



WASHOE COUNTY

PLEASE NOTE LOCATION CHANGE
AMENDED
WASHOE COUNTY
BOARD OF ADJUSTMENT
NOTICE OF MEETING AND AGENDA

Board of Adjustment Members

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

Thursday February 7, 2013
1:30 p.m.

Washoe County Health Department
Conference Rooms A and B
1001 East Ninth Street
Reno, NV

PUBLIC HEARING ITEMS

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

- **Administrative Permit Case No. AP12-009 - David Wood** (Continued Time Certain from the December 6, 2012 meeting)
- **Olson-Olson Architects Case No. AC13-001, amending Special Use Permit Case No. SB09-002 for Tahoe Estates, LLC**
- **Special Use Permit Case No. SB12-014 and Variance Case No. VA12-005– Sierra Nevada College**
- **Variance Case No. VA12-006 - Moaessessi**
- **Administrative Permit Case No AP12-011 – Baca**
- **Amendment of Conditions Case No. AC12-006 – Sierra Nevada Teen Ranch**

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 Planning and 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 (1675 East Prater Way, Suite 107). 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 Planning and 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**

December 6, 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: Administrative Permit Case No. AP12-009 – David Wood (Continued Time Certain from the December 6, 2012 meeting) - 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
- Phone: 775-328-3771
- Email: gsannazzaro@washoecounty.us

B. PUBLIC HEARING: - Olson-Olson Architects Case No. AC13-001, amending Special Use Permit Case No. SB09-002 for Tahoe Estates, LLC– To increase the area of livable space by 291 square feet for a Detached Accessory Dwelling that was previously approved under Special Use Permit Case No. SB09-002. The original approval granted 1,200 square feet of livable space, and the new request is asking for 1,491 square feet of livable space.

- Property Owner: Tahoe Estates, LLC
- Applicant: Olson-Olson Architects
- Project Address/Location: 1019 Lakeshore Boulevard, Incline Village, South side of Lakeshore Boulevard, approximately 600 feet west of its intersection with Selby Drive
- Assessor's Parcel No.: 130-230-05
- Parcel Size: ± 2.17 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 306, Accessory Uses and Structures
Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkgigler
- Section/Township/Range: Section 23, T16N, R18E, MDM, Washoe County
- Staff: Grace Sannazzaro, Planner
- Phone: 775-328-3771
- Email: gsannazzaro@washoecounty.us

C. PUBLIC HEARING: Special Use Permit Case No. SB12-014 – Sierra Nevada College – To allow the operation of a “Schools-College” in a currently unoccupied commercial building, within the Incline Village Tourist Community Plan.

AND

Variance Case No. VA12-005 – Sierra Nevada College – To allow the construction of two front entry features with a reduction in front yard setback to zero (0) feet from the existing structure sited at five (5) feet.

- Applicant/Property Owner: Sierra Nevada College
- Location: 1008 Tahoe Boulevard
- Assessor's Parcel No.(s): 130-050-11
- Parcel Size: ± .404 Acres
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Commission District: 1 – Commissioner Berkbigler
- Development Code: Article 810, Special Use Permits
- Section/Township/Range: Within T16N, R18E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

D. PUBLIC HEARING: Variance Case No VA12-006 - Kurosh Moassessi – To vary the required front yard setback from 30 feet to 28 feet to allow the existing garage to remain as it was constructed in 1956.

- Applicant/Property Owner: Kurosh Moassessi
- Location: 12755 Valley Springs Road, at the northwest corner of Valley Springs Road and Cottonwood Road.
- Assessor's Parcel No: 049-355-01
- Parcel Size: 1 acre
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 804
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 20, T 18 N, R 20 E, MDM
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

E. PUBLIC HEARING: Administrative Permit Case No AP12-011 – Baca – To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 5672 Lupin Drive, Sun Valley, in conjunction with the existing single family residence.

- Applicant: Richard and Tamera Baca
- Property Owner: George W. Paine Jr.
- Location: 5672 Lupin Drive
- Assessor's Parcel No: 504-042-05
- Parcel Size: 0.35 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: 110.310.35(g)
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 17, T20N, R20E, MDM, Washoe County, NV

- Staff: Eva Krause, AICP, Planner
- Phone: 775.328.3796
- Email: ekrause@washoecounty.us

F. PUBLIC HEARING: Amendment of Conditions Case No. AC12-006 – Sierra Nevada Teen Ranch - To amend condition #7 of the Special Use Permit case number SB07-019 to extend the time for completion of each phase of the project by two additional years such that phase one will be extended to February 12, 2015, phase two will be extended to February 12, 2017, phase three will be extended to February 12, 2019 and phase four will be extended to February 12, 2022 as authorized in Section 110.810 of the Washoe County Development Code. The facility comprises a teen group care facility that will include housing, counseling, education and recreational opportunities for up to 40 at-risk teenagers, as authorized in Article 810 of the Washoe County Development Code. The proposed facility will include the phased construction of four 5,200-square-foot residential buildings, one 1,500-square-foot vocational building, one 4,000-square-foot multi-purpose building, one 1,000-square-foot reception area, one 1,500-square-foot barn and an obstacle course.

- Property Owner/Applicant: Sierra Nevada Teen Ranch, Marvin Neal
- Location: The project is located in Bedell Flat, east of the Sierra Ranchos/Rancho Haven communities.
- Assessor's Parcel No.: 079-210-15
- Parcel Size: 29.03 acres
- Regulatory Zone: General Rural (GR)
- Master Plan Designation: Rural (R)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Commission District: 5 - Commissioner Weber
- Development Code: Article 810, Amendment of Regulatory Zone
- Section/Township/Range: Within Section 4, T23N, R19E, MDM
Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

G. 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: 775.337.5726
- 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. Discussion and possible action to adopt the revised Rules, Policies and Procedures.
- B. *Report on Previous Board of Adjustment Items
- C. 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
Kim Toulouse, Vice Chair
Richard "R.J." Cieri
Philip J. Horan
William Whitney, Secretary

Thursday, December 6, 2012

1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

December 6, 2012

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, December 6, 2012 at 1:30 p.m., in the Washoe County 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
Kim Toulouse
Philip Horan
Richard "R.J." Cieri

Members absent: None

Staff present: William Whitney, Director, Planning and Development
Roger Pelham, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Grace Sannazzaro, Planner, Planning and Development
Eva Krause, Senior Planner, Planning and Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Planning and Development

2. Pledge of Allegiance

Member Horan 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

Mr. Whitney informed the Board that Special Use Permit SB12-016 for NV Energy had been pulled from the agenda. Chair Wideman announced Item 8D had been withdrawn and would not be heard.

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of December 6, 2012 as amended. The motion, seconded by Member Horan, passed unanimously.

7. Approval of Minutes

Member Cieri moved to approve the minutes of October 4, 2012. The motion was seconded by Member Toulouse and passed unanimously.

8. Planning Items and Public Hearings

Agenda Item 8A

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

Chair Wideman recited the case description and opened the public hearing.

Mr. Lloyd reviewed the staff report dated November 26, 2012. He noted the neighbors most closely impacted were located 270 feet, ¼ mile and 1/3 mile away, respectively, and that the closest had submitted a letter of support. Mr. Lloyd pointed out the facility was commercial but was more accurately described as a utility, and due to its nature, it was necessary to place it

in a near residences so that it best served its purpose, that of serving the public in the area. He opined the facility would be adequately camouflaged.

Applicant's Representative Mitch LeGarza stated he supported Mr. Lloyd's opinion.

Catherine Rotes, Kai Wallis, Jeff Frankovich and Craig Cunningham spoke against the project, primarily citing visual impact, lack of a gap coverage study and opining the tower was better located elsewhere. Ms. Rotes stated she had a petition requesting the Board deny the project, signed by 69 people. Mr. Frankovich suggested the tower should be reduced to 50 feet in height and disguised as a green pine tree, as there are no Blue Spruce in the area. He stated he was the closest neighbor, and therefore he was the person Mr. Lloyd had stated was supporting the project. He emphasized that was incorrect.

Member Horan asked Mr. Lloyd to discuss Mr. Frankovich's claim that he was the closest neighbor and did not support the project. Mr. Lloyd explained Mr. Frankovich's parcel was the one he had described as being 1/3 mile away. The neighbor that had shown support was the closest, at 270 feet.

Member Toulouse noted extensive claims from adjoining property owners stating the towers would reduce their property values. He asked Mr. Lloyd if he was aware of any studies confirming or denying this claim. Mr. Lloyd said he was not, but opined there were many other factors involved that would make it difficult to prove the tower was directly to blame for any diminished values.

Member Toulouse asked if it could be conditioned that the tower could be disguised as a pine tree rather than a Blue Spruce. Mr. Whitney opined there were different types of camouflage for the towers and asked Mr. Lloyd if he knew if the applicant had explored different options. Mr. Lloyd replied he had not heard of any. Mr. LeGarza stated they could find something that blended further with the surroundings.

Member Cieri asked if it needed to be 75 feet high and Mr. LeGarza replied it was critical for good transmission in the area.

Member Toulouse asked if they had contracts in place and Mr. LeGarza explained they were in negotiations with two companies. Chair Wideman asked how they had determined that there was a coverage gap. Mr. LeGarza conceded there were a number of towers in the area, but pointed out companies do not typically share facilities. This left two major carriers with gaps in the area.

DDA Salter asked if any of the existing towers had facilities for those two carriers and Mr. LeGarza replied they did not. DDA Salter asked if a denial of the case would result in a denial of adequate coverage for the carrier. Mr. LeGarza said it would. Studies had been conducted to select another location and the only other real option was to build a huge tower in the middle of the valley. He reiterated the companies were in competition and it suited one company's interest if the other did not have coverage.

Member Horan expounded on the topic, asking if the public were being underserved if the tower was not approved. Mr. LeGarza opined it was.

Member Cieri asked if Mr. Lloyd had known of the petition with the 69 signatures and Mr. Lloyd replied he had not.

Chair Wideman closed the public hearing and asked if any of the Members had anything to disclose. None did.

Member Toulouse noted more of the towers were being constructed and he was concerned about the fact there were few reports about their impacts. He felt there would be significant negative impacts to the vistas and the community.

Member Cieri agreed and opined disguising it as a pine tree as opposed to a Blue Spruce was preferable.

Chair Wideman pointed out rules governing communication were state and federal. He noted there were in excess of 300,000 towers in the United States and they continue to be built due to demand, and are part of the greater good for the greater number. He opined the tower would not stand out unnecessarily and it complies with land use rules, so he would support it.

Member Horan moved to approve conditionally Special Use Permit SB11-001: Southwind Communications Facility. Mr. Whitney asked if the maker of the motion wished to include the condition the pole be disguised as a pine tree. Member Horan had no objection, and it was added as Condition 1k. The motion was seconded by Chair Wideman.

Member Horan opined the findings had been made and they were potentially limiting the property owner's rights to use their land as allowed by Code.

Member Cieri reiterated there were other location options, and a neighborhood was not the place for it. Chair Wideman stated that placing them elsewhere was a significant engineering challenge.

Member Toulouse felt the project could be detrimental and indicated he was struggling because there had been no studies done to effectively demonstrate there were coverage gaps. He opined there were significant impacts on the view shed and stated he could not support the project.

Member Horan noted that everything is detrimental to someone. Member Toulouse agreed but still could not make the finding.

Members Horan and Wideman voted in support of the motion and members Toulouse and Cieri voted against the motion. In the absence of a majority, the motion did not carry.

Chair Wideman asked that the appeal procedure be clarified and Mr. Whitney explained it for the applicant.

Agenda Item 8B

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

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated November 21, 2012. He explained it would be constructed as a portion of a previously approved Detached Accessory Dwelling. The structure would not match the existing main dwelling, but that one is to be torn down and a new one built that it will match. He requested the Board let him know if they would like an additional condition added regarding the color of the structure.

Member Cieri requested and received further clarification of what the structure would look like when completed. He asked if it was visually compatible with the community and Mr. Pelham replied it complied with conditions of approval but he would leave the judgment regarding visual compatibility to the Board.

Applicant's Representative James Molder explained to Member Cieri the area was quite diverse in terms of architectural styles, and plans for shielding the visual impact of the building included a greenhouse and extensive vegetation.

Chair Wideman reiterated the Administrative Permit was required because the proposed building was larger than the current main dwelling. He opined it would help the Board to make a decision if they understood whether or not the new structure was intended to replace the current main dwelling unit.

Mr. Molder stated it was not meant to replace it; the owner would reside in an approved smaller unit while the larger main dwelling was being constructed. The building under consideration is designed for storage and to contain support facilities for the main dwelling. Mr. Pelham further explained the smaller, existing dwelling would be removed when the new main dwelling was completed.

As there was no response to the call for public testimony, Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan moved to approve Administrative Permit Case No AP12-008 – Gary Owens. 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 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; ; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Chair Wideman declared a five-minute recess at 2:40 p.m. The meeting reconvened at 2:45 p.m.

Agenda Item 8C

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

Chair Wideman opened the public hearing

Ms. Sannazzaro reviewed the staff report dated November 19, 2012. She explained neighbors had contacted her regarding concerns that the facility could be used for commercial purposes and it was not in character with the surrounding area.

Applicant's Representative Joseph Snider stated they accepted all of the conditions with the exception of the requirement for a sprinkler system as conditioned by Fire. Applicant David Wood declared he would not install a sprinkler system.

DDA Salter asked Mr. Wood if he would like to withdraw his application. If the Board approved his application as conditioned, he would be required to install the system. Mr. Wood explained he had attempted to contact Fire to discuss the condition and had been unsuccessful. DDA Salter suggested he may want to ask for a continuance so that he would have more time to work with Fire and perhaps come to a solution. Mr. Wood requested the continuance.

Chair Wideman suggested the additional time may also provide him with the opportunity to work with his neighbors to alleviate some of their concerns, if he was so inclined. Mr. Wood stated he had no intention to use the facility for commercial purposes.

DDA Salter opined the Board should hear public comment prior to making the decision and motion whether or not they approved the continuance.

Neighbors Larry Sliter, Jan Sluchak, Edward Yenick, Todd Tresidder, Kurt Spencer, Allen Mundt, Nora Boiselle and Cyndi Yenick all spoke against the project. They reiterated concerns about the appearance of the structure not matching the area and the opportunity for it to be used commercially. They explained they maintained the roads themselves, and additional traffic would cause unnecessary deterioration and be a further burden.

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

Member Cieri moved to continue Administrative Permit Case No. AP12-009 – David Wood to the February 7, 2013 meeting, time certain at 1:30 p.m. The motion was seconded by Member Toulouse and passed unanimously.

DDA Salter announced the case would not be re-noticed due to the fact it had been continued time certain.

Agenda Item 8E

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

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated November 13, 2012. She explained the permit would expire at the time the infirm person vacated the recreational vehicle. A letter from the physician verifying the need for care was required annually.

Member Horan asked if screening was typically required and Ms. Krause replied it was for this type of application. It would not be required if it were a storage unit. Member Horan asked if that would be a burden to the applicants and Ms. Krause indicated they were in the audience, if he wanted to ask them.

As there was no response to the call for public testimony, Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan suggested the requirement for the screening should be removed. Chair Wideman indicated he had no objection. Member Toulouse identified it as Condition 1c.

Member Toulouse moved to approve conditionally as amended Administrative Permit Case No AP12-010 – Robert and Joan Newman. 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 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.

AGENDA ITEM 8F

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.

DDA Salter explained review of the Boards Rules, Policies and Procedures had uncovered some inconsistencies with Washoe County Code and Nevada Revised Statutes. The draft ordinance provides necessary clarification and direction. He asked the Board if they would grant him the permission to make minor modifications that did not alter content, and they agreed to that.

Member Cieri felt portions of the document caused the powers of the Board to be retracted and vested to only the Chair, and was not in favor of that. DDA Salter explained they had set it up that way so the proceedings would not need to be public. He did see where it could raise Open Meeting Law challenges. Member Toulouse opined the public process with a full Board was more transparent.

Chair Wideman pointed out that civil court allowed the opportunity for aggrieved parties to come to an agreement, which the court ratifies. The appeals process as proposed was similar. Member Toulouse stated he did not have a problem with the evidentiary and pre-hearing process being handled by the Chair, but the final decision should be made by the Board as a whole.

Discussion ensued regarding the value of transparency and public input, driving the necessity of an open meeting forum for the final decision.

DDA Salter stated he would add that language to the draft ordinance.

Member Horan moved that the changes discussed by the Board of Adjustment concerning this matter be included within the draft ordinance and, further, moved to recommend to the Planning Commission that the draft ordinance, as amended, be submitted to the Board of County Commissioners for adoption. The motion was seconded by Member Toulouse and passed unanimously.

Member Cieri asked for clarification of what amendment was being proposed, and Member Horan stated it was "amended as discussed."

Member Horan withdrew his motion.

Member Cieri moved that the changes discussed by the Board of Adjustment concerning this matter be included within the draft ordinance and, further, moved to recommend to the Planning Commission that the draft ordinance, as amended and revised by discussion Bullet Nos. 3-5, be presented to the Board of Adjustment for review before final adoption.

DDA Salter clarified the changes and additions, and offered to send the revised version to the Board members for review.

Member Cieri withdrew his motion.

9. Chair and Board Items

Mr. Whitney noted the announcement regarding the removal of Item 8D from the agenda had included the word "withdrawn." He clarified the applicant did not wish to withdraw, the item had been continued indefinitely.

Mr. Whitney explained to the Board staff would be bringing the draft of the revised Rules, Policies and Procedures to them for approval as soon as possible.

10. Director's Items

None.

11. Public Comment

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

Member Horan complimented staff in their presentation of material, particularly the upgrade which made the Motions easily accessible. Chair Wideman concurred.

12. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 4:09 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on _____, 2013

William Whitney
Secretary to the Board of Adjustment



Board of Adjustment Staff Report

Meeting Date: February 7, 2013

(Continued from December 6, 2012 meeting)

This staff report was originally presented at the December 6, 2012, public hearing before the Board of Adjustment. At that time, the Board of Adjustment granted a continuance of this item to the February 7, 2013, public hearing in order to allow the applicant time to talk with the Truckee Meadows Fire Protection District (TMFPD) about their conditions of approval. Since the December 2012 public hearing, the TMFPD has changed their conditions of approval, which is reflected under "Reviewing Agencies" on Page 11 of this updated staff report. Exhibit E – The original TMFPD conditions of approval have been replaced with their revised conditions of approval stated in a letter dated January 24, 2013.

