 11-1-12

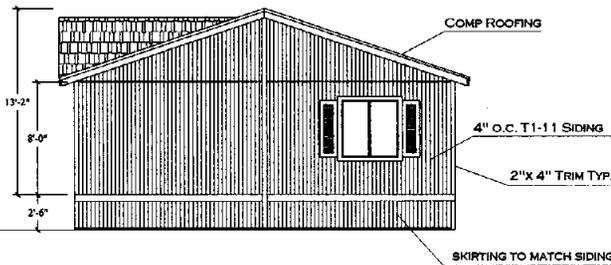
Sheet No.

a0



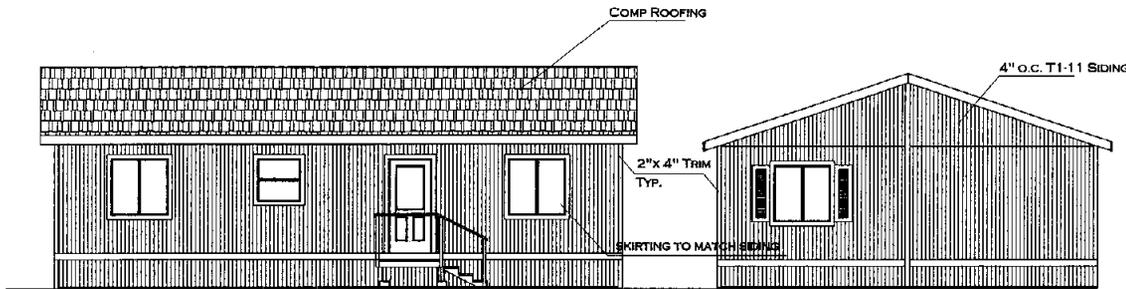
East Elevation

1/4" = 1'-0"



North Elevation

1/4" = 1'-0"

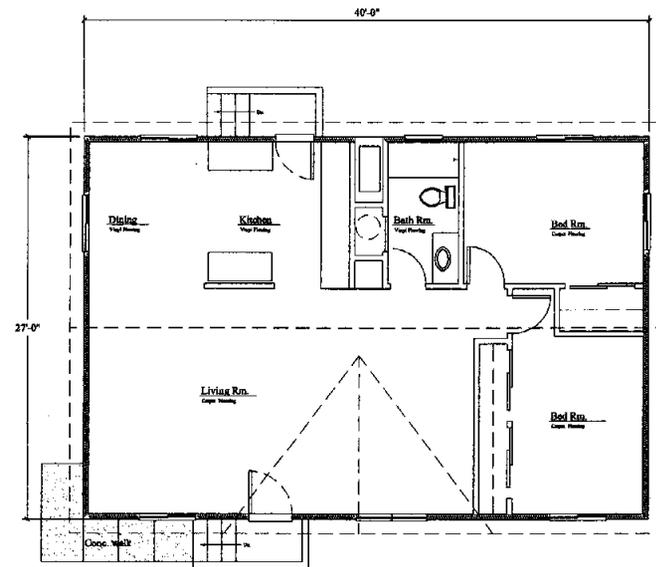


West Elevation

1/4" = 1'-0"

South Elevation

1/4" = 1'-0"



Floor Plan

1/4" = 1'-0"

Revised 2/3

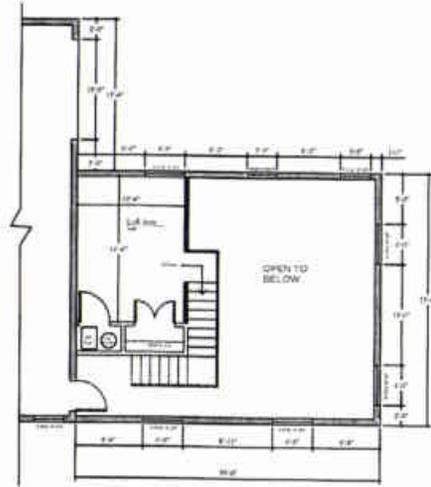
JOSEPH W. SNIDER ARCHITECT
2212 LONGWOOD DRIVE
RENO, NV. 89509 (775) 827-8713

ARCHITECT

David Wood Resid. Garage/ Stair.
4085 Plumer
Reno, Nv. 89521

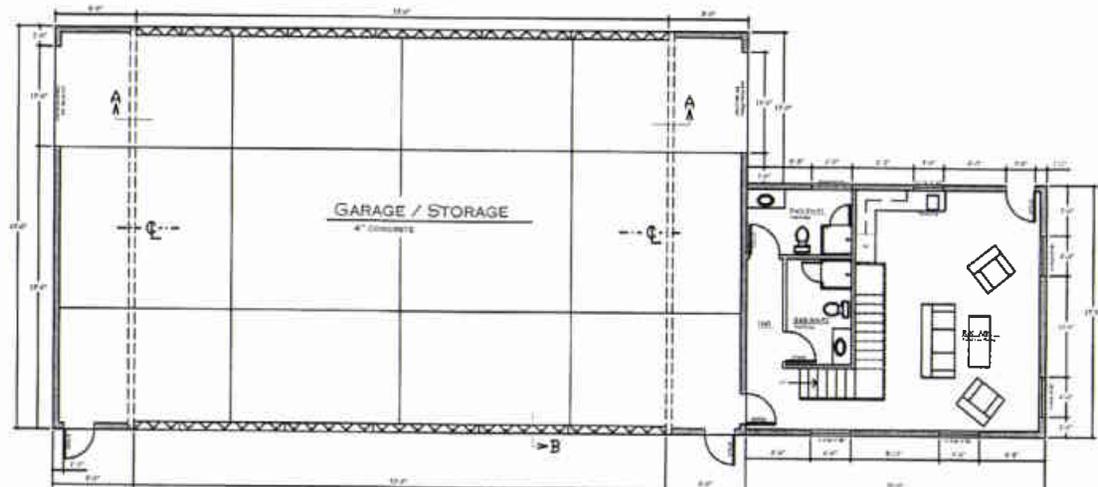
Nov. 1, 2012
Drawn by JWS
Ck by
Date 1/24/10

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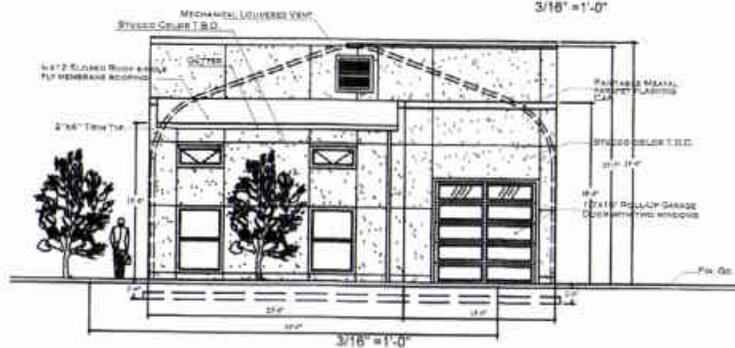
Second Floor Plan

3/16" = 1'-0"



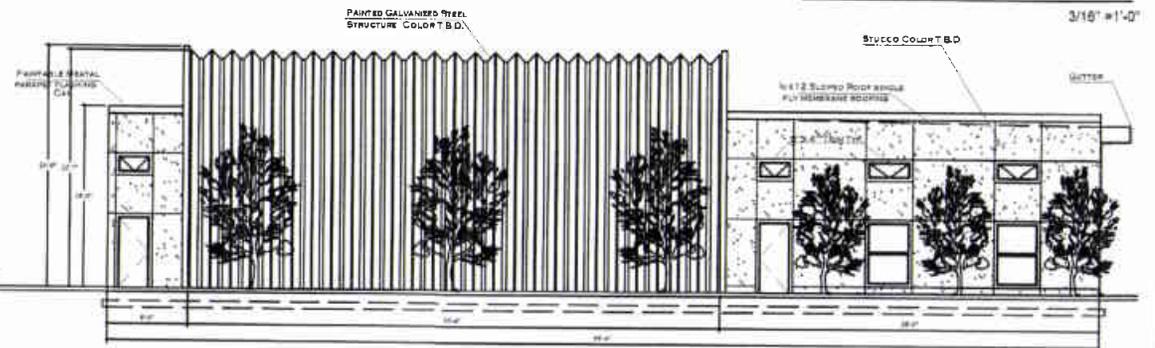
First Floor Plan

3/16" = 1'-0"



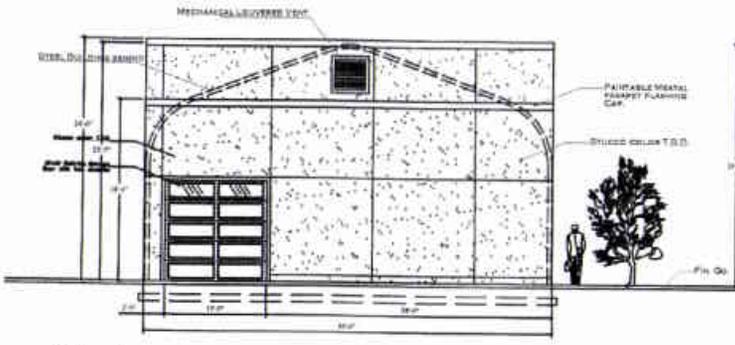
East Elevation

3/16" = 1'-0"



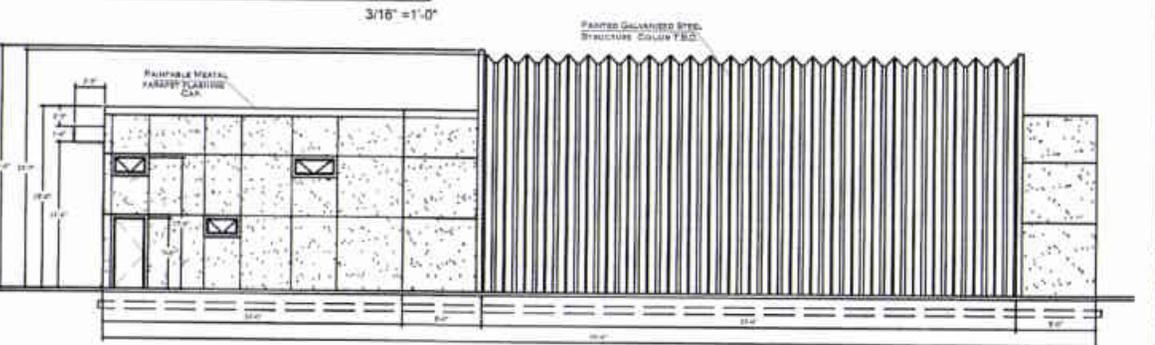
South Elevation

3/16" = 1'-0"



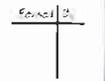
West Elevation

3/16" = 1'-0"



North Elevation

3/16" = 1'-0"



JOSEPH W. SNIDER ARCHITECT
2212 LONGWOOD DRIVE
RENO, NV. 89509 (775) 827-8713

ARCHITECT

David Wood Resid. Garage/ Stor.
14085 Bitter
Reno, Nv. 89521

DATE	01.20.11
BY	JMS
APP	
SCALE	AS SHOWN

a2

EXHIBIT H

From the Desk of David L. Wood

Dear Washoe County, Ms. Grace Sannazzaro, and To Whom It May Concern:

This is David Wood attesting that the "Project Description" on page 1 of the application at 14085 BIHLER Road APN 142-241-19 is no longer valid and that I David Wood as the property owner am now proposing a large garage/storage building which will include rooms for indoor recreation; it will be used for my family and 4 kids to enjoy. The plan is to use all the property for our family's enjoyment and we have no plans for anything else. It will not be used as a secondary dwelling, guest house or anything of the like.

Sincerely;



NOV. 8, 2012

David L Wood



Administrative Permit Staff Report

Meeting Date: December 6, 2012

Subject: Administrative Permit Case No: AP12-010
Applicant(s): Robert and Joan Newman
Agenda Item No. 8E
Summary: To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 3935 White Pine Drive, in conjunction with the existing single family residence.
Recommendation: Approval with Conditions
Prepared by: Eva M. Krause- AICP, Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3796
E-Mail: ekrause@washoecounty.us

Description

Administrative Permit Case No AP12-010 – To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 3935 White Pine Drive, in conjunction with the existing single family residence.

- Applicant/ Property Owner Robert and Joan Newman
- Location: 3935 White Pine Drive
- Assessor's Parcel No: 050-482-20
- Parcel Size: 1.25 acres
- Master Plan Category: SR
- Regulatory Zone: LDS/TR (Low Density Suburban/Trailer overlay)
- Area Plan: South Valleys
- Citizen Advisory Board: East Washoe Valley
- Development Code: 110.310.35(g)
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 6, T16N, R20E, MDB&M, Washoe County, NV

Staff Report Contents

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Administrative Permit Definition

The purpose of an Administrative Permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment or the Hearing Examiner may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Hearing Examiner or the Board of Adjustment must find that all of the required findings, if applicable, are true.

The Conditions of Approval for Administrative Permit Case No. AP12-010 is attached to this staff report and will be included with the Action Order.

Washoe County Code Section Addressing Temporary Occupancy for the Care of the Infirm

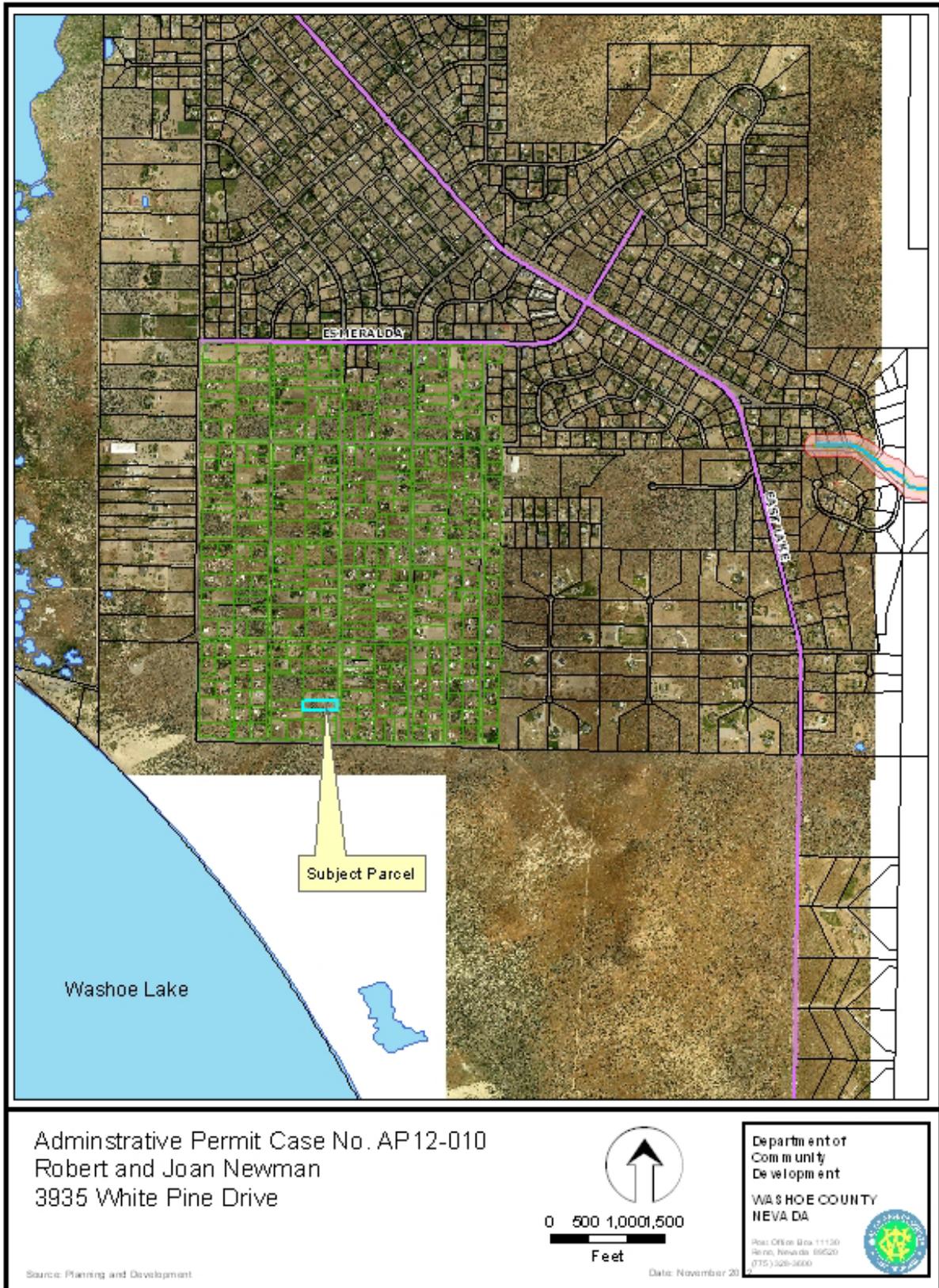
Article 310 Temporary Uses and Structures