Subject: Administrative Permit Case No: AP12-009
Applicant: David Wood
Agenda Item No. 8A
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
Vicinity Map 4
Site Plan 5
Elevations & Floor Plan of Accessory Structure 6
Elevations & Floor Plan of Main Dwelling 8
Project Evaluation 9
Southwest Truckee Meadows Citizen Advisory Board..... 10
Reviewing Agencies..... 10
Staff Comment on Required Findings 11
Recommendation 12
Motion 12
Appeal Process 13

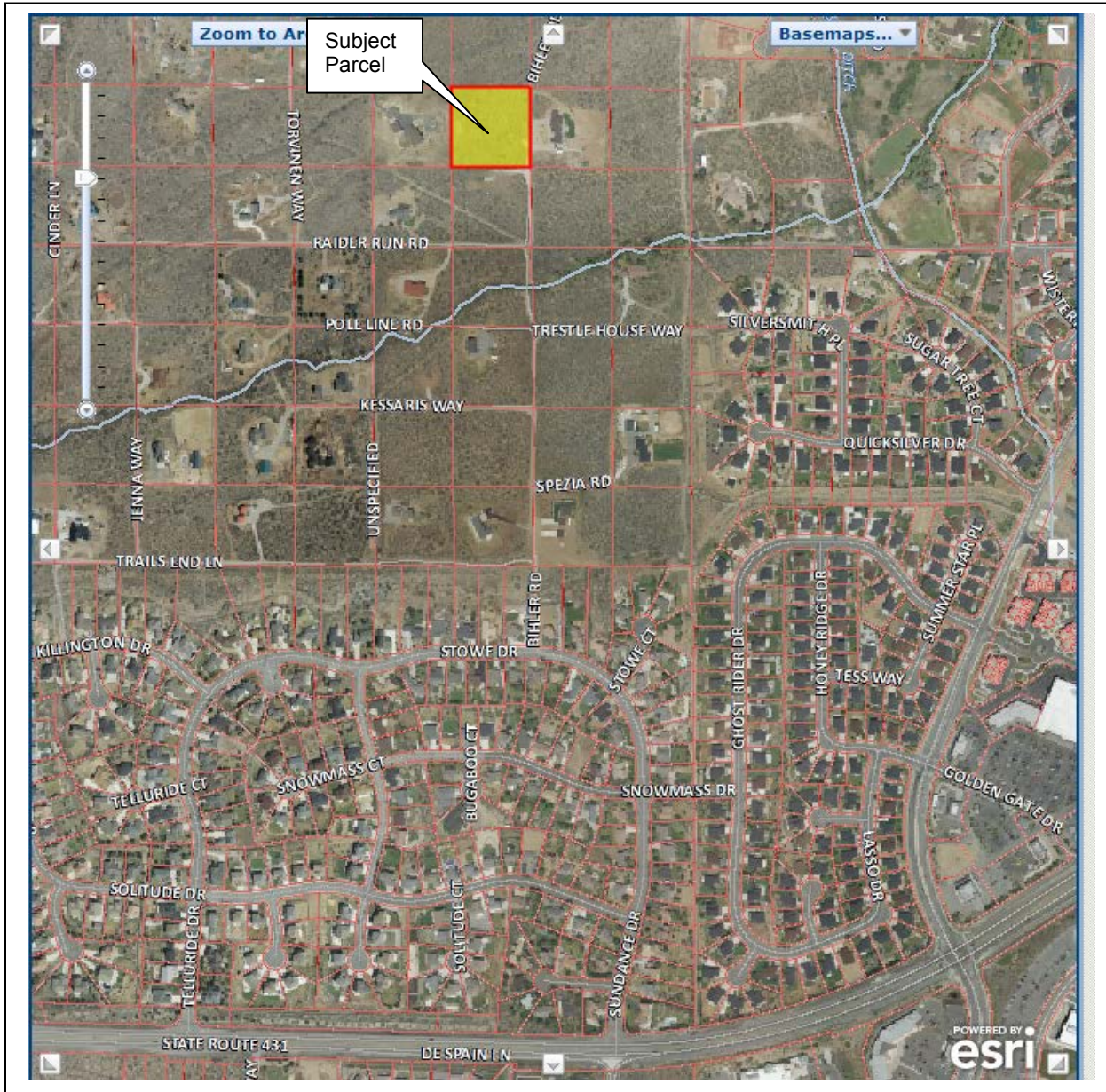
Exhibits Contents

Conditions of Approval Exhibit 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 Map Exhibit F
Project Application Exhibit G
Amended Project Description Exhibit H

Administrative Permit Definition

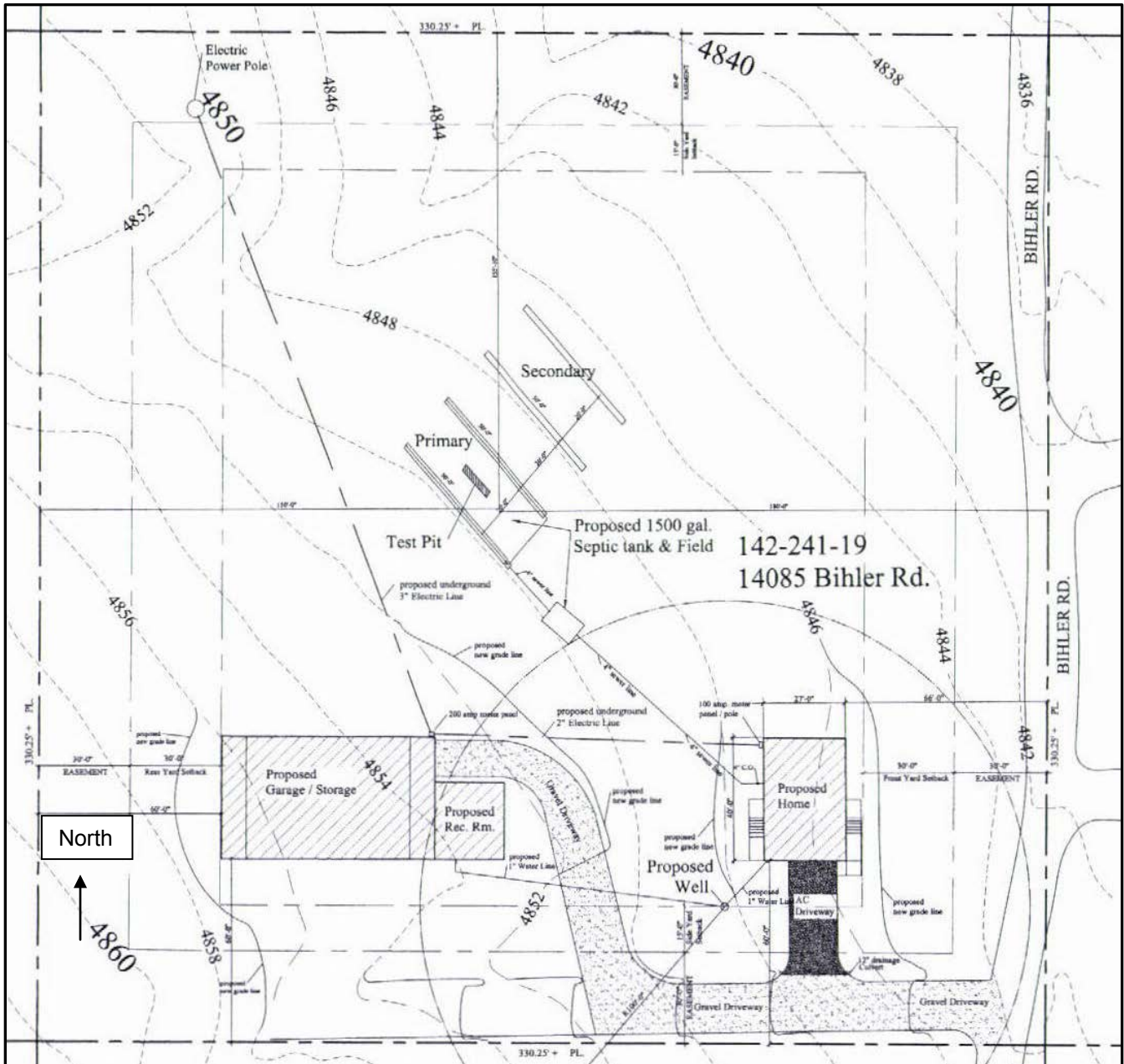
The purpose of an Administrative Permit is to provide a method of review for a proposed use which possesses characteristics that require a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The Board 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.

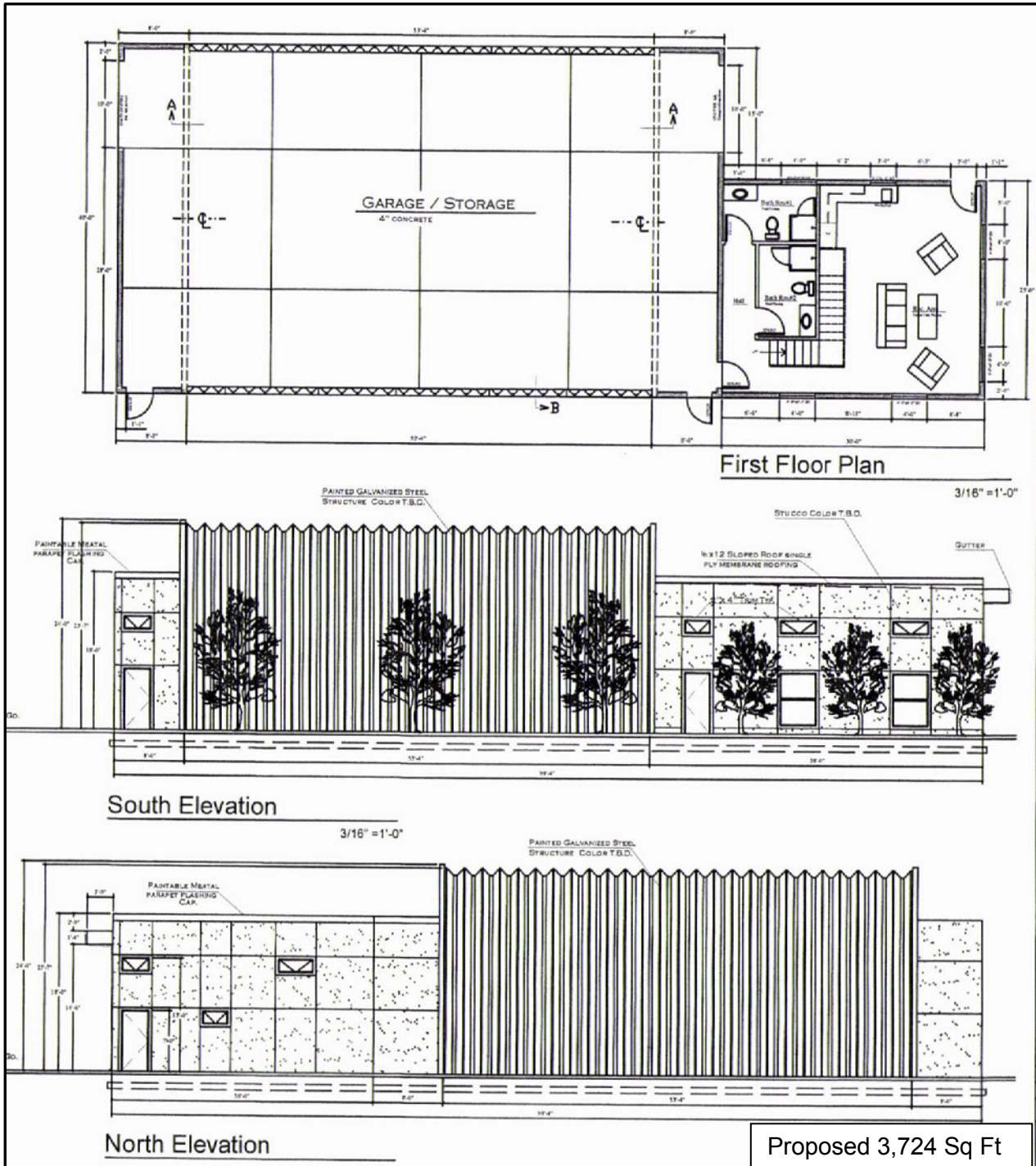


Vicinity Map

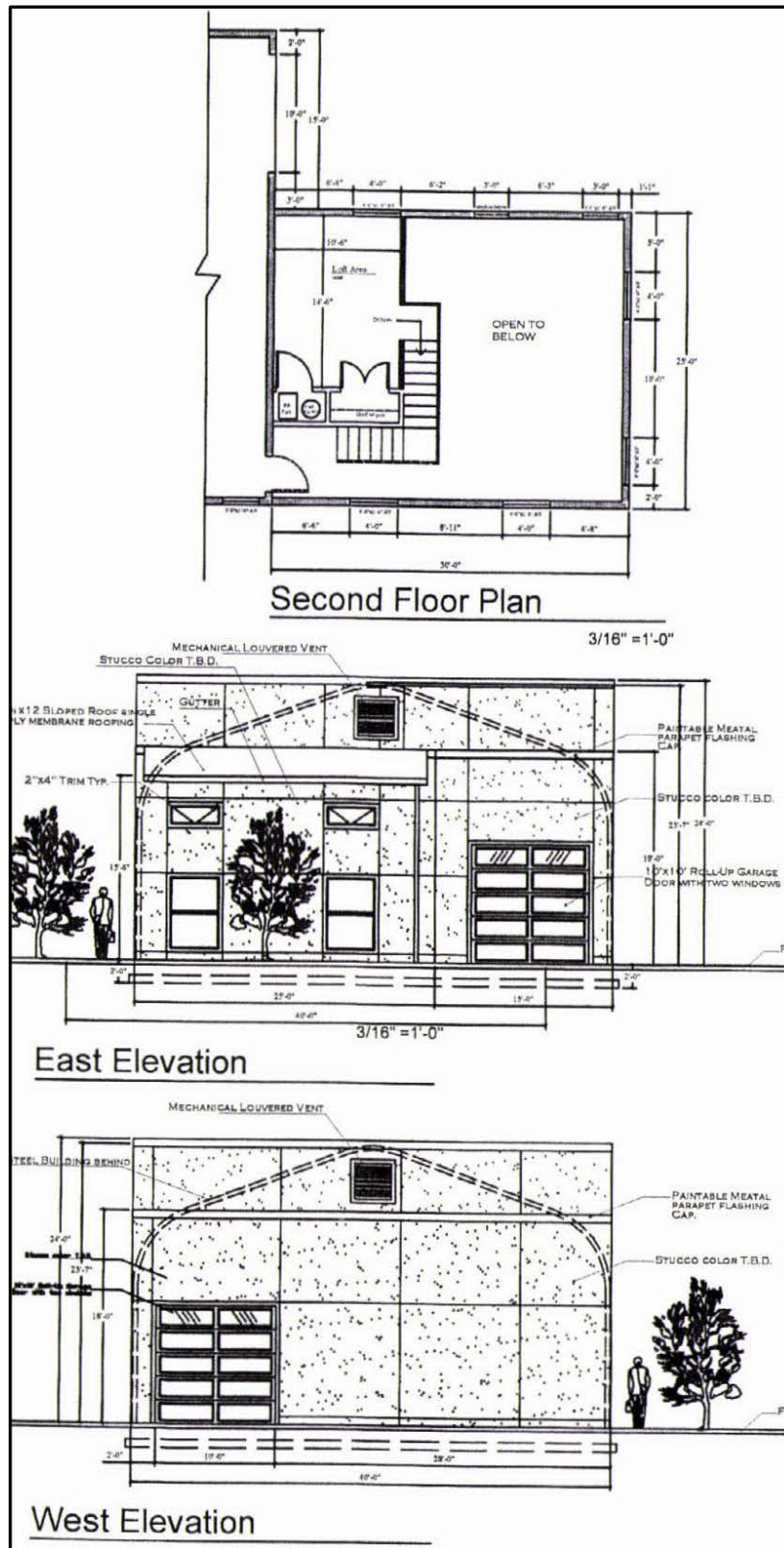
Subject Parcel Address: 14085 Bihler Road, Reno
Southwest Truckee Meadows Planning Area
Access to the subject parcel is roughly ¾ of a mile north of the Mount Rose Highway (SR 431).