Section 110.310.00 Purpose. The purpose of this article, Article 310, Temporary Uses and Structures, is to establish allowed temporary uses and structures, and standards and conditions for regulating same.

Section 110.310.05 Site Plan Required. For any temporary use subject to the provisions of this article, excluding temporary contractor's offices used to manage the construction of a project, a site plan shall be prepared and presented to the satisfaction of the Director of Community Development. Such site plan shall indicate the location of any permanent uses and structures on the parcel, the temporary use and any temporary structures, all vehicular access points proposed for the temporary use, the location of all required parking, and the location of adequate restroom facilities for the temporary use.

Section 110.310.35 Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles.

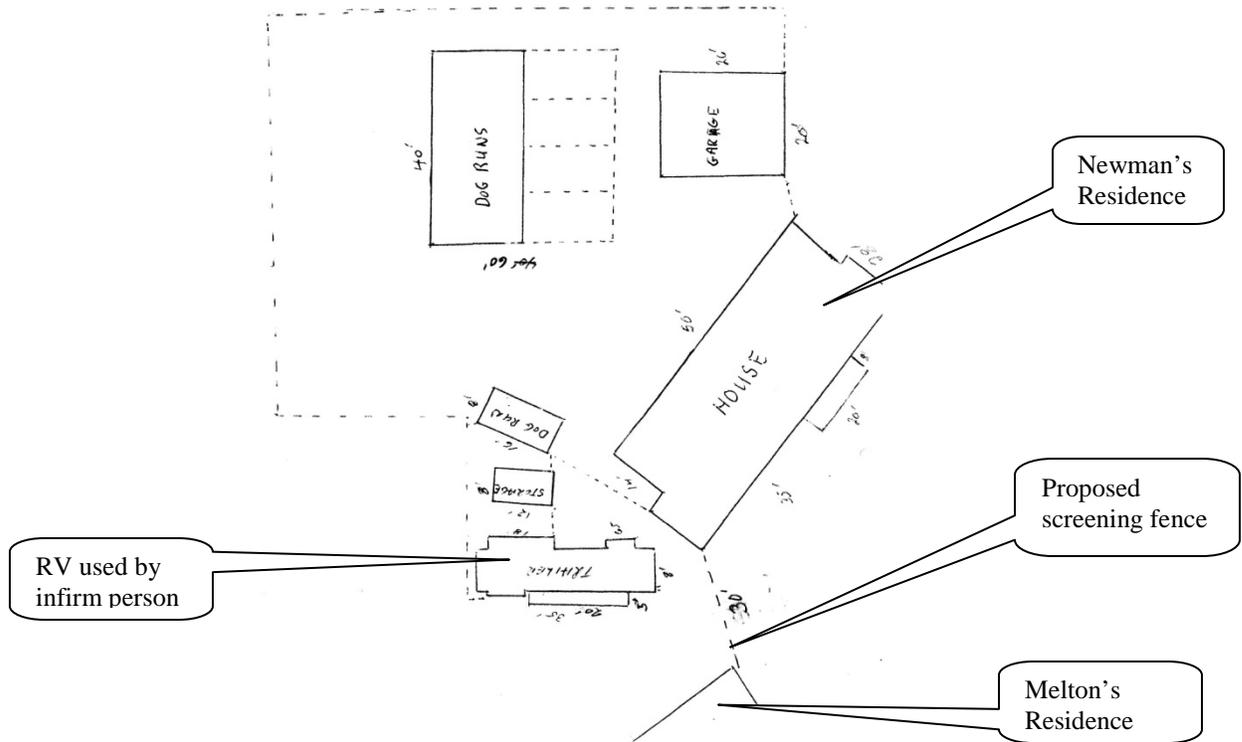
- (g) **Temporary Occupancy for the Care of the Infirm.** One (1) self-contained travel trailer or recreational vehicle may be occupied as a legal use for person(s) responsible for the care of an infirm resident of a permanent single-family dwelling. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied. The administrative permit application shall include a signed affidavit from a Nevada licensed physician identifying the need for such on-premise care. The administrative permit must be renewed on an annual basis to ensure that the need for such on-premise care still exists. The travel trailer or recreational vehicle shall be located on the parcel to provide as much screening as practical from being viewed from the street. No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material. Any temporary utility connections shall be to the satisfaction of the Building and Safety Division.



Vicinity Map



Aerial Photo



Site Plan

Project Evaluation

A complaint was filed concerning several different sites in east Washoe Valley, about people living in RVs in a residential area. Upon investigation, one of the properties identified was the Newman's home. When asked Mrs. Newman's stated that her sister, Ms. Chaffin, was living in the RV, so that the Newman's could assist her with her physical needs. The Code Enforcement Officer asked the Newman's to contact Planning and Development and look into obtaining an administrative permit for Temporary Use of an RV for Care of the Infirm.

Washoe County Codes permit the temporary use of a recreational vehicle as living quarters for caregivers of an infirm person. The intent was to enable people to have around the clock assistance without having to live with the infirm. According to a staff member who recalled when the code was amended, the code specified that the care givers could live in the RV, thereby preventing the care giver from placing the infirm person in a trailer that wasn't suitable for habitation. In this case the RV is proposed to be used by the infirm person. Ms. Chaffin (the infirm person) owns the RV and wants to live in her own home. The RV is a 1995 Holiday Rambler Imperial Custom 5th wheel with 3 pull-outs. The RV is 8-feet wide (not including the pull-out space) and 35 feet long. As a discretionary permit the board is tasked with "reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation or facilities in the vicinity."¹ The impact on the surrounding property owners does not change if the RV is used as living quarters for the infirm person or the caregivers. As part of the discretionary permit, the applicant and the infirm person (Ms. Chaffin) is requesting that she be allowed to live in her RV in its present location, where she has her family to support her.

Ms. Chaffin has several medical conditions including a heart condition, back injury and other health problems that limit her ability to live on her own. In order for Ms. Chaffin to maintain her personal living space and as much independence as possible, she had her RV located next to the Newman's residence putting her in close proximity to family members who can assist her with her physical needs. The RV is located on the south side of the Newman's house. The property south of the Newman's is owned by Mr. Newman's sister, Ms. Melton. In accordance with the requirement to screen the RV from the street², the Newman's have proposed to build a 6-foot fence between the Newman's and Melton's residences.

The RV has been located on the property for several years and a front deck with stairs and a ramp were added for better access. The deck in front of the RV is close to the property line, and possibly on Ms. Melton's property. As a temporary use, the siting requirements do not call for maintaining setbacks, and since Ms. Melton has not objected to the location of the deck and RV, staff recommends that the RV and deck remain in its present location until the use is no longer permitted. Once the permitted use has been discontinued, the conditions of approval require the deck be removed.