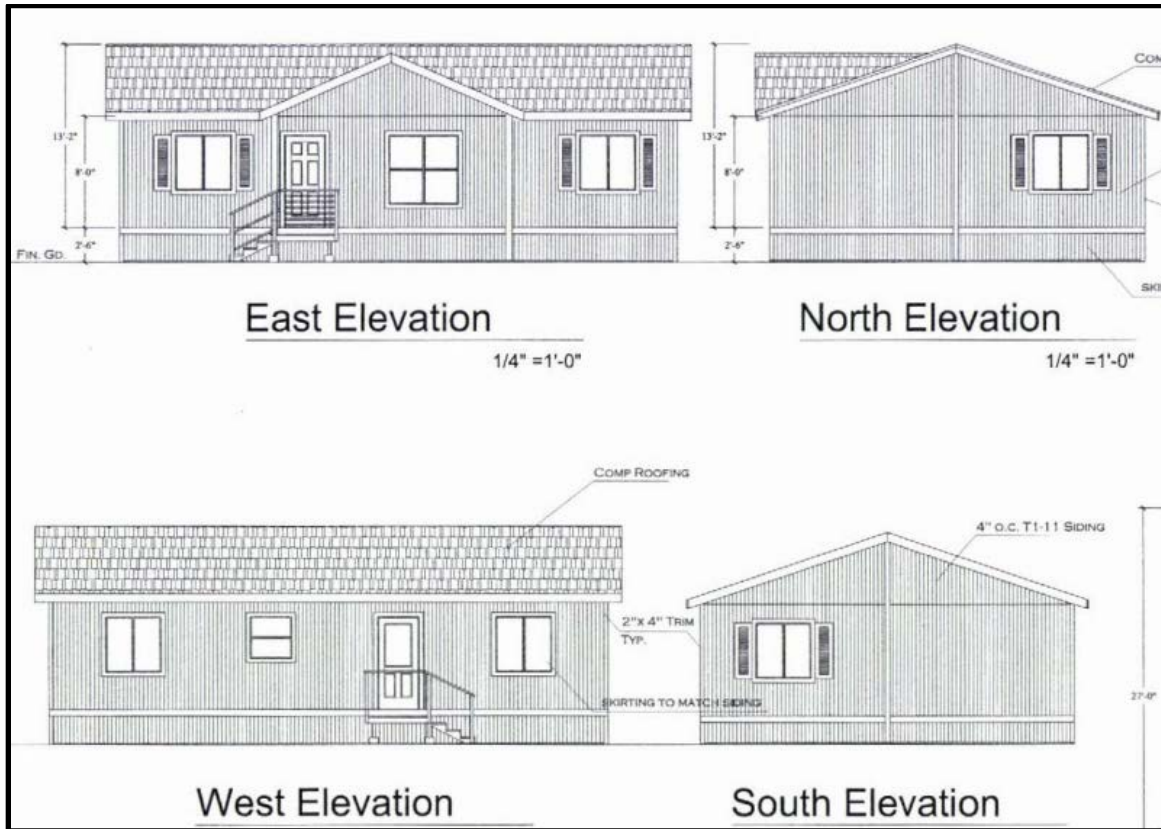
Site Plan



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, ivesely@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.~~ a residential fire sprinkler system and/or a water supply for fire suppression due to lack of water 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, ivesely@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 water supply for fire suppression and/or a residential fire sprinkler system shall be required for structures constructed on the property due to the lack of water for fire suppression, per the Washoe County Code 60 and the International Fire Code (IFC), in the area.
- 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

January 24, 2013

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 water supply for fire suppression and/or a residential fire sprinkler system shall be required for structures constructed on the property due to the 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". The signature is fluid and cursive, with the first name being more prominent.

Amy Ray
Fire Marshal

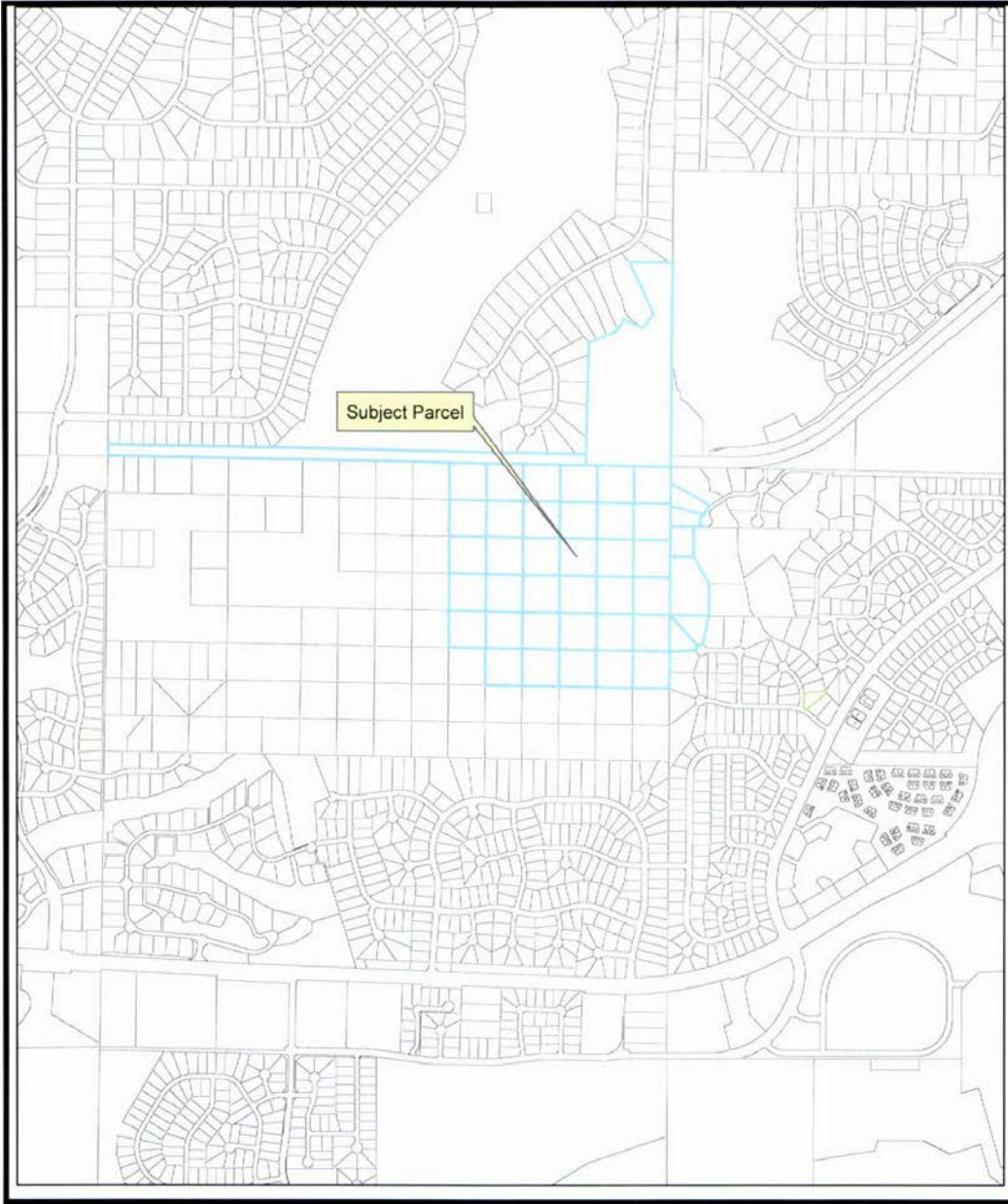
TRUCKEE MEADOWS FIRE PROTECTION DISTRICT

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
------------------------------	--

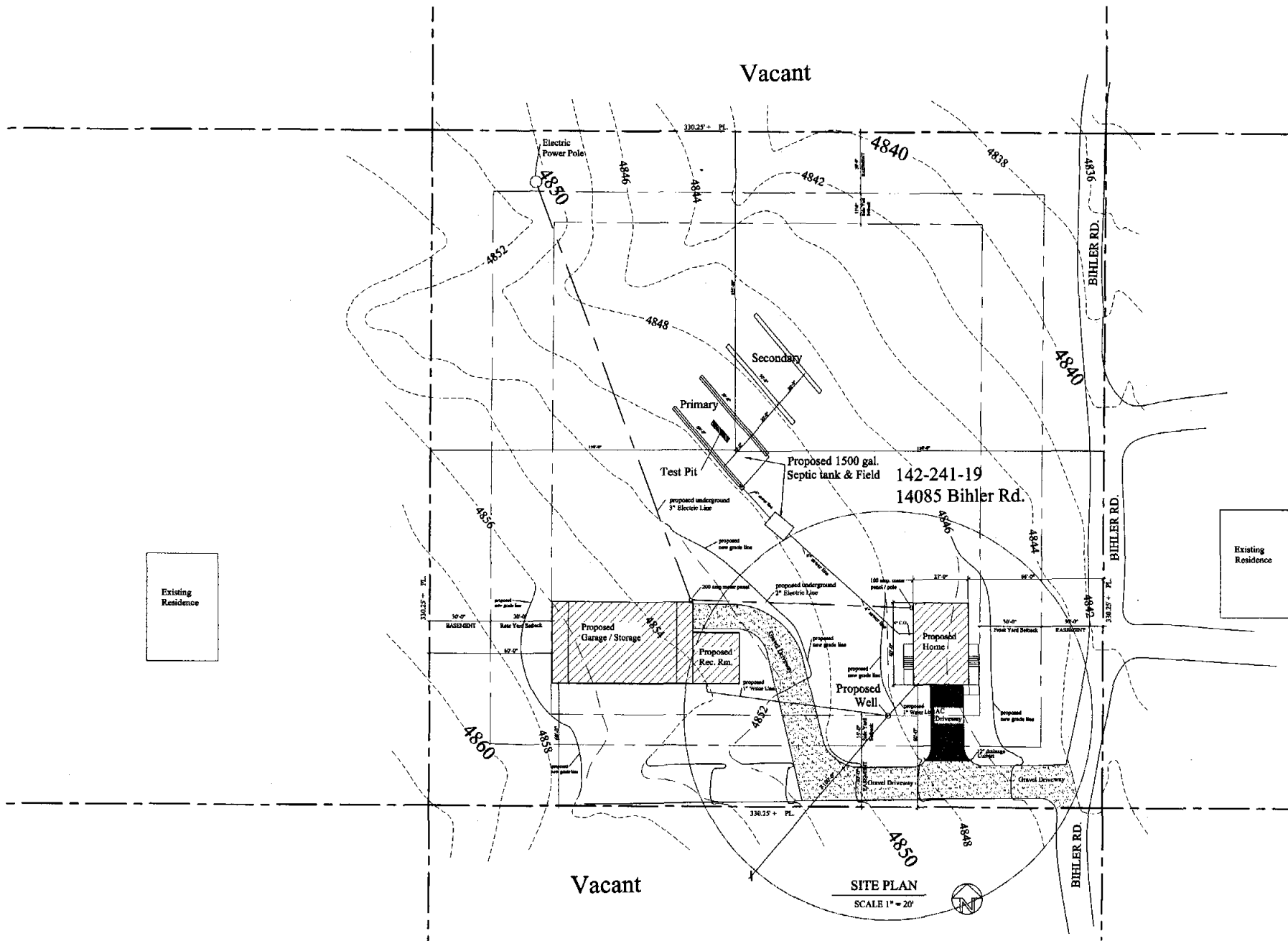
13. Utilities:

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

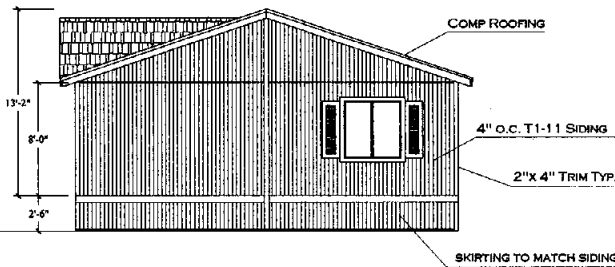
Sheet No.

a0



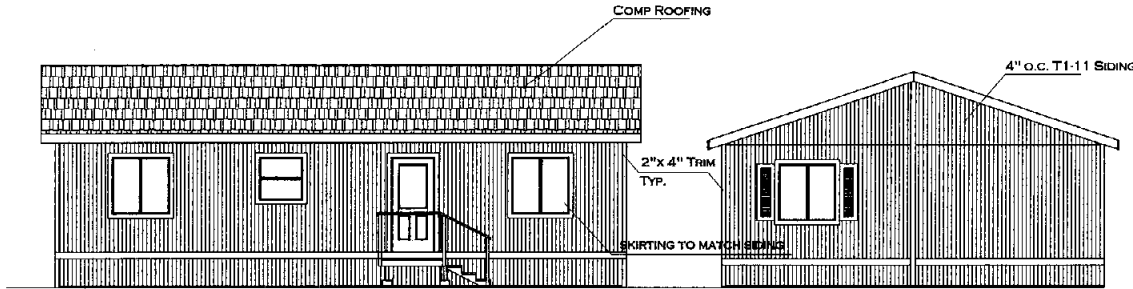
East Elevation

1/4" = 1'-0"



North Elevation

1/4" = 1'-0"

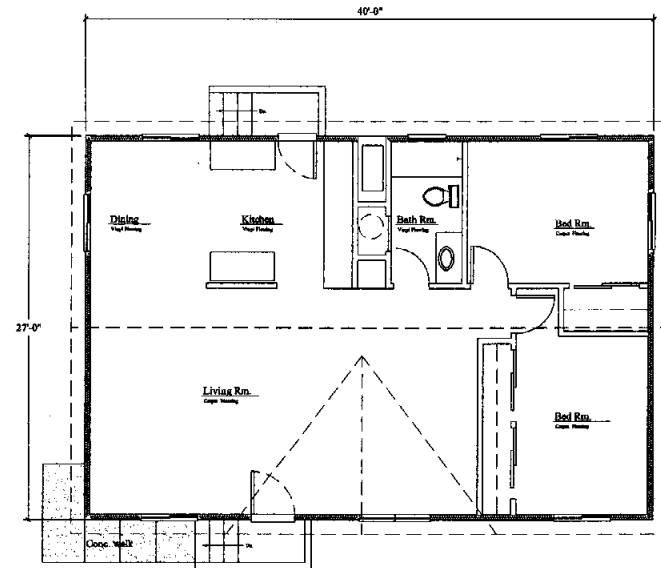


West Elevation

1/4" = 1'-0"

South Elevation

1/4" = 1'-0"



Floor Plan

1/4" = 1'-0"

Revised 1/21

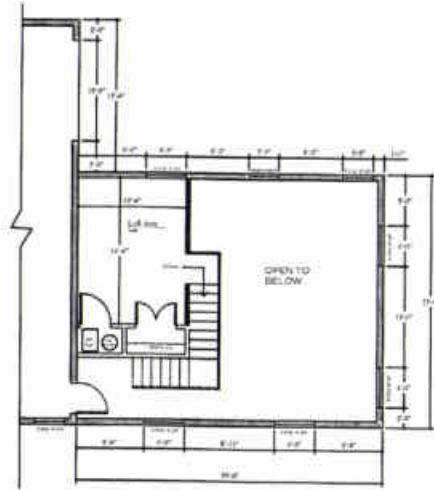
JOSEPH W. SNIDER ARCHITECT
2212 LONGWOOD DRIVE
RENO, NV. 89509 (775) 827-8713

ARCHITECT

David Wood Resid. Garage/ Stor.
1408 1/2 Pkwy
Reno, NV. 89521

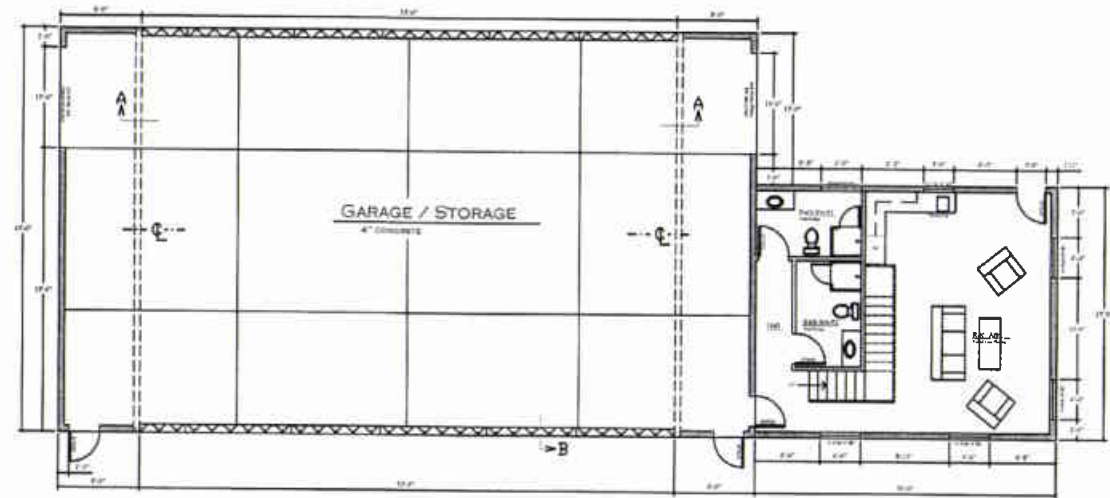
Nov. 1, 2012
Drawn by JWS
Ck by
Date 1/21/13

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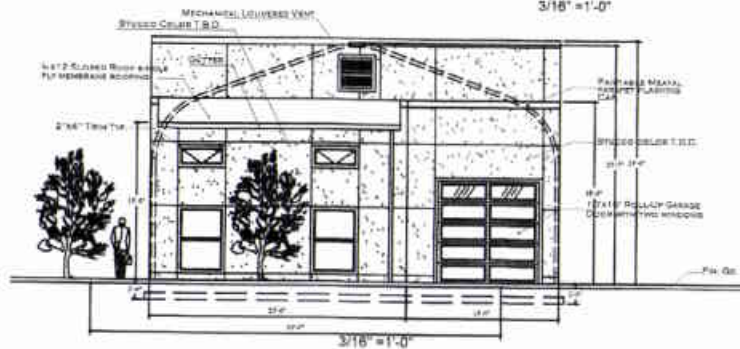
Second Floor Plan

3/16" = 1'-0"



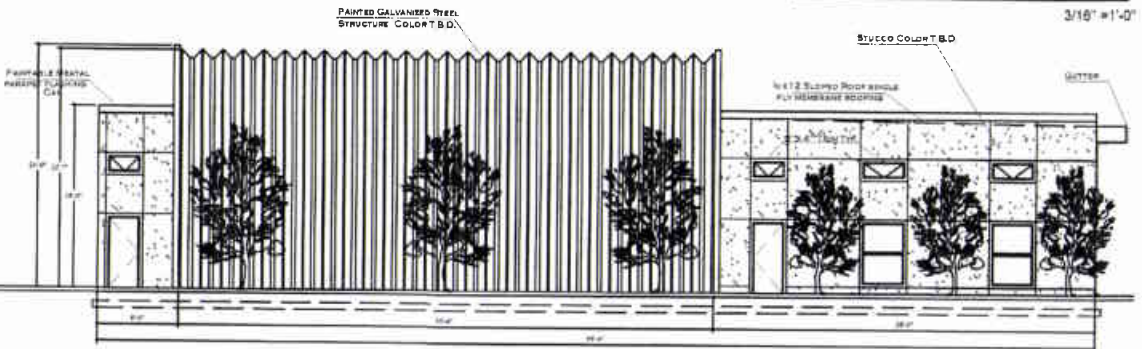
First Floor Plan

3/16" = 1'-0"



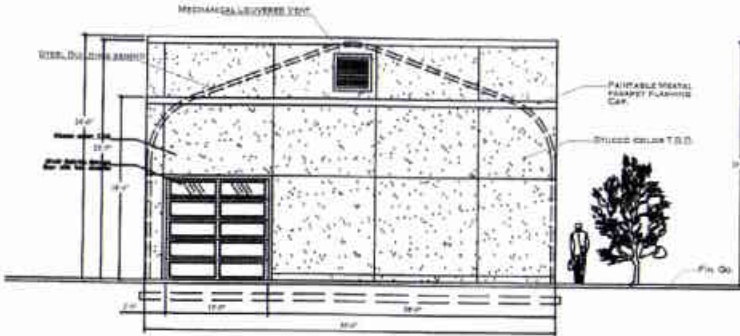
East Elevation

3/16" = 1'-0"



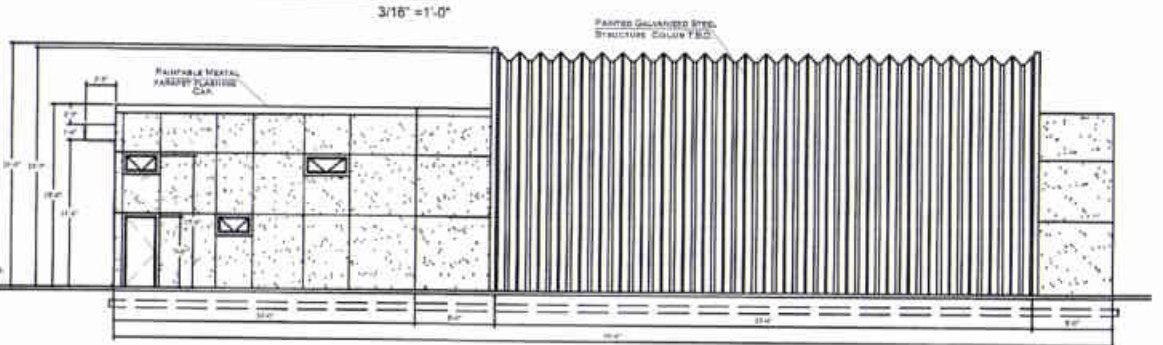
South Elevation

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
CHK	JMS
APP	
SCALE	AS SHOWN

a2

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;

A handwritten signature in blue ink that reads "David L. Wood". The signature is written in a cursive style with a large initial "D".

NOV. 8, 2012

David L Wood

To: **Board of Adjustments c/o**

Grace Sannazzaro, Planner, Washoe County Community Services Department

PO Box 11130, Reno, NV 89520-0027

gsannazzaro@washoecounty.us

From: Gail Ferrell and Michael Wilkin, Property Owners

14430 Spezia Rd.

Reno, NV 89511

csaws@pointers.reno.nv.us

January 31, 2013

Re: **Administrative Permit Case No. AP12-009 - David Wood**

Dear Sirs and Madams,

Members of our community in the 'government lots' north of the Mt. Rose Highway, west of Wedge Parkway and east of Thomas Creek in south Reno oppose the plans set forth by Mr. David Wood, Administrative Permit Case No. AP12-009. Mr. Wood's plans to place a modular home and warehouse among our traditional high quality built homes will cause our neighborhood irreversible damage to the quality of our neighborhood and to the value of our homes and properties.

Rather than having excessive regulations, our neighborhood relies on the good judgment and community cooperation to maintain a high quality neighborhood of well maintained homes made of superior materials, self maintained roads and an understanding that our homes are our investment in our neighborhood and our community. The quality of our homes create a desirable neighborhood with high aesthetic appeal. We work hard to keep our neighborhood up, and do so due to the integrity of the home owners.

Mr. Wood's proposal to place a modular structure of low quality and low visual appeal as well as a warehouse structure will be an eyesore in our neighborhood. His proposal takes advantage of the goodwill of the neighborhood. Common sense and common courtesy are demonstrated through respect for other peoples' property. Mr. Wood's proposal does neither. It demonstrates a lack of respect for our neighborhood by the desire to put a warehouse 345% larger than the mobile home, and degrades the neighborhood by creating a storage facility on his property; not a single family home as on all other properties.

Following are photos of our home, which demonstrates the type of homes we expect in our neighborhood. Mr. Wood's proposal will truly degrade the value of our home and the integrity of our neighborhood. At the very minimum, please require the applicant to present the plans to the Design Review Committee to mitigate community concerns. The Design Review Committee is requested to review all aspects of the proposal including quality of materials, lighting, viewsapes, integrity of the neighborhood, the potential to adversely affect other land uses, transportation including our road maintenance, and safety including all facilities in the vicinity. Also consider there are no fire hydrants in the 'government lots', no street lighting, no gutters, no paved roads and the views of

adjacent parcels, including the large and well maintained home directly to the east of the proposed structures will be greatly compromised.





Additionally, we take exception to the staff recommendation that “the proposed accessory structure would (not) create any kind of substantial negative impact to the adjacent neighbors or to the surrounding neighborhood.” (p10) In fact, the warehouse proposed in this plan is profoundly inconsistent with (a) the residential nature and ambiance of the neighborhood and (b) of the quality of building materials of the other homes in the neighborhood. The modular home is completely inconsistent with the superior quality of these homes.

Homes in the ‘government lots’ date back at least 50 years. At no such time have any lots been warehouse or gymnasium type of structures nor have any modular homes been placed on these lots. To do so is inconsistent with the standards and heritage of the Southwest Area Plan and therefore does not meet the **Consistency** requirement of the **Required Findings**:

“SOUTHWEST TRUCKEE MEADOWS AREA PLAN Vision

Through cooperation with the Washoe County Board of County Commissioners and the Washoe County Planning Commission, the communities of the Southwest Truckee Meadows planning area will maintain and apply objective standards and criteria that serve to manage growth and development in a manner that:

- Respects the heritage of the area by encouraging architectural and site design standards that are responsive to this heritage”

Other Findings not met in **Administrative Permit Case No. AP12-009 - David Wood**

From the staff report:

2. Improvements.

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.

In fact the unpaved roads in this neighborhood are maintained by cooperative agreement and regular upkeep is required on a volunteer basis by members of the neighborhood. The staff comment misrepresents the fact that additional traffic on Bihler road will require additional necessary upkeep, especially if the intended warehouse is actually to be used by many others outside the neighborhood. Mr. Wood has made no provisions for such upkeep.

3. Site Suitability.

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.

In fact it IS unusual for a warehouse or gymnasium to be situated in a residential community so the Suitability Finding has NOT been met.

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.

This is the most egregious Finding: a low quality residence and a warehouse over 300% larger than the residence WILL BE Detrimental to the character of the surrounding area and to the adjacent properties by:

1. Compromising the consistency of high quality family homes and the residential integrity of the neighborhood
2. Decrease the value of existing homes by such low quality and commercial type structures
3. Increase traffic from visitors to the gymnasium thereby creating the feel of a commercial area in a residential neighborhood
4. Creates an eyesore

Mr. Wood has the opportunity to have a warehouse and/or gymnasium in an appropriate location such as an already established commercial area. However his choice to locate this type of facility in our residential neighborhood degrades the quality of the neighborhood, invites others to further compromise our neighborhood with inferior quality buildings and demonstrates a lack of respect for the community overall.

Respectfully,
Gail Ferrell
Michael Wilkin

From: Todd Tresidder [todd@financialmentor.com]
Sent: Sunday, January 27, 2013 3:25 PM
To: Sannazzaro, Grace
Subject: Administrative Permit Case No. AP12-009 - David Wood

Hi Grace,

I'm a homeowner at 14085 Raider Run Road (immediately adjacent to the proposed Wood development), and I would like to request that "Administrative Permit Case No. AP12-009 - David Wood" pending before the Board of Adjustments meeting on February 7th be denied.

With all due respect, I feel the staff findings were in error.

Most specifically, the proposed structure would cause great damage to the surrounding homeowners and the entire Whites Creek Crossing community.

We are a community of custom built single family homes. The homes immediately surrounding the proposed structure are high quality and valued from \$500,000 and up.

Mr. Woods proposed development would be so dramatically inconsistent with the character of current and trending development that it would lower the value of the surrounding homes hurting both the homeowners and Washoe County through reduced long-term tax revenues. This impact would further spread throughout the community as the surrounding lots get developed in the future. In other words, it is highly likely these lots will attract similarly low quality development when a 30 foot tall, unattractive, steel commercial building with an adjacent modular home is the neighbor. This is just common sense.

Furthermore, economics research supports this claim through a concept known as the "broken window effect". Research shows a home can sit vacant for a year or more and not cause any problem for the community as long as the condition remains intact. However, as soon as the first broken window occurs then suddenly the home attracts graffiti, additional broken windows, and vandalism thus hurting the entire community.

Mr. Woods proposed development would precipitate the broken window effect in our community – first by negatively impacting the value of all adjacent homeowners and second by negatively impacting the quality of all future development in the immediate area. It would be like introducing cancer into our community.

I respect Mr. Woods right to develop his property, but he should not have the right to do it in a way that takes value from the adjacent homeowners, the surrounding Whites Creek Crossing community, and the County as well. His plans are completely incongruent with what we have here and will not fit in.

I request that this permit be denied on the basis that issuance would be extremely damaging to the surrounding homeowners and the community.

Thank you,

Todd & Katherine Tresidder
Tresidder Family Trust
14085 Raider Run Road
Reno, Nevada 89511

From: Edward Yenick [edwardyenick@hotmail.com]
Sent: Sunday, January 27, 2013 12:10 PM
To: Sannazzaro, Grace
Cc: lynn; todd; kurt specer
Subject: (2nd addition as first had typo) Administrative Permit Case No. AP12-009-David Wood
Attachments: Jan 2013 054.JPG

January 24, 2013

Washoe County Community Services Department

Grace Sannazzaro, Planner

PO Box 11130

Reno, NV 89520-0027

RE: Administrative Permit Case No. AP12-009-David Wood

Dear Ms. Sannazzaro,

We would like to go on record for opposing and request denial to the above Administrative Permit Case submitted by David Wood for the following reasons:

1. This application will have a negative impact on property values, thus reducing the county's tax base, and future prospective home builders will re-consider building elsewhere that does not have commercial structures in neighborhoods. Our house and property recently appraised in excess of \$950,000.00, and this application by Woods will severely impact our hard work and lifetime of investment and costing us hundreds of thousands of dollars.
2. Most homes are on well and septic, and Woods accessory structure shows two side by side showers which will deplete natural resources and lower the water table if used excessively by visitors who might use the accessory structure as a gym in a commercial enterprise.
3. The dirt roads are maintained by volunteers of the community and homeowners, and receive no public funding. The increased traffic for a gym or commercial building would cause an additional burden on the roads and costs to maintain those roads to current home owners. It also would generate pollution and dust to the area. Safety would also be concern to home owners who exercise or walk their dogs on our community rural roads with no traffic signs or traffic enforcement with the increased traffic of a commercial building.
4. This accessory structure will create a negative impact to the quality of life by increased traffic, and changing this rural gemstone into a commercial business area for the future, that belongs in an appropriate commercially zoned area. There are no commercial buildings or modular homes in our community, only garages and barns.
5. If Wood opts to use water storage tanks or ponds for fire suppression, this will further deplete the precious water resources in the area.

6. Wood under LLC, Good to Be Wood owns 55 properties in Washoe County to include a gated CC&R custom lot ¼ mile from this application property. It is unreasonable to think he would move his family of six into a 1,000 sf modular home on the application property.

-1-

If this application is approved, we would request that the following added to the Conditions of Approval.

1. The accessory have a fire alarm system that is monitored 24 hours a day and a bond placed to insure that this monitoring company is contracted a year at a time with one year paid in advance.
2. Require the applicant to present the plans to the Design Review Committee to mitigate community concerns.
3. Require the applicant to post a bond for road damages and general maintenance for the large equipment to construct a commercial building.
4. Reduce the bathrooms in the accessory building to one, if it is only to be used as storage and not a commercial enterprise.
5. Require soundproofing, as commercial buildings could be potentially noise polluting to the community.
6. Limit the amount of exterior lighting found in commercial buildings to Wood's accessory structure which will be in excess of thirty feet tall (similar to commercial structures).

Please deny Administrative Permit Case No. AP12-009-David Wood, for the above reasons.

Thank you,

Edward Yenick, Jr.

Cyndi L. Yenick

14080 Bihler Rd

Reno, NV 89511

775.851.7683 home

Photo Attachment of our residence, 14080 Bihler Rd.

-2-

Subject: FW: Administrative Permit Case No. AP12-009 - David Wood
Attachments: House.jpg

Grace Sannazzaro, Planner
Washoe County Community Services Department
Planning & Development Division
Phone: 775-328-3771
Email: gsannazzaro@washoecounty.us

From: Nora Boisselle [mailto:noraboisselle@sbcglobal.net]
Sent: Monday, January 28, 2013 12:15 PM
To: Sannazzaro, Grace
Cc: lynmundt@mac.com; todd@financialmentor.com; edwardyenick@hotmail.com
Subject: Administrative Permit Case No. AP12-009 - David Wood

Dear Grace:

My husband and I are opposed to the permit request from David Wood to build a small module home and an oversized accessory structure on 14085 Bihler Road and request that the Board of Adjustments deny the request.

I have attached a picture of our home as an example of the type of homes in our community. Our home is one of the smaller homes in the community. We appreciate your time and consideration of the following concerns:

1. We feel that the project is not consistent with the other homes in the area.

- Our community consists of primary residences not second homes or income properties. Most of the residents are long term community members.
- Our homes are large, stick built homes representing a variety of architectural styles.
- There are no modules or mobile homes in our community.
- There are no warehouse type accessory structures; most of the larger accessory structures are barns that house horses.
- This accessory structure design is a commercial style structure not keeping with the look of the rest of the buildings in the community.
- Our community is a rural oasis in the midst of suburban communities; this accessory structure is an urban warehouse building.

2. We feel that the utilities are not adequate to support this structure.

- The majority of the homes in the area are on well and septic tank. This accessory structure is intended to be a gymnasium with a basketball court and includes 2 full bathrooms. It implies that multiple people will be showering after the games. This will require more water usages than a normal accessory structure and deplete the already dwindling water table in the area.
- The additional sewage in the septic tank will seriously impact the quality of the water table.
- The dirt roads are maintained by the community NOT by any public agencies. Basketball games require anywhere from 10 – 20 people, these games will add a great deal of additional traffic to the one lane roads in the community and causing additional road maintenance to be provided by the community.
- A safety concern is vehicles exiting from the property onto Bihler Road (junction of Raider Run) will be coming in on a blind curve.
- There are no street lights or stop signs in our community.
- Access to the property requires crossing Whites Creek. The additional traffic will generate pollution detrimental to the creek and surrounding vegetation.

3. We feel that this project is detrimental to the character of the surrounding community and will negatively impact property values.

- This project will be detrimental to the public health of the community impacting the ground water and the creek water.
- The additional traffic generated by this project will jeopardize the safety of the residents of the

community and cause an undue burden on the community for road maintenance.

- This project will negatively impact the property value of the 2 adjacent properties with homes and therefore, the entire community. There are very few comparable in our community. Any sale in our community impacts all the property values in the community.
- The 2 empty lots on either side of this property will not attract the same quality of homes as the rest of the community if this structure is built, further reducing property values.
- The visual impact of this accessory structure will be impact the views throughout the community, effecting more than the adjacent property owners and further reduce the property values in the community.
- This accessory structure will create a negative impact to the quality of life in our community by the additional amount of lighting, increased noise and by changing the look and feel of the community from rural to urban.
- This accessory structure has the potential to become a commercial building in a non- commercial community.

If the Board of Adjustments approves this permit application, we request that the following be added to the Conditions of Approval:

1. Lighting – No lighting higher than a one story building. All exterior lighting should be down lighting, low wattage and not impact any existing or future homes.
2. The accessory structure roof include sound proofing.
3. Reduce the number of full bathrooms in the accessory structure to 1 full bathroom.
4. Require the applicant to post a bond to pay for any damages and general maintenance to the roads as a result of the heavy construction equipment needed to build this structure.
5. If the residence is not a primary residence, a monitored fire alarm system should be included in the accessory structure.
6. Require the applicant to move into the residence prior the construction of the accessory building to mitigate potential construction related issues.
7. Require the applicant to present the plans to the Design Review Committee to mitigate community concerns.

Thank you for your help!

Nora and Chuck Boisselle
3155 Kessarais Way
775 853-5723



From: mom dad [finelinedp@sbcglobal.net]
Sent: Monday, January 28, 2013 4:11 PM
To: Sannazzaro, Grace
Subject: Wood Case No. AP12-009

Hello Grace,

My wife, Paula and I are home owners in the government homesites along Whites Creeks and have lived in the home we built ourselves for the past 25 yrs. It is our belief that the proposed project by David Wood is not of the nature of the existing neighborhood and would severely change the atmosphere of our community not to mention property values and the family orientation that currently exists and has since we have lived here! Therefore, we request that Mr. Woods' / Administrative Permit Case No. AP12-009 be **denied** !

We feel that the proposed structure by Mr. Wood does not fit into the rural lifestyle of the neighborhood and would only increase traffic flow and noise to the area. We, as neighbors, do our own road maintenance and repair of which the increased traffic flow to the "Basketball Gym" style structure would cause excessive wear and tear, thereby involving more time, cost and overall effort to keep the dirt roads of the neighborhood serviceable to our community.