Staff has included several conditions of approval to give surety that once Ms. Chaffin no longer needs assistance or vacates the RV, that the use of the RV as living quarters will be discontinued. In addition, the Board of Adjustment "may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse

¹Washoe County Development Code Section 110.808.00 Special Use Permit, Purpose

² Washoe County Development Code Section 110.310.35 Temporary Occupancy for Care of the Infirm

effects of a use or to specify the terms under which commencement and operation of the use must comply.”³



Ms. Chaffin's RV located along side the Newman's residence.

East Washoe Valley Citizen Advisory Board (EWVCAB)

Administrative permits are not required by Washoe County Code to be presented at a Citizen Advisory Board meeting. The application packet was sent to the board members for review and comment. No comments were received.

A Courtesy Notice was also sent to the surrounding property owners (32 people) notifying them of the Newman's request. Staff has not received any request for additional information or comments from the neighbors.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services, Planning and Development Division
 - Planning
 - Building and Safety

³ Washoe County Development Code Section 110.808.00 Special Use Permit, Purpose

- Washoe County Community Services, Engineering and Capital Projects Division
 - Engineering
 - Utility Services
- Washoe County Health District, Environmental Health Services
- Regional Transportation Commission (RTC)
- Truckee Meadows Fire Protection District
- Washoe Valley Volunteer Fire Department

Six out of the eight above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Planning and Development addressed annual review of use and the discontinuation of use.
Contact: Eva M. Krause, AICP, Planner, 775.328.3796, ekrause@washoecounty.us
- Engineering Division, Water Resources, Building and Safety and RTC responded that they had no comments or conditions.
- Environmental Health Services had concerns about allowing the RV to be hooked-up to the septic system, because the septic system was sized for the 3 bed room house and was 25 years old, and there were concerns that the system would be over taxed and could fail. The Newman's stated that only two people lived in the house and they would be willing to sign an affidavit to that fact on an annual basis, and have the septic system pumped every three years. Health Department staff stated they could support the approval since the permit would be reviewed on an annual basis and that the conditions suggested by the applicant are included as conditions of approval.
Contact: Bryan Tyre, P.E., 775.328.2430, btyre@washoecounty.us

Rationale for Making Required Findings

Section 110.808.25 of Article 808, *Administrative Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. **Consistency**. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan.

***Rationale:** The intent of allowing an RV as a temporary use for care of the infirm is to provide persons who need physical assistance to maintain an semblance of independence, but to have caregivers nearby to provide living assistance. The temporary use of a recreational vehicle as living quarters for the care of the infirm is compatible with the residential zoning of the property. There is a primary residential structure on the parcel. The RV is a temporary accessory to the house. Conditions of approval states that once the infirm person has moved or no longer needs assistance,*

the administrative permit shall be revoked and the RV shall no longer be used as living quarters.

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.

Rationale: The RV is hooked up to water and septic system. No public improvements are required to address the needs of the RV. Utility Services were notified of the proposed use and state they had no comment [conditions] regarding the use. The Health Department had concerns about over taxing the septic system, but after the applicant suggested some conditions that they would be willing to comply too, Health agreed that they could approve the use with the conditions.

3. Site Suitability. That the site is physically suitable for the temporary use of a recreational vehicle as living quarters for the care of infirm, and for the intensity of such a development.

Rationale: The site is 1.25 acres in size and the RV sits next to the house so family members are in close proximity to the infirm. Conditions of Approval require that the RV be screened from the road. The applicant is proposing to build a 6-foot tall fence between their residence and the adjoining residence (owned by a family member), screening the RV.

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.

Rationale: The use of the RV as living quarters is compatible with residential uses. While the RV may be in use for a long period of time, it is temporary in that no one else can occupy the RV on a long term basis once the infirm person for whom the permit is approved for has moved out. RV's are allowed to be parked/stored on residential lots.

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.

Rationale: There are no military installations in the surrounding area.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Administrative Permit Case No. AP12-010 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move 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

Administrative Permit Case No. AP12-010 for Robert and Joan Newman, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South 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 the temporary use of a recreational vehicle as living quarters for the care of infirm, 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.

Appeal Process

Board of Adjustment action will be effective 15 days after the public hearing, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant/Property owner: Richard and Joan Newman

Staff Report xc: Bryan Tyre

EXHIBIT A



Conditions of Approval

Administrative Permit Case No. AP12-010

The project approved under Administrative Permit Case No: AP12-010 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on December 6, 2012. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and Planning and Development.

Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the District Health Department must be appealed to the District Board of Health.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development

1. The following conditions are requirements of Planning and Development, which shall be responsible for determining compliance with these conditions.

Contact Name – Eva M. Krause, AICP, Planner, 775.328.3796

- a. The approval of this administrative permit is limited to Ms. Chaffin's use of the RV for living quarters; no other persons shall be permitted to live in the RV while located on the subject parcel.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
- c. The applicant shall obtain a fence permit to build a solid 6-foot fence within two months from the date of approval by Washoe County. The fence shall be located between the RV and the street frontage of White Pine Drive. The applicant shall complete construction within 6 months of approval of the Administrative Permit.
- d. The following **Operational Conditions** shall be required for the duration of the use:
 1. On an annual basis, the applicant shall provide a letter from the infirm person's Doctor verifying that Ms. Chaffin continues to need physical assistance from the family. The letter shall be received by the Planning staff November 15 of each year. Staff shall have 2 weeks to review the physician's letter for adequacy and verify that the use remains in substantial compliance with the conditions of approval prior to renewing the permit each year. Failure to submit said letter, lack of adequate information or failure to remain in compliance with the conditions shall void this Administrative Permit.
 2. Upon Ms. Chaffin vacating the subject property, the Administrative Permit shall be null and void.
 3. Once the Administrative permit becomes null and void, the use of the RV as living quarters shall cease, the deck and stairs built to access the RV shall be removed, and the RV shall be disconnected from the septic system and all utilities.

Washoe County District Health Department

2. The following conditions are requirements of the District Health Department, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any

conditions set by the District Health Department must be appealed to the District Board of Health.

Contact Name – Bryan Tyre, P.E. 328-2430, btyre@washoecounty.us

- a. Once every 3 years the applicant shall have the septic system pumped and will supply the Health Department and the Planning and Development documentation of it being done. Failure to comply with this condition may result in the administrative permit being revoked.
- b. On an annual basis, the applicant shall provide a signed affidavit to the health department stating that no more than 2 persons are residing in the residence at subject property, and that Ms. Chaffin is the only resident living in the RV.

*** End of Conditions ***

Exhibit B



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION



Public Health
Prevent. Promote. Protect.

DATE: November 14, 2012

TO: Eva M. Krause, AICP, Planner
Washoe County Community Development

FROM: Bryan W. Tyre, Senior Licensed Engineer
Environmental Health Services

SUBJECT: Robert & Joan Newman
Administrative Permit AP12-010 (3935 White Pine Dr.)
E2012-044

Dear Ms. Krause,

This District has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. We have the following comment:

1. The plot plan provided with the application shows a "trailer" next to the house. This trailer straddles the property line between 50-482-20 and 50-482-21. Assuming this is the "recreational vehicle" referenced in the application, it has been in this location for several years. The existing septic system was sized based on a three-bedroom house. The addition of the trailer may cause the septic system, which is over 25 years old, to fail. Therefore, I must recommend denial of the administrative permit.

If you have any questions regarding the foregoing, please call me at 328-2430.

Sincerely,

A handwritten signature in black ink, appearing to read "BWT".

Bryan W. Tyre, P.E.
Senior Licensed Engineer
Environmental Health Services

BWT/dc

Cc: Robert & Joan Newman

1001 EAST NINTH STREET / P.O. BOX 11130, RENO, NEVADA 89520 (775) 328-2434 FAX (775) 328-6176

www.washoecounty.us/health
WASHOE COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER
PRINTED ON RECYCLED PAPER

Exhibit C

Krause, Eva

From: Tyre, Bryan
Sent: Monday, November 19, 2012 2:37 PM
To: Krause, Eva
Subject: RE: Conditions of Approval, Newman

I would recommend approval under these conditions.