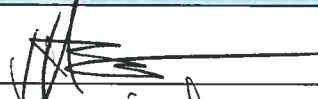
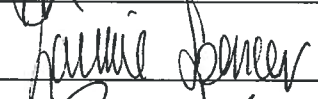
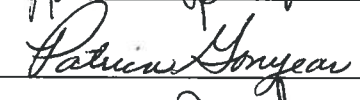

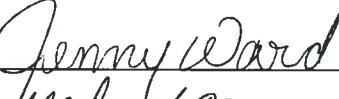
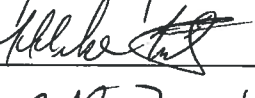

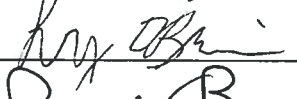


Thank you for your interest in our community,

David Peterson
3467 Mt. Rose Hwy. (actually on Cinder Lane)
Reno, NV 89511

775-852-8897

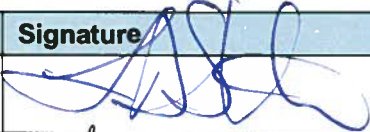


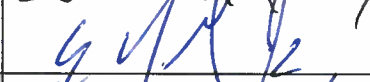

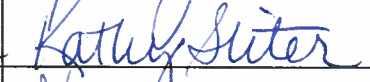

Whites Creek Crossing Community Petition

Petition summary and background	Washoe County Administrative Permit Case # AP12-009 is being heard and open for public comment on Feb 7th, 2013. Case # AP12-009 is requesting a special building permit to allow a new land owner to construct a 3800+ square foot, nearly 3 story industrial metal building with adjacent 1000 square foot modular home on Bihler Road. This structure is being presented as a family residence of 6 with indoor play area, however evidence suggest this industrial building is laid out and intended for commercial and/or organizational activities with the owners residing off-site. Please make your voice heard to help maintain our community, as a community.
Action petitioned for	We, the undersigned, are resident members of the Whites Creek Crossing Community that oppose the Washoe County Administrative Permit Case No. AP12-009 based on concerns that are inconsistent with the Planning Commission's findings.

Printed Name	Signature	Address	Comment	Date
KURT SPENCER		14150 RAIDER RUN		1/26/13
Laurie Spencer		14150 Raider Run Rd	NOT in my backyard!	1-26-13
Patricia Gonyeau		3215 KESARIS Way ^{Mail} P.O. Box 18276 RENO NV		1/27/13
Brian Ward		2270 Whites Creek Ln.		1/27/13
Jenny Ward		2270 Whites Creek Ln		1/27/13
Mike Fritz		14095 TORVINEN way		1/27/13
Bill Triguere		14155 Turnpan Way		1/27/13
LIZ O'BRIEN		2250 WHITES CREEK LN		1-27-13
BRIEN O'BRIEN		2250 WHITES CREEK LN		1-27-13
HARRY WILSON		3315 MT ROSE H. WAY		1-27-13

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Printed Name	Signature	Address	Comment	Date
L.D. SLITER		2050 Whites Creek Ln	Please Denie this App	1-28-13
V.O. LEEDY		2200 Whites Creek Ln	PLS Deny App	1-22-13
S. L. LEEDY		" " " "	Please deny APP.	1-27-13
Edward Yenick		14080 BIHLER Rd ⁸⁹⁵¹¹	Does Not Belong Here DENY APPLICATION SHOULD BE	01-27-13
Judith Yenick		14080 Bihler Rd ^{Remo 89511}	Please deny application	01/27/2013
Kathy Sliter		2050 Whites Creek Ln	Please deny application	1/27/13
Sharon Irvin		2150 Whites Creek	Structure is for Commercial Use	1/28/13


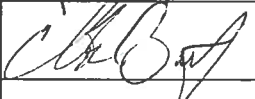
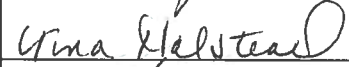
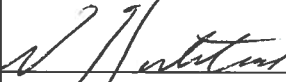
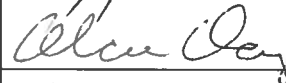
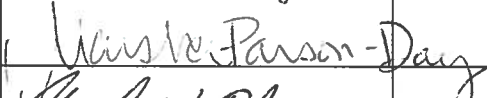
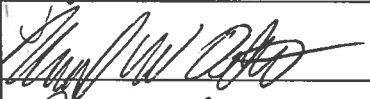

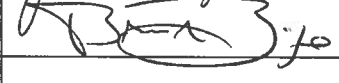
Whites Creek Crossing Community Petition

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Printed Name	Signature	Address	Comment	Date
Lyn Mundt	<i>Lyn Mundt</i>	14010 Whites Ck Ln	AP12-009 is not consistent with surrounding properties & is detrimental to prop. values	1-27-13
Allen V. Mundt	<i>Allen V. Mundt</i>	14010 Whites Creek Lane	To approve AP12-009 is to set a precedent for more problems	1-27-13
EMILY BARNES	<i>Emily Barnes</i>	14405 Bihler Rd	Detrimental to property values. Neighborhood eyesore	1-27-13
FRANK E BLOCK	<i>Frank E Block</i>	" " "	TECOMMERCIAL ACTIVITY	1/27/13
AILEEN S. BLOCK	<i>Aileen S Block</i>	" " "		1/27/13
Michael Wilkin	<i>Michael Wilkin</i>	14430 Spezia Rd	AP12-009 is not consistent with neighborhood. Will degrade property values	1/27/13
Gail Ferrell	<i>Gail Ferrell</i>	14430 Spezia Rd	AP-12-009 degrades not only frequency & values of neighborhood.	1-27-13






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Printed Name	Signature	Address	Comment	Date
Nora Boisselle		3155 Kessaris Way		1/26/13
Chuck Boisselle		3155 Kessaris Way		1/26/13
Vina Halstead		14415 Bihler Road		1/26/13
DAVID HALSTEAD		14415 BIHLER RD		1/26/13
Alan Day		3145 Kessaris Way		1/26/13
Marsha Day		3145 Kessaris Way		1/26/13
Michael W Oehle		3095 Kessaris way		1/27/13
Jean Bye		3210 Kessaris Way		1-28-13
Bruce Bye		3210 Kessaris Way		1-28-13

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Printed Name	Signature	Address	Comment	Date
JONATHAN ANDREWS		14300 POBELINE ROAD RENO, NV 89511		1/26/2013
TODD R. TRISIDDER		14085 RAIDER RUN RD. RENO, NV. 89511		1/26/2013
KATHERINE TRISIDDER		14085 Raider Run Rd RENO, NV 89511		1/26/13
LAUREEN ANDREWS		14300 Pobelina Rd Reno NV 89511		1.27.13
Karen Dickerson		14000 Raider Run Reno, NV 89511		1/29/13

Whites Creek Crossing Community Petition

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Printed Name	Signature	Address	Comment	Date
Paula Peterson	<i>Paula Peterson</i>	3467 mt. Rose Hwy	opposed to proposed permit	1/26/13
Richard Forchug	<i>Rick Forchug</i>	2505 Trails End Ln		
Jim Wimsatt	<i>Jim Wimsatt</i>	2575 Trails End Ln	opposed to permit	1/26/13
J. PANKENSTIEL	<i>Jen Pankenstiel</i>	3195 Mount Rose Hwy		1/26/13
Kathy Baker	<i>Kathy Baker</i>	3465 Jenna Way	opposed to proposed permit	1-27-13
Dave Baker	<i>Dave Baker</i>	3465 Jenna Way	opposed to proposed permit	1-27-13
Carol Phillips	<i>Carol Phillips</i>	3345 Jenna Way	opposed to proposed permit	1-28-13
Tami Lethouillier	<i>Tami Lethouillier</i>	3340 Jenna Way	opposed to proposed permit	1-28-13
DAVID PETERSON	<i>David Peterson</i>	3467 Mt. Rose Hwy	OPPOSED TO PERMIT	1/28/13

Whites Creek Crossing Community Roster

Blue indicates Homeowner

APN	Situs	Owner1	Phone Number	Email Address	Petitioner	Signed Pet	Vision St
142-242-21	2435 TRAILS END LN	IMBURGIA, DAVID A et al			PP		
142-242-16	2465 TRAILS END LN	FENIO, DARYL G			PP		
142-242-20	2505 TRAILS END LN	FORDING LIVING TRUST, RICHARD A & JOANNE M			PP	XX	
142-242-19	2575 TRAILS END LN	WIMSATT, JAMES M			PP	XX	
142-241-57	3275 JENNA WAY	PETERSON, L RON & JULIE E			PP		
142-241-55	3340 JENNA WAY	LEHOULLIER, MAURICE J & TAMI P			PP	XX	
142-241-56	3345 JENNA WAY	PHILLIPS FAMILY TRUST, CAROL J					XX
142-241-42	3400 JENNA WAY	TALBOTT TRUST, WILSON & VIRGINIA			JT	XX	XX
142-242-15	3455 JENNA WAY	SUMMERS TRUST, ROBERT E					
142-241-40	3465 JENNA WAY	BAKER, DAVID A & KATHLEEN A			PP	XX	
142-241-21	CINDER LN	FURLONG, MICHAEL J et al					
142-241-22	CINDER LN	ROSE, HILDA C et al					
142-241-24	CINDER LN	ELLIS, JAMES E & LINDA G					
142-241-26	RAIDER RUN RD	HORTON LIVING TRUST, JACK L					
142-241-28	RAIDER RUN RD	MCDANIEL, MARK & AMANDA					
142-241-39	RAIDER RUN RD	VAN, LONG et al					
142-241-36	14000 RAIDER RUN RD	DICKERSON, KAREN R et al			TT	XX	XX
142-241-29	14085 RAIDER RUN RD	TRESIDDER FAMILY TRUST	560-2420	todd@financialmentor.com	TT	XX	XX
142-241-37	14150 RAIDER RUN RD	SPENCER, KURT W & LAURIE J	338-6398	kspencer@balvytech.com	KS	XX	XX
142-241-27	14305 RAIDER RUN RD	SLUCHAK TRUST OF 2000 (Jan & Klm)			KS	XX	XX
142-241-38	14300 Pole Line Rd	Andrews, Jonathan & Laureen			TT	XX	XX
142-241-52	KESSARIS WAY	JOHNSON FAMILY TRUST					
142-241-45	3095 KESSARIS WAY	OEHLERT, MICHAEL W & MEGAN E			NB	XX	
142-241-53	3145 KESSARIS WAY	DAY, ALAN R & MARSHA L	843-5352	dav@mineralexploration.com	NB	XX	
142-241-44	3155 KESSARIS WAY	BOISSELLE, CHARLES E JR & NORA K	853-5723	noraboisselle@sbcglobal.net	NB	XX	XX
142-241-54	3210 KESSARIS WAY	BYE, BRUCE A & JEAN L		byenbye@gmail.com	NB	XX	XX
142-241-43	3215 KESSARIS WAY	GONYEAU 2009 LIVING TRUST, GIRARD & PATRICIA			KS	XX	XX
142-241-16	BIHLER RD	SLITER FAMILY TRUST, LARRY					
142-241-17	BIHLER RD	SHIELDS, JOHN C et al					
142-241-31	BIHLER RD	CHEN LIVING TRUST					
142-241-32	BIHLER RD	MUNDT, ALLEN V					
142-241-35	BIHLER RD	JEFFERS, KEVIN T & KAREN W					
142-241-47	BIHLER RD	REUTER, ALFRED & GRACE					
142-241-51	BIHLER RD	JOHNSON FAMILY TRUST					
142-241-60	BIHLER RD	WONG, ALAN L & PATRICIA					
142-241-18	14080 BIHLER RD	YENICK, EDWARD J JR & CYNDI L	750-4591	edwardyenick@hotmail.com	EY	XX	XX
142-241-19	14085 BIHLER RD	WOOD IS GOOD LLC (David Wood)					
142-241-30	14145 BIHLER RD	OLEARY, MICHAEL & LORRAINE		oleary5@cox.net			
142-241-63	14400 BIHLER RD	FRITZ, JOHN & MELISSA			LM		
142-241-62	14405 BIHLER RD	BLOCK FAMILY TRUST (Frank Block)		feblock@gmail.com	LM	XX	XX
142-241-61	14415 BIHLER RD	HALSTEAD FAMILY TRUST, DAVID & TINA			NB	XX	
142-241-50	SPEZIA RD	KNUF FAMILY TRUST, LEO W					
142-241-64	SPEZIA RD	WILKIN, MICHAEL S et al	853-2931	12wilkin@gmail.com			
142-241-49	14430 SPEZIA RD	FERRELL, GAIL S et al (Mike)		csaws@pointers.reno.nv.us	L	XX	XX
142-241-46	14465 SPEZIA RD	BRITT, JOHN T			NB		
142-241-08	TORVINEN WAY	UNITED STATES OF AMERICA					
142-241-10	14095 TORVINEN WAY	FRITZ, MICHAEL R & DENISE A	843-2802		KS	XX	XX
142-241-23	14155 TORVINEN WAY	TRIGERO, WILLIAM & PEGGY			KS	XX	XX
142-241-01	WHITES CREEK LN	SLITER FAMILY TRUST, LARRY & Kathy					
142-241-33	14010 WHITES CREEK LN	MUNDT, ALLEN V	772-1964	lynmundt@mac.com	LM	XX	XX
142-241-02	2050 WHITES CREEK LN	SLITER FAMILY TRUST, LARRY & Kathy			EY	XX	XX
142-241-04	2150 WHITES CREEK LN	IRVIN, SHARON			EY	XX	
142-241-13	2160 WHITES CREEK LN	POTTS, RICHARD					
142-241-20	2170 WHITES CREEK LN	LIDDLE, NEIL et al (Chew, Davina Chow)			EY		
142-241-05	2200 WHITES CREEK LN	LEEDY, VANCE O & SUSAN L			EY	XX	XX
142-241-12	2220 WHITES CREEK LN	SPROUSE, RICK S & DIANA L			KS	XX	XX
142-241-06	2250 WHITES CREEK LN	O'BRIEN, BRIEN & ELIZABETH A			KS	XX	XX
142-241-11	2270 WHITES CREEK LN	WARD, BRIAN D & JENNY D			KS	XX	XX
142-242-01	2435 WHITES CREEK LN	FERRELL, EDWARD S JR & CHARLENE K			KS	XX	XX
142-242-13	3315 MOUNT ROSE HWY	WILSON, HARRY J	852-0877	bearbunch@sbcglobal.net	KS	XX	XX
142-242-10	3325 MOUNT ROSE HWY	TALBOTT, JOHN S & LINDA D	851-3863	3talbs@sbcglobal.net	JT	XX	XX
142-241-25	3425 MOUNT ROSE HWY	TORVINEN, GREG B	851-0760	fivebart@sbcglobal.net	JT	XX	XX
142-242-08	3467 MOUNT ROSE HWY	PETERSON FAMILY TRUST (David & Paula Peterson)		Paulap1955@gmail.com	PP	XX	XX
142-241-59	3195 MOUNT ROSE HWY	PFANNENSTIEL TRUST (Joe and Tanya)	JOSEPH & TANYA PF		PP	XX	XX

Whites Creek Crossing Community Vision Statement

Whites Creek Crossing is a private, rural community that values the natural environment and quiet, uncrowded lifestyle with just one single family home per 2.5 acre parcel.

Whites Creek Crossing homeowners seek to protect and promote the community that attracted them here through a shared statement of core values/concepts:

1. Protect the existing investment of neighbors by limiting new construction to permanent, single family dwellings only that are consistent or superior in quality to the surrounding homes. Additionally, all supplemental structures shall be consistent with character of the primary dwelling and single family usage.
2. Preserve our quality of life by protecting our natural resources. No visual eyesores that adversely impact our neighbor's enjoyment of their home and the surrounding vistas. Additionally, no health hazards of any type including, but not limited to, any activity that may adversely affect shared water or air resources.
3. Inclusive Governance: We conduct all activities in a manner that encourages community involvement and promotes neighborly understanding.
4. Roads: Our roads are private and self-maintained by an informal community agreement where everyone contributes to his ability for the exclusive benefit of community members and their guests.
5. A distinctive sense of place based on the rural, low density housing, quality and beauty of our natural environment, open views, country roads, and quaint bridges. It is a place where neighbors wave to one another, horses run by on dirt roads, and you feel like you live out in the middle of nowhere even though you are right in the middle of everything.

By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.

Name Patricia Murphy Longyear

Address 3215 KESSARIS Way & mail
P.O. Box 18276 RENO, NV 89511

Telephone (775) 852-4199

Whites Creek Crossing Community Vision Statement

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Name Brian D. Ward

Address 2270 Whites Creek Ln.

Telephone (775) 750-1279

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Name



Address

14095 TORVINEN WAY

Telephone

275 843 2802

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Name Bob Zuzel

Address 14155 Turner Way

Telephone 775-852-9460

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Name Bruce A. Bru

Address 2250 WHITES CREEK LN

Telephone 775-771-5050

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Name HARRY WILSON

Address 3315 MT ROSE HI WAY

Telephone 775-852-0877

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Name



Address

14305 Raider Run Rd
Reno, NV 89511

Telephone

775 690 2117

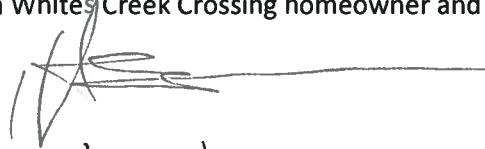
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Name KURT & LAURIE SPENCER

Address 14150 RAIDER RUN.

Telephone 775 328 ~~9~~ 6398

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Name Rick Sprouse

Address 2220 Whites Creek Ln.

Telephone 775-425-9214

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Name Charlene Ferrell / Charlene Ferrell
Address 2435 Whites Creek Ln.
Reno, NV 89511
Telephone 775-852-1431

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Name Jani's Pfannenstiel

Address 3195 Main ROSE HWY, R1

Telephone 775-851-1574

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Name L. D. SLITER

Address 2050 Whites Creek Ln
RENO NV 89511

Telephone Cell 232-5401

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Name Susan L Leedy / (Vince Leedy)

Address 2200 Whites Creek Ln.
Reno NV 89511

Telephone 775-852-2635

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Name Gail Ferrell Michael Wilkin

Address 14430 Spezia Rd

Telephone 853-2931

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Emily S. Barnes

Name Frank E Block (Richard Block)

Address 12205 BILZER RD.