From: Krause, Eva
Sent: Monday, November 19, 2012 2:23 PM
To: Tyre, Bryan
Subject: FW: Conditions of Approval, Newman

Bryan,
Would either of Mrs. Newman's conditions be helpful for your acceptance of the proposal?

Eva M. Krause, AICP
Planner
Washoe County Community Development
775.328.3796
ekrause@washoecounty.us

From: JNewman708@aol.com [<mailto:JNewman708@aol.com>]
Sent: Monday, November 19, 2012 12:50 PM
To: Krause, Eva
Subject: Conditions of Approval, Newman

Hi, Eva,

While the fence building within two months is a problem, we believe that construction can be completed unless some major weather problems come along. We have someone lined up to build the fence already.

My sister agrees to every part of these conditions.

If you need additional ammunition, please use the following if they are helpful:

1. We are willing to have the septic tank pumped every three years and provide proof that it has been pumped.
2. We are willing to sign a statement in front of a notary public each year that we are the only two people using our house. (In other words, no one else will be living with us.) This statement would be included with the rest of the information needed to renew the arrangement.

My best to all of you.

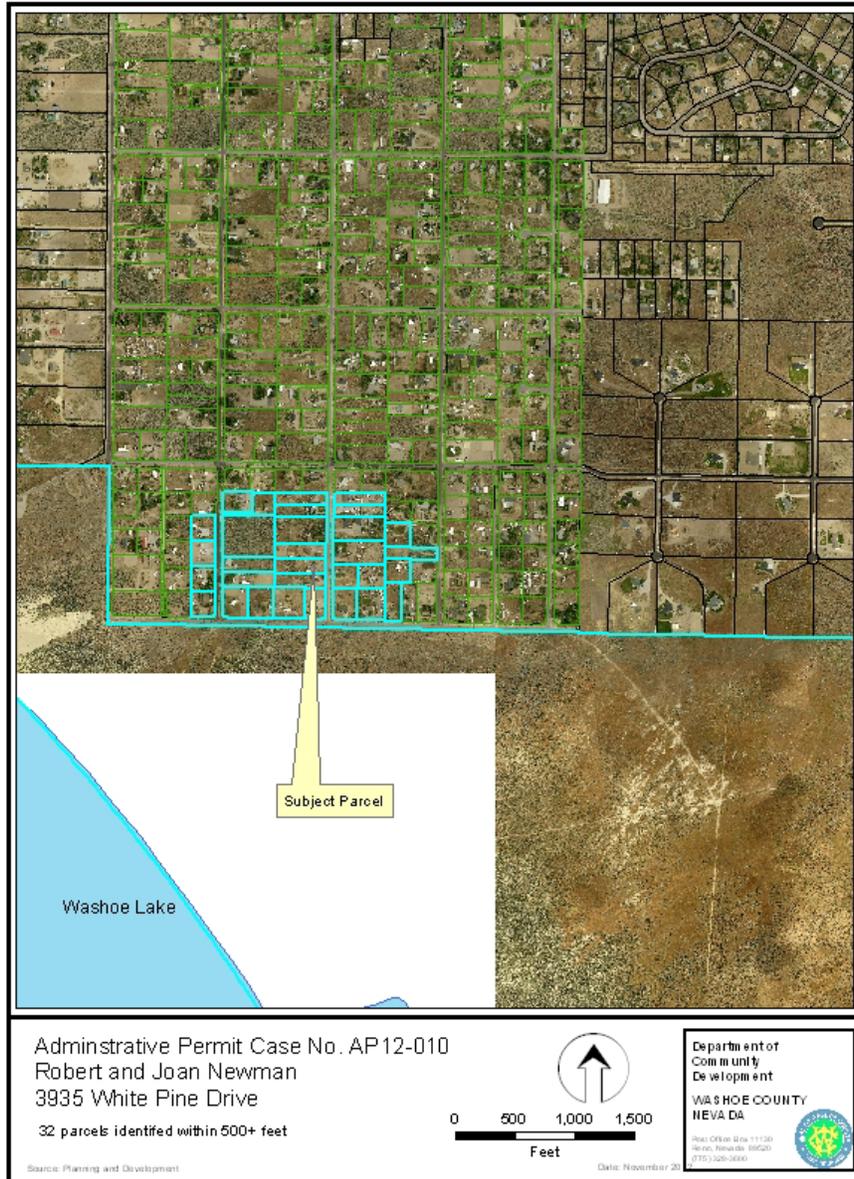
Sincerely,

Joan M. Newman

Exhibit D

Public Notice

Washoe County Code requires that public notification of an Administrative Permit be mailed to a minimum of 30 separate property owners within a minimum 500 foot radius of the subject property a minimum of 10 days prior to the public hearing date. This proposal was noticed within a 500-foot radius of the subject property, noticing 32 separate property owners a minimum of 10 days prior to the public hearing date.



Public Notice Map

Administrative Permit Case No. **AP12-010**

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No.: <u>AP12-010</u>	
Project Name (commercial/industrial projects only):			
Project Description:			
Project Address: <u>2935 White Pine Dr, Carson City NV 89704-9310</u>			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets AND area locator):			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
<u>050-482-20</u>	<u>1.25</u>		
Section(s)/Township/Range: <u>6 16 20</u>			
Indicate any previous Washoe County approvals associated with this application: Case Nos.			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: <u>Robert & Joan Newman</u>		Name:	
Address: <u>2935 White Pine Dr,</u>		Address:	
<u>Carson City</u> Zip: <u>89704-9310</u>		Zip:	
Phone: <u>775-849-2176</u> Fax:		Phone: Fax:	
Email: <u>Joan@newman@aol.com</u>		Email:	
Cell: <u>708-3975</u> Other:		Cell: Other:	
Contact Person: <u>Joan Newman</u>		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: <u>See above</u>		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Subj: **Fwd: (no subject)**
Date: 11/4/2012 6:35:18 P.M. Pacific Standard Time
From: JNewman708@aol.com
To: Olgrizbear@aol.com

From: JNewman708@aol.com
To: Olgrizbear@aol.com
Sent: 10/22/2012 8:56:19 A.M. Pacific Standard Time
Subj: (no subject)

Hi, Eva:

Below is what I came up with for the affidavit. I tried to remove all the emotional feeling from it and just state the what my sister was told. I hope I did okay.

Mary Ann Chaffin (DOB July 26, 1947) is a disabled registered nurse. Her social security is 1183.00 a month. She has a multitude of physical problems.

1. She suffers from a genetic heart defect, Ideopathic Hypertropic Subaortic Stenosis, which at this point is inoperable. She has a pacemaker/defibrillator and is regularly monitored.
2. Due to a back injury suffered while helping move an injured fireman in the emergency room, she has been unable to work since 1991, and continues to have pain from this injury.
3. Physical therapy exacerbated this back injury and indirectly led to fibromyalgia. The injury also led to a fall which injured her knee and required surgery. Because of the fibromyalgia, she suffers from depression, ulcers, and irritable bowel syndrome,
4. She needs a safe and secure environment which she now has with family.

The following two doctors need to sign the affidavit. Dr. Dieringer is undergoing knee replacement surgery early in early November.

Paul Dieringer, M.D.
75 Pringle Way
Suite 601
Reno, NV 89502

Frank P. Carrea
Renown Institute for Heart and
Vascular Health
75 Pringle Way
Suite 401
Reno, NV 89502

If you or the attorney have any questions, please don't hesitate to call or e-mail me.

Joan M. Newman
849-2176
JNewman708@AOL.com

**Administrative Permit Application
Supplemental Information
for Care of the Infirm**

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to administrative permits may be found in Article 808, Administrative Permits.