Telephone 775 851 1375

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Name DAVID PETERSON 

Address 3467 Mt Rose Hwy Reno NV 89511

Telephone 775-851-7910

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Name

John Talbott

Address

*3325 Mt. Rose Hwy
Reno 89511*

Telephone

775 851-3863

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Name Wilson S. Talbott

Address 3400 Jenna Way
Reno 89511

Telephone 775 786-1380

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Name Edward & Cyndi / ENICK

Address 14080 Bickler Rd
Reno, NV 89511

Telephone 775-851-7683

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Name Allen V. Murdett Lynn Murdett

Address 14010 Whites Ck Ln

Telephone (775) 853-2907

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Name

Hughson

Address

3425 Mt Rose Hwy

Telephone

851-0760

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2. Preserve our quality of life by protecting our natural resources. No visual eyesores that adversely impact our neighbor's enjoyment of their home and the surrounding vistas. Additionally, no health hazards of any type including, but not limited to, any activity that may adversely affect shared water or air resources.
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4. Roads: Our roads are private and self-maintained by an informal community agreement where everyone contributes to his ability for the exclusive benefit of community members and their guests.
5. A distinctive sense of place based on the rural, low density housing, quality and beauty of our natural environment, open views, country roads, and quaint bridges. It is a place where neighbors wave to one another, horses run by on dirt roads, and you feel like you live out in the middle of nowhere even though you are right in the middle of everything.

By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.

Name

Jonathan Andrews

Address

14300 POLELINE ROAD, RENO 89511

Telephone

Whites Creek Crossing Community Vision Statement

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By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.

Name Laura J. Adams
Address 14300 Polaris Rd Reno 89511
Telephone 775 852 5156

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By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.

Name

Address

Telephone



Katherine Treadwell

14085 RADAR Row Rd.
Reno, NV. 89511

775-852-8898

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Name Karen R. Disher

Address 14000 Raider Run Rd
Reno

Telephone 775-851-6864

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By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.

Name

Jeffrey Brent Sipe

Address

3210 Kessariss Way "

Telephone

(775) 851-1681 "

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By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.

Name Charles Nova Boisselle

Address 3155 Kessaria Wy Ken NY 8967

Telephone (772) 853-5723

Whites Creek Crossing Community Vision Statement

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By my signature below, I acknowledge that I am a Whites Creek Crossing homeowner and support this community vision statement.



Name KAREN W. JEFFERS

Address 316 CALIENTE ST
RENO NV 89509

Telephone 775-348-2002

APN:

142-241-35

Whites Creek Crossing Community Vision Statement

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Name

Kevin Jeffers

Address

316 Caliente Street

Reno, NV 89509

Telephone

775-~~848-2000~~

772-4515

APN:

142-241-35



Board of Adjustment Staff Report

Meeting Date: February 7, 2013

Subject: Amendment of Special Use Permit Case No: AC13-001
Regarding Special Use Permit Case No: SB09-002

Applicant: Olson-Olson Architects

Agenda Item No: 8B

Summary: To increase the habitable living space of an approved detached accessory dwelling from 1,200 square feet to 1,491 square feet.

Recommendation: **Approval with Conditions**

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

Description

Olson-Olson Architects Case No. AC13-001, amending Special Use Permit Case No. SB09-002 for Tahoe Estates, LLC - To increase the area of habitable living space by 291 square feet of a detached accessory dwelling that was previously approved under Special Use Permit Case No. SB09-002. The original approval granted 1,200 square feet of habitable living space, and the new request is asking for 1,491 square feet of habitable living space.

- Applicant: Olson-Olson Architects
- Property Owner: Tahoe Estates, LLC
- Project Address/Location: 1019 Lakeshore Boulevard, Incline Village
South side of Lakeshore Boulevard, approximately 600 feet west of its intersection with Selby Drive
- Assessor's Parcel No.: 130-230-05
- Parcel Size: ± 2.17 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 306, *Accessory Uses and Structures*
Article 810, *Special Use Permits*
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 23, T16N, R18E, MDM, Washoe County

Staff Report Contents

Amendment of Special Use Permit Application Definition..... 3
Vicinity Map 4
Zoning Map..... 5
Site Plan 6
Proposed Floor Plan 7
Existing Floor Plan 8
Elevations 9
Public Notice 10
Project Evaluation 10
Incline Village/Crystal Bay Citizen Advisory Board (IVCBCAB) 11
Reviewing Agencies..... 12
Staff Comment on Required Findings 12
Recommendation..... 13
Motion..... 13
Appeal Process..... 14

Exhibits Contents

Amended Conditions of Approval Exhibit A
Incline Village General Improvement District Memo (IVGID) Exhibit B
Washoe County Engineering Division Exhibit C
Washoe County Building & Safety Division Exhibit D
Public Notice Map Exhibit E
Application Exhibit F

Amendment of Special Use Permit Application Definition

An amendment of special use permit application is necessary in order to modify an approved special use permit. Some examples of why an amendment of special use permit application is submitted are listed below:

- Physical expansion
- Change in operating hours
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

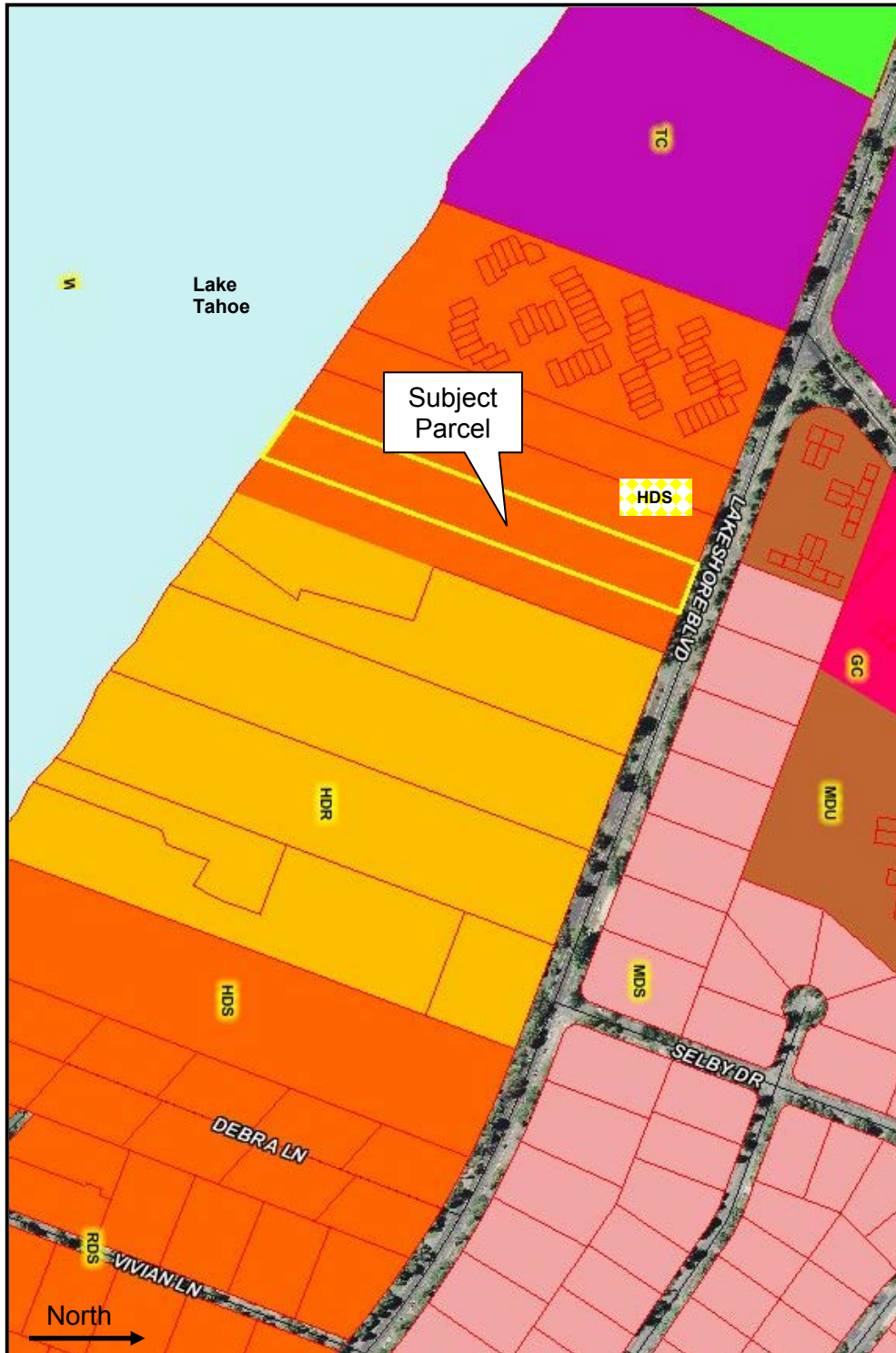
An amendment of special use permit application is required to be heard by the same board that approved the original application and only the requested amendment may be discussed and considered. An amendment of special use permit application is processed in the same manner as the original special use permit application, including a public hearing, noticing, feedback from the citizen advisory board, reviewing agency analyses, and satisfying the required findings. If an approval of the amendment request is granted, an amended Action Order is created along with amended conditions of approval.

The conditions of approval for Amendment of Special Use Permit Case No. AC13-001 is attached to this staff report and will be included with the amended Action Order if granted approval.

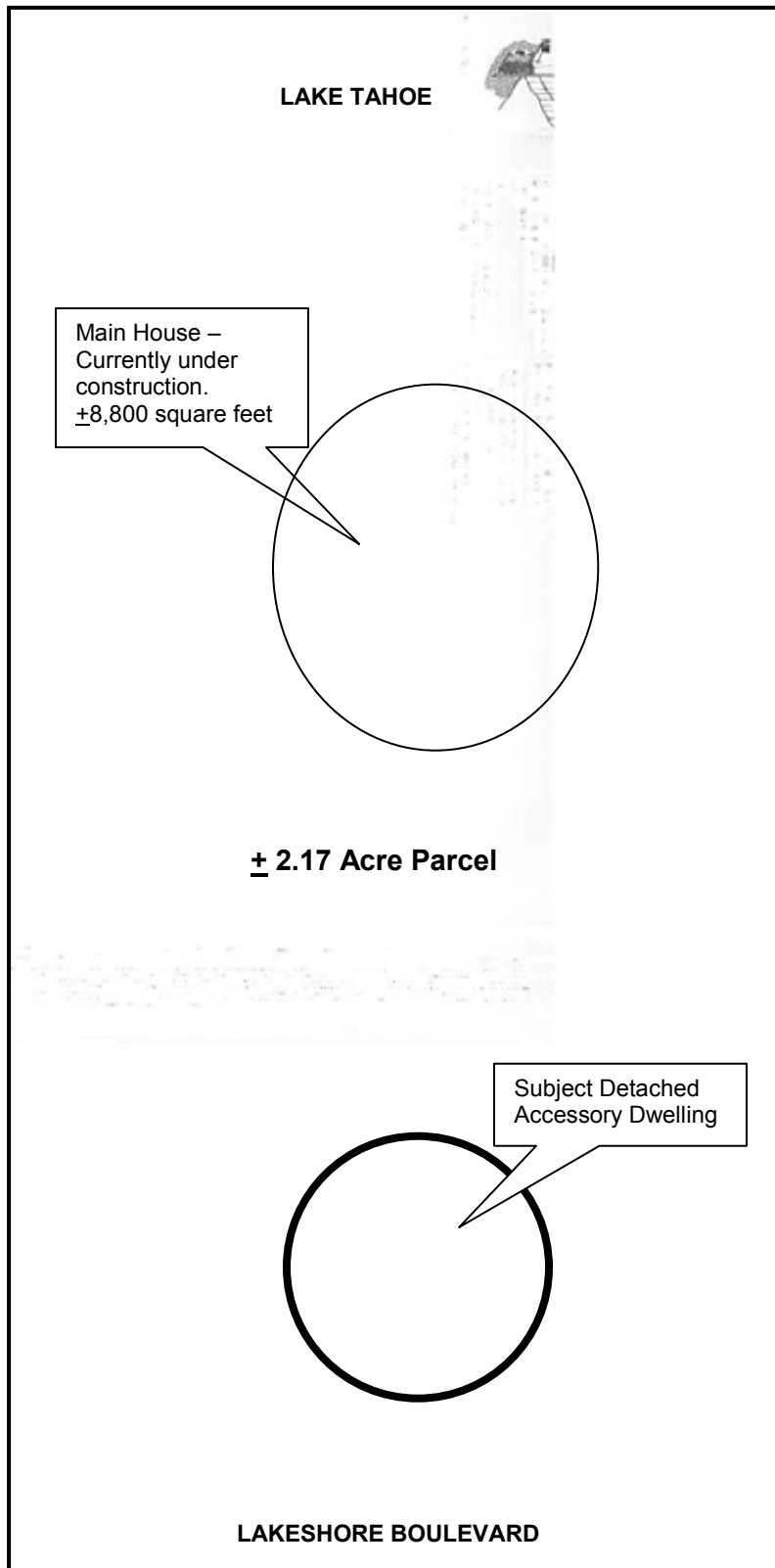


Vicinity Map

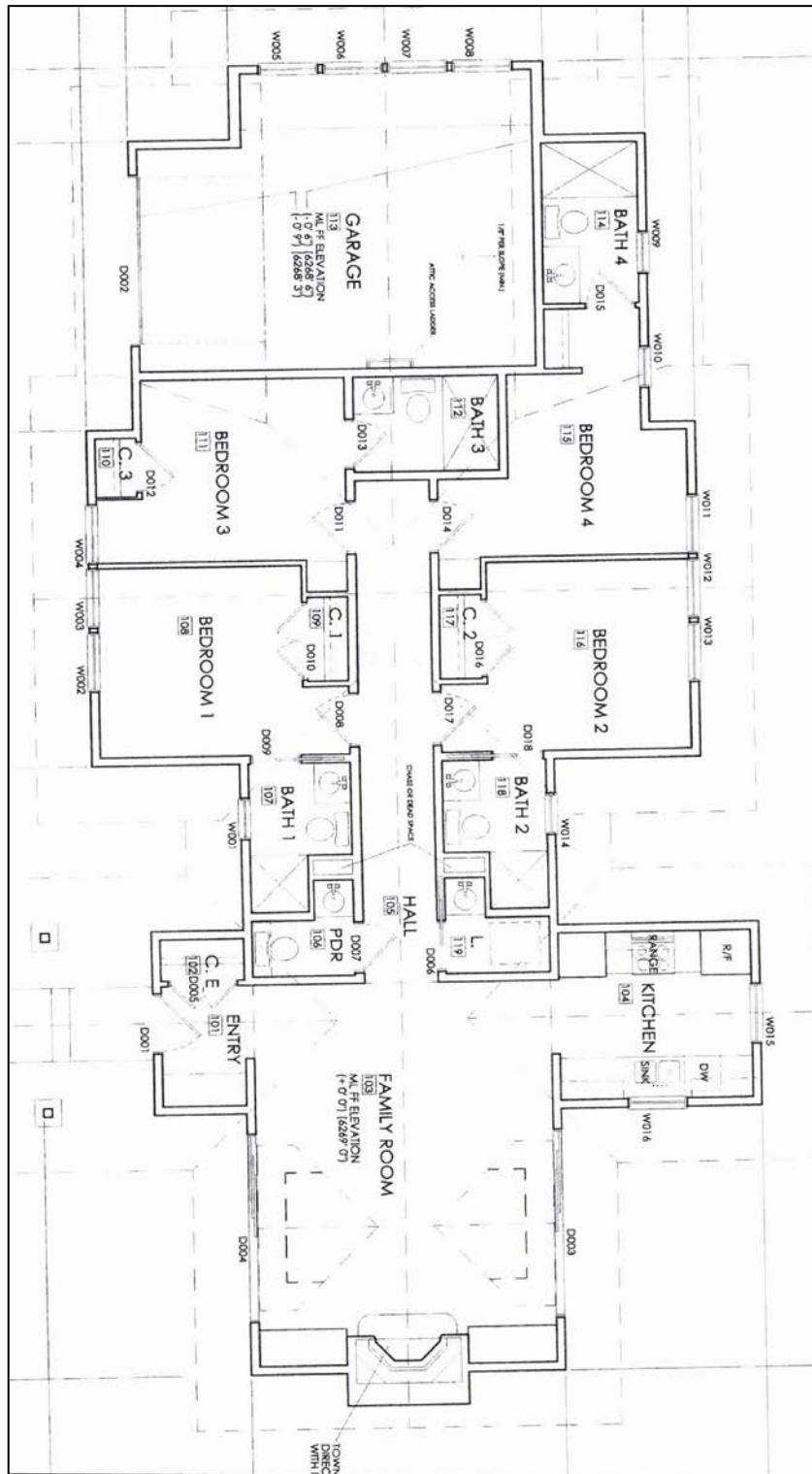
Subject Site Address: 1019 Lakeshore Boulevard, Incline Village