1. Name of the Infirm:

Mary Ann Chaffin

2. Medical Condition:

Genetic Heart Defect - Idiopathic Hypertrophic
sub aortic stenosis - inoperable. Bad back from
injury at work, Fibromyalgia, depression, ulcers,
irritable bowel syndrome

3. Name of Nevada licensed physician identifying the need for on-premise care and the physician's estimate as to the length of on-premise care required (attach physician's signed affidavit):

Frank P Carrea, MD - Permanent

4. Name(s) of the Caregiver(s):

Joan M Newman and Robert F. Newman

5. Describe the type and size of recreational vehicle or self-contained travel trailer that is proposed for use as a temporary residence of the caregiver. (Attach a site map showing the proposed location.)

1995 Holiday Rambler Imperial Custom Fifth wheel with
three pull-outs 8 feet wide by thirty-five feet wide

6. Describe the arrangements/methods proposed for the temporary provision of:

a. Water Service:

Domestic well

b. Sewage (Sanitary Sewer) Service:

Septic tank

c. Garbage (Solid Waste) Service:

Waste Management, Carson City

d. Electricity:

Sierra Pacific (NV Power)

e. Natural Gas:

Propane

7. What will you do to minimize the anticipated negative impacts or effects your waiver will have on adjacent properties?

We will build a fence from our mobile home to Mary Melter's mobile home at 3945 White Pine Dr. Mary is Robert Newman's sister

8. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

Fencing - 30' long x 6 ft high with gates

9. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

Washoe County Treasurer
 P.O. Box 30039, Reno, NV 89520-3039
 ph. (775) 328-2510 fax: (775) 328-2500

Washoe County Treasurer
 Tammi Davis

Account Detail

[Back to Search Results](#)

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Washoe County Parcel Information

Parcel ID 05048220	Status Active	Last Update 9/25/2012 2:19:27 AM
Current Owner: NEWMAN, ROBERT F & JOAN M 3935 WHITE PINE DR CARSON CITY, NV 89704	SITUS: 3935 WHITE PINE DR	
Taxing District 4000	Geo CD:	
Legal Description		
SubdivisionName WASHOE VALLEY FARMS FRAC Lot 4 Block E		

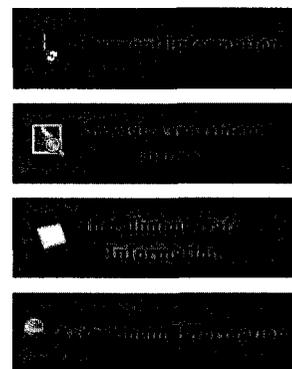
Tax Bill (Click on desired tax year for details)

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2012	\$676.84	\$676.84	\$0.00	\$0.00	8/20/2012	\$0.00
2011	\$808.70	\$808.72	\$0.00	\$0.00	8/15/2011	\$0.00
2010	\$837.06	\$837.06	\$0.00	\$0.00	8/16/2010	\$0.00
2009	\$812.68	\$812.68	\$0.00	\$0.00	8/17/2009	\$0.00
2008	\$789.00	\$789.00	\$0.00	\$0.00	8/18/2008	\$0.00
Total						\$0.00

Important Payment Information

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a convenience fee does apply for online credit card payments. See Payment Information for details.

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us



Pay Online

No payment due for this account.

\$0.00

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
 P.O. Box 30039
 Reno, NV 89520-3039

Overnight Address:
 1001 E. Ninth St., Ste D140
 Reno, NV 89512-2845

Property Owner Affidavit

Applicant Name: _____

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, ROBERT F. NEWMAN
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Department of Community Development staff.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 050 - 482 - 20

Printed Name ROBERT F. NEWMAN

Signed [Signature]

Address 3935 WHITE PINE DR

WASHOE VALLEY NV. 89704

Subscribed and sworn to before me this 5th day of Nov, 2012.

Karin Kremers
Notary Public in and for said county and state



My commission expires: 7-30-13

*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Property Owner Affidavit

Applicant Name: Joan M. Newman

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, _____
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Department of Community Development staff.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 050-482-20

Printed Name Joan M. Newman

Signed Joan M. Newman

Address 3935 White Pine Dr

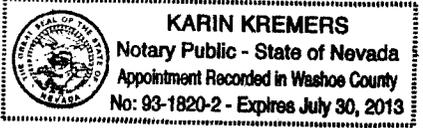
Carson City NV 89704-9310

Subscribed and sworn to before me this
5th day of Nov, 2012.

Karin Kremers
Notary Public in and for said county and state

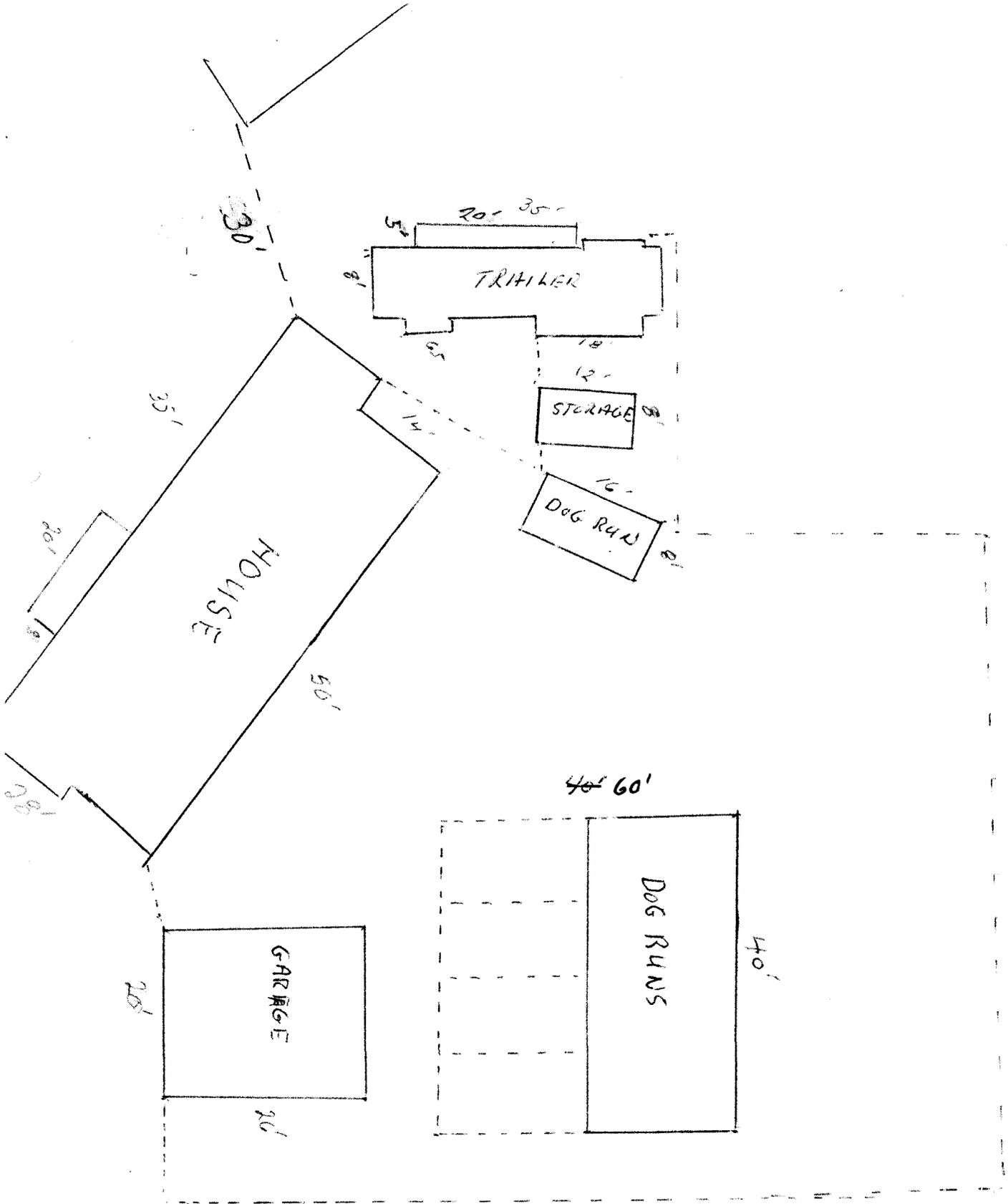
My commission expires: 7-30-13

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship







HOLIDAY RAMBLER
AMERICAN TOURISM

79515





Board of Adjustment Staff Report

Meeting Date: December 6, 2012

Subject: Appeals Procedure Ordinance
Applicant: Community Development Department

Agenda Item No. 8F

Summary: To review proposed text of an ordinance establishing general rules governing appeals to the Board of Adjustment, and to provide direction to staff and recommendations to the Planning Commission for drafting and proposing the ordinance.