Zoning Map



Site Plan

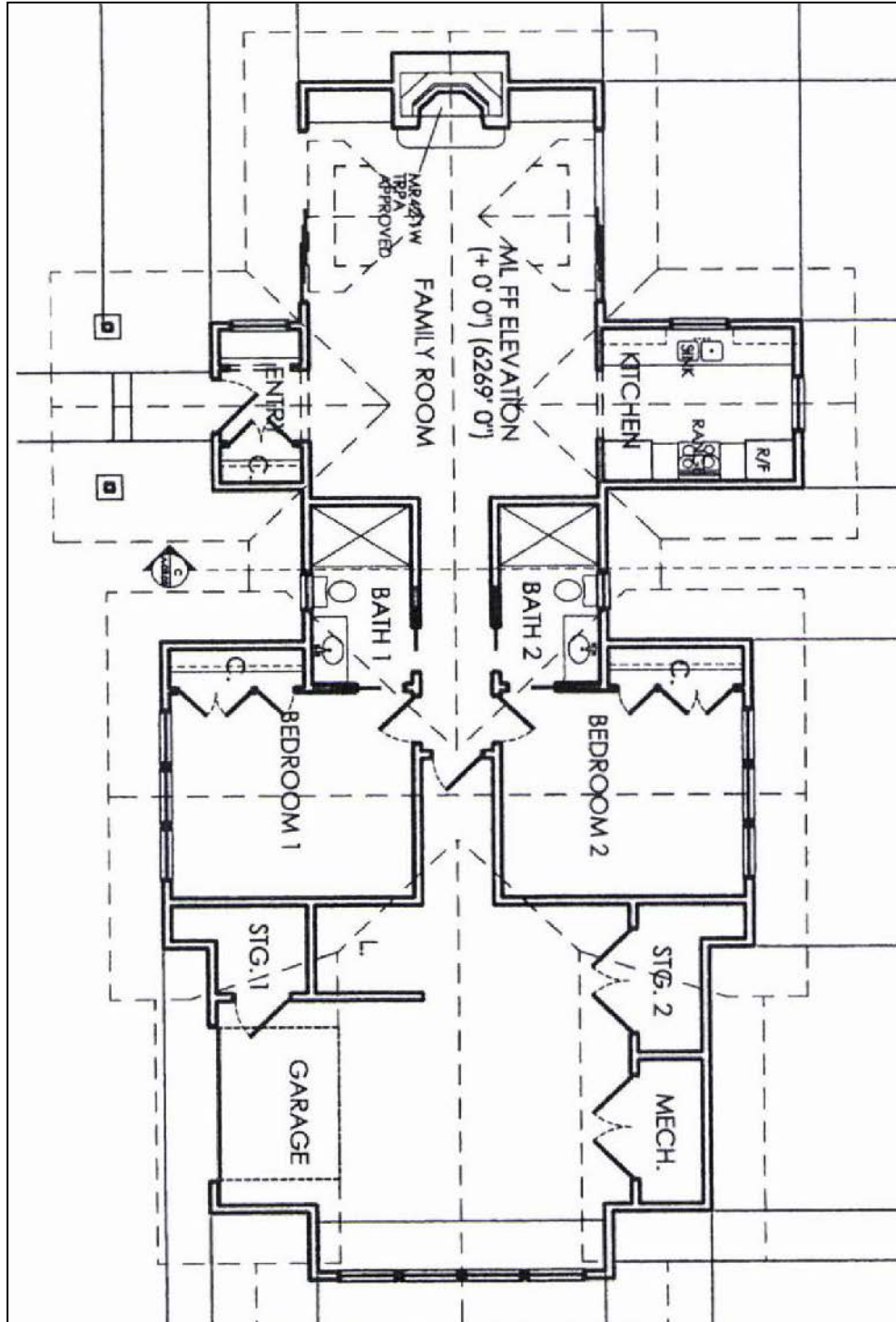


Proposed Floor Plan for Detached Accessory Dwelling

1,491 square feet of habitable living space

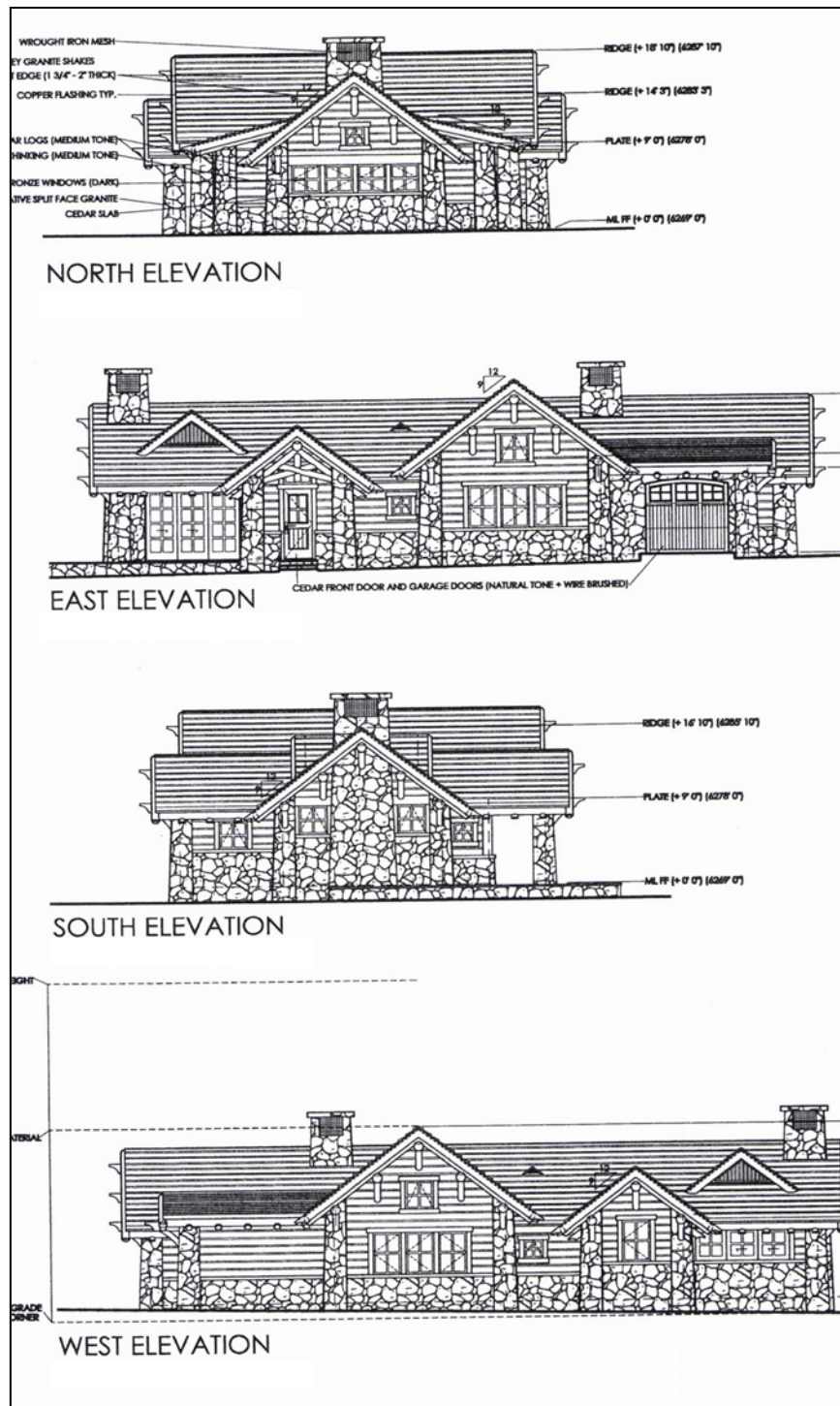
4 bedrooms/4 bathrooms

1,848.92 square foot footprint



Existing Floor Plan for Detached Accessory Dwelling

Approved by Board of Adjustment in 2009
1,200 square feet of habitable living space
2 bedrooms/2 bathrooms
1,848.92 square foot footprint



Elevations

Detached Accessory Dwelling
 Approved by Board of Adjustment in 2009
 The 1,848.92 square foot footprint is not increasing in size.
 The exterior design is not changing.

Public Notice

Notice of the subject application going before the Board of Adjustment was sent to 238 separate property owners within 500 feet of the subject parcel within 10 days of the public hearing date. Washoe County Development Code, Article 810 *Special Use Permits*, requires notice to be sent to a minimum of 30 separate property owners within 500 feet of the subject parcel within 10 days of the scheduled public hearing. (Exhibit E – Public Notice Map)

Project Evaluation

A special use permit for a detached accessory dwelling was approved with conditions by the Board of Adjustment on April 3, 2009. The footprint of the detached accessory dwelling is approximately 1,849 square feet and out of this square footage, 1,200 square feet was approved as habitable living space. The square footage of garages, crawl spaces, attics, cellars, or basements not designed for human occupancy are not considered as habitable living space. Even though the approval was granted in 2009, construction of the detached accessory dwelling has not yet been initiated. A $\pm 8,800$ square foot main house is currently under construction on the same parcel.

The subject parcel is ± 2.17 acres, is zoned High Density Suburban (HDS), and is one of three adjacent residential lots on Lakeshore Boulevard in Incline Village, all owned by the same property owner. The three parcels combined total approximately 7.67 acres. These three parcels are being developed as one large private residential compound, and are in a row with several other parcels owned by other property owners.

The subject special use permit for the detached accessory dwelling that was approved in 2009 has a condition of approval that requires the applicants to obtain a building permit within two years of the date of the special use permit approval or the special use permit becomes null and void. In early 2011, the applicants had not submitted for a building permit, and time was running out, so they submitted a request to extend the special use permit for another two years through an Amendment of Conditions application. In June of 2011, the Board of Adjustment granted the applicant's request, which extends the special use permit to April 3, 2013. The applicants now have until April 3, 2013, to apply for a building permit in order to keep the subject special use permit active.

With April 3, 2013, right around the corner, the applicants are planning to obtain a building permit before the special use permit expiration date; however, they would like to increase the habitable living space of the subject detached accessory dwelling from the approved 1,200 square feet to 1,491 square feet, but will keep with the same overall square footage of 1,849 square feet. This equates to an interior increase of 291 square feet of habitable living space. To create the additional living space they are mainly reducing the bedroom sizes and the garage area. They want to add two more bedrooms and two more bathrooms, which will result in a four bedroom, four bathroom detached accessory dwelling (see existing and proposed floor plans on Pages 7 and 8). Again, there won't be any change in the total size or exterior design of the detached accessory dwelling (see elevations on Page 9).

Since the 2009 approval of the subject special use permit, Washoe County Development Code, Article 306 *Accessory Uses and Structures* was amended. In January 2011, various regulations regarding detached accessory dwellings were amended. The Board of Adjustment must make a decision as to which version of the Development Code to use for considering approval of the current request that was originally approved in 2009.

If the 2009 Development Code is used, approval of the subject request cannot be considered because the maximum habitable square footage allowed for a detached accessory dwelling was 1,200 square feet or 50% of the main dwelling unit's habitable floor area, whichever was less. If the current Development Code is used, approval of the 291 square foot increase of habitable

living space can be considered because the maximum size for a detached accessory dwelling is 1,500 square feet of habitable space or 50% of the main dwelling unit's habitable floor area, whichever is less.

With the current Development Code allowing more square footage for a detached accessory dwelling than the 2009 Development Code, the applicant had considered submitting a complete new special use permit application. However, upon further examination, it was discovered that a new application was not an option because the current Development Code does not allow detached accessory dwellings in High Density Suburban (HDS) zoning, which is the subject parcel's zoning designation. The 2009 Development Code allowed detached accessory dwellings in HDS zoning.

The applicant also looked into applying for a zoning map amendment to change the existing HDS zoning to High Density Rural (HDR) zoning because several of the surrounding parcels have HDR zoning, and the current Development Code allows detached accessory dwellings in HDR zoning with an approved Administrative Permit application. If the subject parcel were granted approval for HDR zoning, then the applicants could make application for a detached accessory dwelling that has 1,500 square feet of habitable living space. The issue here is that the subject parcel does not meet the minimum lot width requirement for HDR zoning, which is 150 feet. The subject parcel is approximately 105 feet in width.

Staff Commentary

The applicant is proposing an increase in habitable living space of a detached accessory dwelling that was approved in 2009 by the Board of Adjustment. The proposed floor plan revision will result in a 291 square foot increase of interior habitable living space, which will not change the overall size of the detached accessory dwelling. The proposal is consistent with the current Development Code, Article 306 *Accessory Uses and Structures*, the Tahoe Area Plan, and there is no conflict with the Washoe County Master Plan. An increase in habitable living space will not create a need for any additional improvements. The property is serviced (water and sewer) by the Incline Village General Improvement District, which responded to the application with no concerns. The parcel's access is from Lakeshore Boulevard, which is a paved public street that provides access to several other parcels that are developed with very large homes.

Staff has compared the subject request with the required findings in Article 810 *Special Use Permits* and has determined that the request meets all of the findings. Staff has not found a reason to consider that 291 more square feet of interior habitable living space in the detached accessory dwelling will create any kind of detriment 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. Any development in the Tahoe Planning Area must adhere to Tahoe Regional Planning Agency (TRPA) regulations, which are often more stringent than Washoe County regulations. The applicant will be submitting the amendment to the TRPA if the Board of Adjustment grants approval.

Incline Village/Crystal Bay Citizen Advisory Board (IVCBCAB)

The Incline Village/Crystal Bay Citizen Advisory Board members were notified of the proposed amendment requesting to increase the interior habitable living space by 291 square feet, and their comments, questions, and concerns were requested. As of the writing of this staff report, no comments have been received from the Incline Village/Crystal Bay Citizen Advisory Board members.

Reviewing Agencies

The following agencies received a copy of the Amendment of Special Use Permit Application for review and evaluation. A response was received from the Incline Village General Improvement District, the Washoe County Building Division, and the Washoe County Engineering Division. All three agencies advised that they have no comments or concerns regarding the proposal to add 291 square feet of interior habitable living space to the approved detached accessory dwelling.

- Washoe County Planning and Development Division
- Washoe County Building Division
- Washoe County Engineering Division
- Incline Village General Improvement District (IVGID)
- North Lake Tahoe Fire Protection District

Staff Comment on Required Findings

Washoe County Development Code, Article 810 *Special Use Permits*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of an amendment to a Special Use 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. The proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;

Staff Comment: The proposal of increasing the habitable living space of the previously approved detached accessory dwelling by 291 square feet does not contradict the action programs, policies, standards and maps of the Master Plan, nor does it conflict with the goals or policies of the Tahoe 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;

Staff Comment: The proposal of 291 more square feet of habitable living space in a previously approved detached accessory dwelling will not create a demand for any additional improvements.

3. Site Suitability. The site is physically suitable to accommodate this proposal and for the intensity of such development;

Staff Comment: The proposal of 291 more square feet of habitable living space in a previously approved detached accessory dwelling will not impact the subject ±2.17 acre parcel because the footprint is not increasing in size.

4. Issuance Not Detrimental. Approval of the proposed amendment 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

Staff Comment: The proposal of 291 more square feet of habitable living space in a previously approved detached accessory dwelling will not affect anything

outside of the detached accessory dwelling. The subject detached accessory dwelling is required to go through the building permit process, which means it will need to meet all of the regulations/requirements issued by the various reviewing agencies. The square footage and design of the detached accessory dwelling is in 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 safety, security, 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 expressed no concerns regarding the amendment request of Special Use Permit Case No SB09-002. Therefore, after a thorough review and analysis, Amendment of Special Use Permit Case No. AC13-001, requesting a 291 square foot increase of habitable living space for the previously approved detached accessory dwelling, is being recommended for approval. The conditions in the original approval of Special Use Permit Case No. SB09-002 shall remain. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve Amendment of Special Use Permit Case No. AC13-001 for Olson-Olson Architects, which will amend Special Use Permit Case No. SB09-002 to allow 1,491 square feet of habitable living space, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. The proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 to accommodate this proposal and for the intensity of such development;
4. Issuance Not Detrimental. Approval of the proposed amendment 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 safety, security, location, purpose or mission of the military installation.

Appeal Process

Board of Adjustment action 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: Olson-Olson Architects, LLP Attn: Lori Shannon, LLP, PO Box 7949,
Tahoe City, CA 96145

Property Owner: Tahoe Estates, LLC 101 Ygnacio Valley Road, Suite 320, Walnut Creek,
CA 94596



EXHIBIT A

Amended Conditions of Approval

Amendment of Special Use Permit Case No. AC13-001
For Special Use Permit Case No. SB09-002

The detached accessory dwelling approved in 2009 under Special Use Permit Case No. SB09-002 shall be carried out in accordance with the approval of Amendment of Special Use Permit Case No. AC13-001, by the Board of Adjustment on February 7, 2013. **The conditions of approval have been amended with the addition of Condition 1g under “Washoe County Planning and Development Division”, which allows a maximum of 1,491 square feet of habitable living space in a detached accessory dwelling that was approved in 2009.** Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Amended 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 Amendment of Special Use Permit Case No. AC13-001, regarding Special Use Permit Case No. SB09-002 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 amended conditions of approval related to the Special Use Permit Case No. SB09-002 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 amended conditions imposed regarding the approved Special Use Permit Case No. SB09-002 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to Special Use Permit Case No. SB09-002 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 conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions. **Condition 1-g has been added to allow 1,491 square feet of habitable living space without increasing the footprint of the subject detached accessory dwelling.**

Contact Name – Grace Sannazzaro 775.328.3771; gsannazzaro@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years (April 3, 2013) from the date of approval by Washoe County and the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits.
- c. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
- d. Prior to the issuance of any administrative permit issued by Washoe County, the applicant shall place a restrictive covenant on the property that prohibits the erection of off-premise signs, with Washoe County made a part to the covenant. The District Attorney’s Office and the Department of Planning and Development Division shall determine compliance with this condition.
- e. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Planning and Development Division to

review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use 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.

- f. 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. The footprint of the subject detached accessory dwelling shall not exceed 1,849 square feet; and the habitable living space of the detached accessory dwelling shall not exceed 1,491 square feet. The square footage of garages, crawl spaces, attics, cellars, or basements not designed for human occupancy are not considered as habitable living space.

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 775.328.2040; 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 (BMPs) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site by BMPs. The Engineering Department shall determine compliance with this condition.
- b. The Regional Road Impact Fee is not applicable in this area and will not be due.

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

*** End of Amended Conditions ***



Development Review Status Sheet

Date: 1-8-2013

Attention: Grace Sannazzaro
 Washoe County Department of Community Development
 PO Box 11130, Reno NV 89520

RE: Amendment of Special Use Permit NO. AC13-001, to amend NO.SB09-002
 APN: 130-230-05
 Service Address: 1019 Lakeshore Blvd
 Incline Village NV 89451
 Owner: Tahoe Estates, LLC

Phone:	Fax:	Email:
--------	------	--------

Mailing Address:

Request:

Request: **Amendment of Special Use Permit Case No. AC13-001, to amend Special Use Permit Case No. SB09-002 for Tahoe Estates, LLC** – To increase the area of livable space by 291 square feet for a Detached Accessory Dwelling that was previously approved under Special Use Permit Case No. SB09-002. The original approval granted 1,200 square feet of livable space, and the new request is asking for 1,491 square feet of livable space.

Comments and Conditions:

No impact to Incline Village General Improvement District.