Recommendation: Review and Comment

Prepared by: Greg Salter, Deputy District Attorney
Phone: 775.337.5726
E-Mail: gsalter@da.washoecounty.us

Washoe County
Commission District: **All Districts**

Description

Draft Ordinance Amending Articles 912 and 914 - Review proposed text of an ordinance establishing general rules governing appeals to the Board of Adjustment and provide direction to staff and recommendations to the Planning Commission for drafting and proposing the ordinance. Proposed ordinance generally covers what matters can be appealed to the Board of Adjustment, the timelines and procedures for such appeals (including what evidence may be reviewed and who has the burden of persuasion), and the right to either seek judicial review of the decisions of the Board of Adjustment or appeal them to the Board of County Commissioners.

Staff Report Contents

Description.....	1
Analysis	2
Recommendation.....	3
Motion	3

Exhibits Contents

Draft Ordinance.....	Exhibit A
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Analysis

This staff report is part of staff's ongoing efforts to update and enhance the Board of Adjustment *Rules, Policies and Procedures*, and to improve the County's code enforcement procedures.

Under NRS 278.310 and Washoe County Code (WCC) Section 110.912.(f) (1), the Board of Adjustment is charged with hearing appeals from:

Any "person aggrieved by his or her inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation or any regulation relating to the location or soundness of structures," and

"all matters referred to it or properly of concern in the administration of the Development Code."

Recently WCC Chapter 110, Article 910 was amended to provide that the Board of Adjustment is charged with hearing appeals of administrative hearing officers under a new administrative enforcement mechanism.

As a part of staff's overall review of the Board of Adjustment *Rules, Policies and Procedures*, staff recommends updating the rules regarding appeals to bring them up to statutory standards and improve efficiency of appeal hearings. Rules regarding appeals are in Part D of the revised rules being considered by this Board in a separate proceeding.

Staff also needs to amend the Washoe County Code to comply with NRS 278.310.2 which requires that the Board of County Commissioners enact, by ordinance, a set of general rules to govern the procedure of the Board of Adjustment when hearing appeals. Last month, the Planning Commission initiated ordinance procedures for these changes. The draft ordinance suggested by staff is attached as Exhibit A to this staff report.

The principal purposes of the general rules in the ordinance are to assure that appellants are afforded due process of law under the federal and state constitutions, and to improve the efficiency and orderly conduct of appeal hearings. Accordingly, the attached ordinance:

- Defines which actions may be appealed to the Board of Adjustment [closely following NRS 278.310 and eliminating the overbroad language in WCC Section 110.912.10 (f) (1)].
- Establishes time periods for filing appeals (20 days) and for scheduling hearings on the appeals (60 days or next regular meeting after 60 days).
- Permits the Board Chair to conduct prehearing proceedings to settle procedural and evidentiary issues so that issues and evidence may be presented in an orderly fashion with minimal procedural objections.
- Empowers the Board Chair to issue subpoenas (authorized by NRS 278.290.1) to compel attendance of witnesses.
- Empowers the Board Chair to approve stipulations or settlements (eliminating the need to present them to the Board).
- Establishes the evidence that the Board may review at an appeal hearing, which would include the record on appeal (transcript and evidence used in the proceeding being appealed), as well as statements and information presented before or at the hearing before the Board.

- Provides that decisions being appealed are presumed to be reasonable and lawful, and the burden of persuasion to the contrary is on the appellant.
- Provides that the Board may affirm, modify, reverse, or remand (with or without instructions) a decision and establishes the grounds on which a decision may be reversed or modified.
- Requires a written decision by the Board and provides possible procedures by which the decision may be rendered and approved.
- Provides that decisions of the Board may either be submitted for judicial review or appealed to the Washoe County Commission within 25 days after the decision becomes final.

Recommendation

Staff recommends that the Board of Adjustment review the proposed ordinance and make any changes or direct staff to make changes it feels appropriate, and then recommend the ordinance to the Planning Commission to review and submit to the Board of County Commissioners for adoption.

Possible motion

I move that the changes discussed by the Board of Adjustment concerning this matter be included within the draft ordinance and, further, I move to recommend to the Planning Commission that the draft ordinance, as amended, be submitted to the Board of County Commissioners for adoption.

Staff Report xc: Bill Whitney, Acting Director

Exhibit A
Articles 912 & 914 Ordinance Changes

(Rev. 11-21-2012)

WORKING COPY
INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
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Summary: Amends WCC Section 110.912.10 (Board of Adjustment) to provide general rules governing appeals to the Board of Adjustment; repeals conflicting provision in WCC Subsection 110.914.05 (f) (Appeal of Director's Interpretation of Development Code).

BILL NO. _____
ORDINANCE NO. _____

An Ordinance amending Washoe County Code Section 110.912.10 (Board of Adjustment) to amend subsection (f) (1) and add a new subsection (j) providing general rules governing appeals to the Board of Adjustment, including kinds of matters that may be appealed, the procedures to be followed and providing that appeals from decisions of the Board of Adjustment may be appealed to the Board of County Commissioners or may taken directly to judicial review under certain circumstances; and repealing Washoe County Code Subsection 110.914.05 (f) (Appeal of Director's Interpretation of Development Code).

WHEREAS:

- A. Ordinance 1501 enacted on October 23, 2012 amends Chapter Article 910 of the Washoe County Development Code to provide that certain decisions and actions made during the enforcement of the Development Code may be appealed to the Board of Adjustment;
- B. In accordance with NRS 278.310 (2), this Commission desires to amend Washoe County Code Section 110.912.10 (Board of Adjustment) to provide general rules governing appeals to

the Board of Adjustment, providing for what kinds of matters may be appealed, the procedures to be followed, and that decisions of the Board of Adjustment may be appealed to the Board of County Commissioners or may be submitted directly to judicial review under certain circumstances; and

- C. Because it is being replaced in the amendments described next above, this Board desires to repeal Washoe County Code Subsection 110.914.05 (f) (Washoe County Community Development Department— Appeal of Director’s Interpretation of Development Code); and
- D. This ordinance is adopted pursuant to a provision in NRS Chapter 278 and therefore is not a “rule” as defined in NRS 237.060.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Subsection 110.914.05 (f) of Washoe County Code is hereby repealed.

Section 110.914.05 Washoe County Department of Community Development.

- ~~(f) — Appeal of Director’s Interpretation of Development Code. The following procedures shall be followed if an appeal is made to an interpretation by the Director of the Development Code.~~
 - ~~(1) — A statement and the appropriate fee shall be filed with the Department of Community Development.~~
 - ~~(i) — The statement shall identify the code section(s) and Director’s interpretation that is being appealed. In addition, the statement shall identify the reasons why the appellant believes the interpretation is incorrect and any additional supporting information.~~
 - ~~(ii) — The Department of Community Development shall schedule a hearing before the Board of Adjustment within sixty (60) days of the receipt of a complete statement and fees.~~
 - ~~(2) — After the completion of the hearing by the Board of Adjustment, the Board of Adjustment shall render a decision on the appeal of the interpretation within sixty (60) days of the hearing, either supporting the interpretation of the Director or supporting the appellant’s position.~~
 - ~~(3) — The decision of the Board of Adjustment on the appeal of the Director’s interpretation may be appealed to the Board of County Commissioners by the appellant. The Department of Community Development shall schedule a hearing~~

~~before the Board of County Commissioners within sixty (60) days of receipt of a request to appeal the Board of Adjustment's decision and the appropriate fee.~~

- ~~(4) The Board of County Commissioners shall render a final decision on the appeal of the Board of Adjustment's decision within sixty (60) days of the appeal hearing. The decision shall be by a majority of the entire membership of the Board of County Commissioners. In the case of a tie, the matter shall be continued to a future meeting. The final decision of the Board of County Commissioners shall be considered final for purposes of judicial review.~~

SECTION 2. Subsection 110.914.10 (f) of Washoe County Code is hereby repealed.

Section 110.912.10 Washoe County Board of Adjustment.

~~(f) Powers of Board.~~

- ~~(1) The Washoe County Board of Adjustment shall hear and decide appeals from regulations and requirements of the Development Code and shall sit and decide upon all matters referred to it or properly of concern in the administration of the Development Code.~~
- ~~(2) The Washoe County Board of Adjustment shall also have all the powers pursuant to NRS 278.290 to 278.310, inclusive.~~

SECTION 3. A new subsection 110.912.10 (j) is added to the Washoe County Code to read in its entirety as follows:

Section 110.912.10 Washoe County Board of Adjustment.

(j) Appeals to the Board of Adjustment.

- (1) Preface and Definitions. This subsection establishes general rules governing appeals to the Board of Adjustment as required by NRS 278.310**
- (2). The Board of Adjustment may adopt supplemental rules not inconsistent with these rules. For the purpose of this subsection, "Board" means the Washoe County Board of Adjustment.**
- (2) Matters that may be appealed. A person aggrieved (as defined in WCC Section 110.910.02) by any of the following decisions may appeal the decision to the Board:**
- (i) A decision by the Washoe County Board of Review pursuant to WCC Chapter 100 resulting in an inability to obtain a building permit; or**
- (ii) A decision of an administrative hearing officer if an administrative enforcement proceeding is completed in accordance with Article 910 of the Development Code; or**
- (iii) A decision of the Director or the Building Official made in the course of administration of any zoning regulation or any regulation relating to the location or soundness of structures if the decision cannot be appealed to an administrative hearing officer or the Washoe County Board of Review.**

- (3) Form and time for appeal. Appeals must be in writing on forms or in the format prescribed by, and must be delivered to, the Planning and Development Division of the Department of Community Services within 20 calendar days from the date that the decision is communicated in writing to the appellant.**
- (4) Scheduling of hearing on appeal. The Chairman of the Board shall schedule the appeal for a hearing not later than the date of the next regular meeting of the Board following 60 days from the date the appeal was filed in accordance with paragraph (3) unless otherwise agreed with the appellant. Within that timeline, the Chairman of the Board may also schedule a special meeting to hear the appeal. If the appellant fails to observe any prehearing schedule, the Chairman may extend the hearing date for a reasonable period of time.**
- (5) Prehearing procedures. The Chairman of the Board may:**

 - (i) Require and oversee prehearing procedural matters, including prehearing conferences, discovery proceedings, briefing schedules, evidence assembly and admissibility;**
 - (ii) Issue subpoenas compelling witnesses to appear before the Board;**
 - (iii) Schedule the hearing before the Board; and**
 - (iv) Approve and enforce stipulations and settlements.**
- (6) Record on appeal; additional evidence. The Board:**

 - (i) Shall review all evidence, testimony, documents, information and arguments introduced and the decision in the proceedings being appealed;**
 - (ii) Shall afford all parties an opportunity to respond and present relevant and non-repetitious evidence and arguments on all issues being decided on appeal;**
 - (iii) Shall conduct a public hearing, and hear and consider relevant information and comments by members of the public;**
 - (iv) May consider, upon disclosure, information and comments communicated to Board members before the hearing; and**
 - (v) May consider maps, adopted master plans to include area plans, and its own knowledge of conditions that exist.**
- (7) Burden of proof and persuasion; reasons for reversal of underlying decisions; limitations on awards.**

 - (i) Decisions of administrative officials, hearing officers and the Washoe County Boards of Review are presumed to be reasonable and lawful, and it is the burden of the appellant to persuade the Board otherwise.**
 - (ii) The Board may affirm, modify, reverse, or remand a decision with or without instructions.**
 - (iii) Upon a vote of the majority of all the members [as required by NRS 278.300 (2)] the Board may reverse, modify or remand a decision if the decision:**

- (a) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;
 - (b) Exceeds the jurisdiction or statutory authority of the deciding official or body;
 - (c) Was made on unlawful procedure;
 - (d) Is affected by an erroneous interpretation or other error of law;
 - (e) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or
 - (f) Is arbitrary or capricious or characterized by abuse of discretion.
- (iv) The Board may not award money damages, attorney's fees or costs of the proceeding.
- (8) Decision; Communication.
- (i) The Board may take a matter under advisement and continue the hearing until its next regularly scheduled meeting, or may set a special public hearing to conclude the matter, and may require briefings or seek opinions of counsel. The Board may render a decision and instruct counsel to prepare a written decision either to be signed by the Chairman of the Board or reviewed at a subsequent meeting by the Board (provided, however, that the outcome shall not be changed at the subsequent meeting).
 - (ii) The Board must render a written decision within 60 days after the hearing unless otherwise agreed with the appellant.
 - (iii) When a decision is signed by the Chairman of the Board, a copy shall be delivered to all parties of record, and a copy shall be filed with the secretary to the Board as an official record. When a decision is so served and filed, it is final for purposes of judicial review or appeal. A petition for reconsideration or rehearing is not required as a condition to judicial review or appeal to the Board of County Commissioners.
- (9) Appeals of Board of Adjustment Decisions. A party of record who is aggrieved by a decision of the Board may:
- (i) Seek judicial review of the decision by filing a petition in the Second Judicial District Court for the State of Nevada within 25 days from the date that the decision becomes final as specified under paragraph (8) above, and pursuant to the rules and rulings of the Court; or
 - (ii) Appeal the decision to the Board of County Commissioners in accordance with paragraph (10) next below.

(10) Appeals to the Board of County Commissioners.

- (i) Appeals to the Board of County Commissioners must be presented in writing to the Planning and Development Division of the Community Services Department within 25 days from the date that the decision becomes final as specified in paragraph (8) above.**
- (ii) Unless otherwise provided herein, or in its rules or determined by the Board of County Commissioners, the hearing before the Board of County Commissioners shall be held in accordance with procedures substantially similar to provisions in paragraphs (j) (4) through (j) (9) above.**
- (iii) In reviewing a decision, the Board of County Commissioners shall be guided by the statement of purpose underlying the regulations of the improvement of land expressed in NRS 278.020.**
- (iv) The Board of County Commissioners may affirm, modify or reverse the decision being appealed by a majority vote of members present at the meeting and not abstaining.**
- (v) The Board of County Commissioners must render a decision within 60 days from the date of the hearing.**
- (vi) The decision of the Board of County Commissioners is final for purposes of judicial review.**
- (vii) Fees for the appeal shall be established by resolution of the Board of County Commissioners and may include all or a portion of the cost of preparing the record on appeal.**

SECTION 4. Subsection 110.914.10 (f) of Washoe County Code is hereby amended to read in its entirety as follows:

Section 110.912.10 Washoe County Board of Adjustment.

(f) Powers of Board

- (1) The Washoe County Board of Adjustment shall hear and decide appeals under NRS 278.300 (a) and 278.310 (1) as provided in subsection (j) of this section.**
- (2) The Washoe County Board of Adjustment shall also have the all the powers pursuant to NRS 278.290 to 278.310, inclusive.**

SECTION 5. General Terms.

- 1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
- 2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or

appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

This ordinance was proposed on _____ by Commissioner _____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____

Those abstaining were _____

_____.

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

, Chairman
Washoe County Board of County Commissioners

ATTEST:

Amy Harvey, County Clerk