Completed by: Scott Todt, Senior Inspector
 Phone: (775) 832-1314 Fax: (775) 832-1260

Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

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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: January 15, 2013
TO: Grace Sannazzaro, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **AC13-001**
APN 130-230-05
AMEND SB09-002 FOR TAHOE ESTATES LLC

I have reviewed the referenced amendment of conditions case application and have no comments or concerns.

LRV/Irv

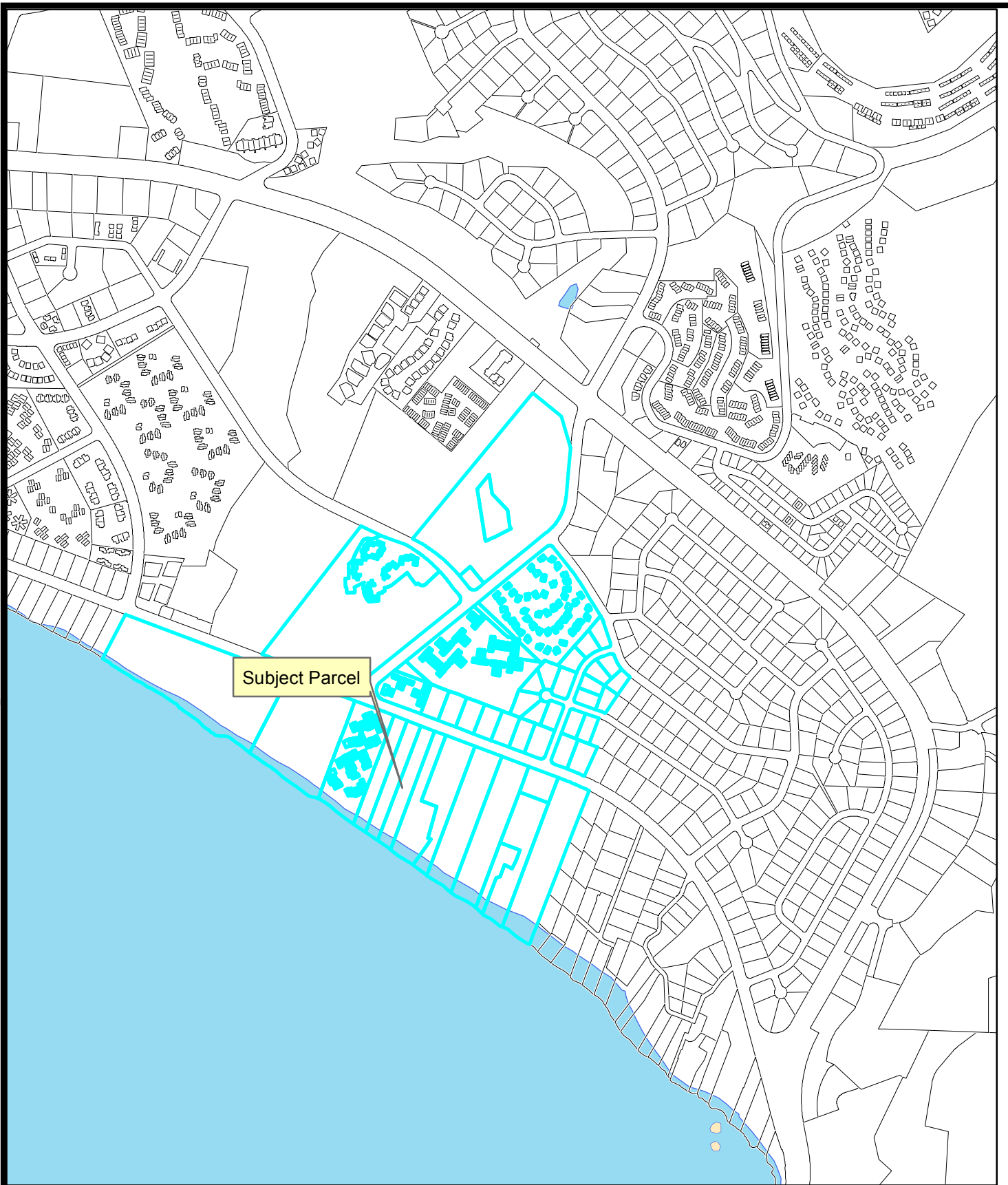
EXHIBIT D

From: Jeppson, Don C
Sent: Friday, January 04, 2013 7:59 AM
To: Spinola, Dawn
Subject: RE: Agency Review Memo

No issue from building. Just need to obtain building permits.

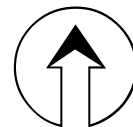
Don C. Jeppson, AIA
Director
Washoe County
Building & Safety Department
Mail: P.O. Box 11130, Reno, NV 89520
Phone: 775-328-2030; *Fax:* 775-328-6132
e-mail: dcjeppson@washoecounty.us *web:* www.washoecounty.us

 **Please consider the environment before printing this message.**



Subject Parcel

Public Notice Map
 Amendment of Conditions Case No. AC13-001
 1019 Lakeshore Boulevard, Incline Village, NV
 APN: 130-230-05
 238 Separate Property Owners Noticed
 Within 500 Feet of Subject Parcel



0 250 500
 Feet

Planning & Development Division
WASHOE COUNTY NEVADA
 Post Office Box 11130
 Reno, Nevada 89520
 (775) 328-3600

Date: January 2013

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>AC 13-001</u>
Project Name (commercial/industrial projects only):			
Project Description: Modification of the footprint placement and quantity of living space associated with the Detached Accessory Dwelling Unit approved by SB09-002.			
Project Address: 1019 Lakeshore Boulevard, Incline Village, NV			
Project Area (acres or square feet): 85,453 sf to high water			
Project Location (with point of reference to major cross streets AND area locator): 0.1 mile east of the Country Club Drive intersection with Lakeshore Boulevard; 0.6 mile west from Lakeshore Boulevard intersection with Highway 28			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
130-230-05	2.169 acres		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application:			
Case Nos. SB09-002			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Tahoe Estates, LLC		Name:	
Address: 101 Ygnacio Valley Road, Suite 320		Address:	
Walnut Creek, CA	Zip: 94596		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Olson-Olson Architects, LLP		Name:	
Address: Post Office Box 7949		Address:	
Tahoe City, CA	Zip: 96145		Zip:
Phone: 530.550.0709	Fax:	Phone:	Fax:
Email: lori@ooadesign.com		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Lori A. Shannon		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Administrative Review Permit Application for a Detached Accessory Dwelling Supplemental Information

(All required information may be separately attached)

This application is for proposals to establish a Detached Accessory Dwelling unit in the Low Density Rural, Medium Density Rural, High Density Rural, and Low Density Suburban regulatory zones. Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to the administrative review permit process for Detached Accessory Dwellings may be found in Article 306, Accessory Uses and Structures, Section 25(i). A Detached Accessory Dwelling is also referred to as a "secondary dwelling" in this application. The "main dwelling" is the original or larger dwelling on the property.

1. What is the size (square footage) of the main dwelling unit or proposed main dwelling unit (exclude size of garage)?

8,828.5 square feet living space

2. What is the size of the detached accessory dwelling unit or proposed detached accessory dwelling unit (exclude size of garage)?

1,491 square feet living space

3. How are you planning to integrate both the main dwelling and secondary dwelling to provide architectural compatibility and a sense of project integration of the two structures?

Both residences integrate an "Old Tahoe" style of architecture that blends with the surrounding natural environment to create a sense of project cohesion. This modification to the originally approved Detached Accessory Dwelling does not propose any exterior changes with the exception of two additional windows. The proposed secondary dwelling will utilize the same design details and exterior materials as the main residence including dark grey granite roof shakes, medium tone cedar log siding with medium tone chinking, native split face granite stone, and dark bronze windows.

4. How are you planning to provide water and wastewater disposal (sewer or septic) to the secondary dwelling unit?

The secondary dwelling unit will have a connection to existing municipal sewer service provided by the Incline Village General Improvement District.

5. What additional roadway, driveway, or access improvements are you planning?

The subject parcel is part of a larger project area which includes the two parcels to the east at 1021 + 1029 Lakeshore Boulevard. All three parcels are served by a single driveway access point from the center 1021 parcel to Lakeshore Boulevard. This driveway, when constructed, was increased in width from the previous 18' to 20' in order to facilitate fire department access.

6. A parking space is required. How are you providing the additional parking?

A covered parking space is provided in an attached garage. There has been no change to the proposed parking through this application. The actual parking area within the garage remains the same, while the extra storage and mechanical spaces that were originally proposed inside the garage have been converted to living space in order to provide additional bedroom and bathroom space within the dwelling.

7. When do you plan to complete construction of the secondary dwelling and obtain a certificate of occupancy?

Construction of the secondary dwelling is scheduled to begin during the summer of 2013, following acquisition of all necessary permits. Project completion is scheduled within 18 months of commencement.

8. What will you do to minimize any potential negative impacts (e.g. increased lighting, obstruction of views, removal of existing vegetation, etc.) your project may have on adjacent properties?

The modified proposal shifts the secondary dwelling further from the neighboring residence on the adjacent parcel to the west, while remaining outside of the front and side setbacks. The shifted footprint of the structure was placed in the proposed location on the property in order to preserve as many trees as possible and allow additional landscaping to function as a natural screen.

9. Is the subject property part of an active Home Owners Association (HOA) or Architectural Control Committee? If yes, please include the name and contact information for the applicable board.

The property is not part of an active HOA or Architectural Control Committee.

10. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit a detached accessory dwelling on your property?

Yes No If yes, please attach a copy.

11. Only one accessory dwelling unit, whether attached or detached, is allowed per parcel. Please verify that an accessory dwelling (i.e. secondary dwelling) currently does not exist on the subject property.

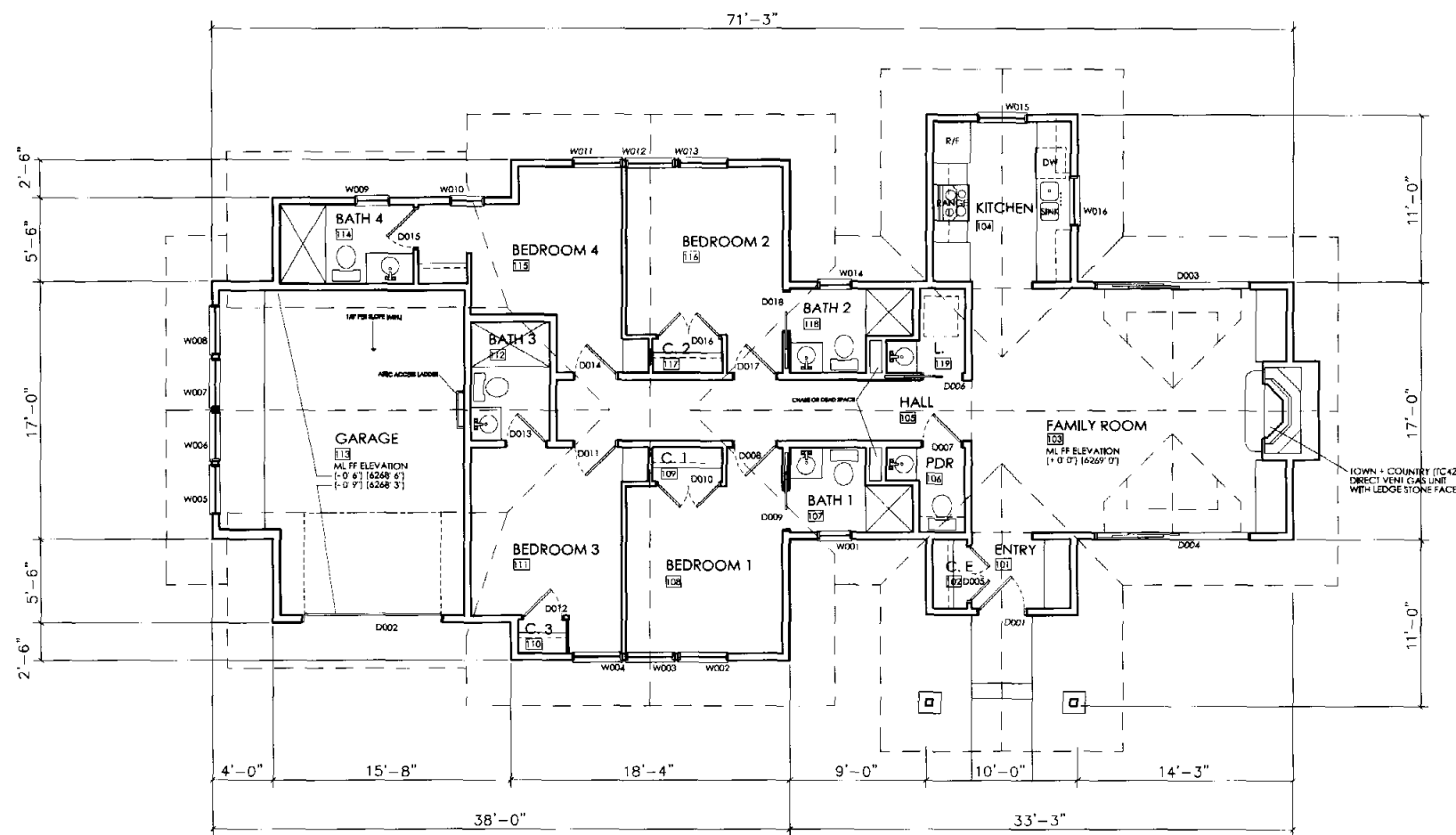
The subject detached accessory dwelling is the only secondary dwelling unit on this property.

12. List the age and size of the unit if you plan to utilize a manufactured or modular home as the secondary dwelling. (Note: manufactured or modular homes must be permanently affixed and converted to real property.)

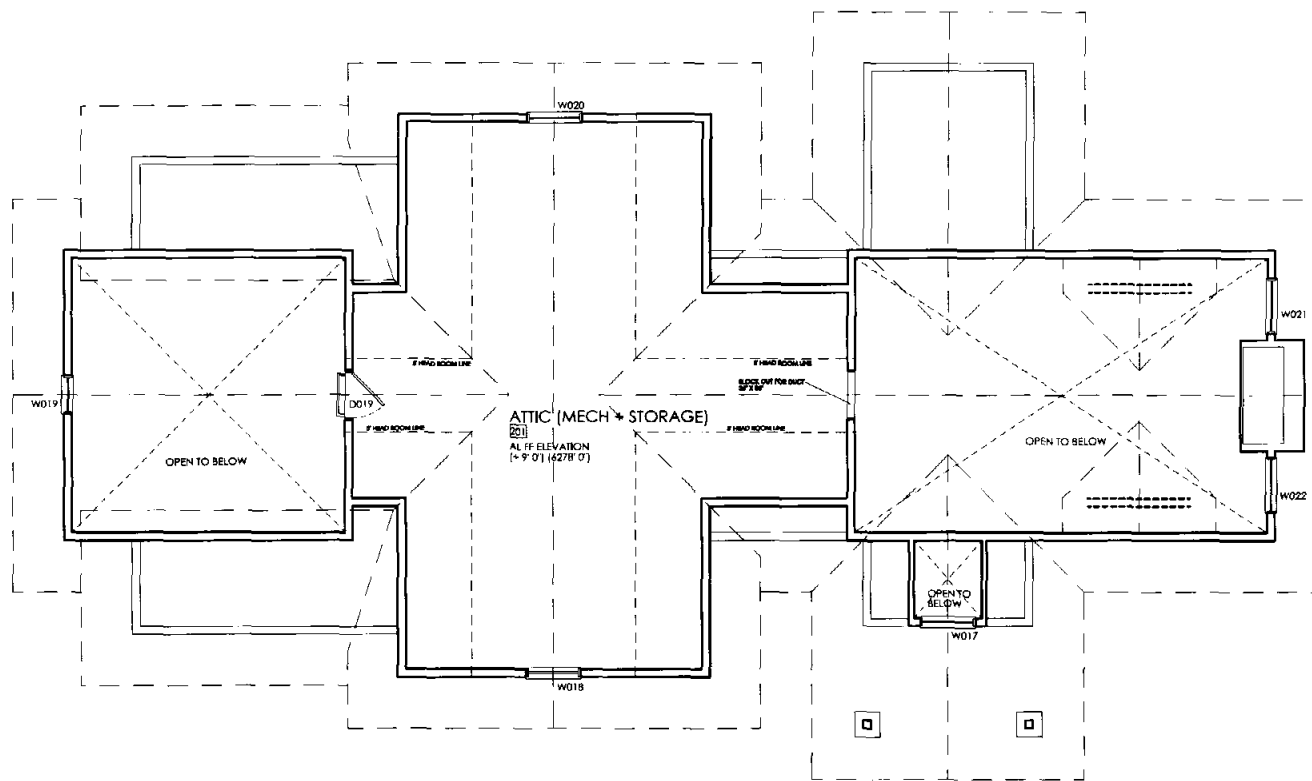
N/A

13. List who the service provider will be for the following utilities:

a. Sewer Service	IVGID
b. Electrical Service	NV Energy
c. Solid Waste Disposal Service	Incline Sanitation, Inc.
d. Water Service	IVGID



MAIN LEVEL - 1019 STRUCTURE 'C'
 1,491 SF - LIVING SPACE
 342.5 SF - NON-LIVING SPACE
TOTAL SIZE - 1019 STRUCTURE 'C'
 1,491 SF - LIVING SPACE
 749.5 SF - NON-LIVING SPACE



ATTIC LEVEL - 1019 STRUCTURE 'C'
 407 SF - NON-LIVING SPACE



Olson-olson architects, LLP
 post office box 7949 - las vegas, nevada 89145
 telephone 352.550.0709 - fax 352.550.0704 - www.OOlsondesign.com

PROPOSED PLANS
1019 STRUCTURE 'C'
 APN 130-230-05
 TAHOE ESTATES, LLC
 1019 LANESHORE DRIVE
 INCLINE VILLAGE, NEVADA

REVISION	BY	REVISION	BY
△		△	
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1019

TERRAIN MAX HEIGHT CALCULATIONS - 1019 STRUCTURE 'C'
 HIGH POINT - 6277.00 FT
 LOWEST POINT - 6247.33 FT
 SLOPE OR SLOPE AND HOOP TECH. MAX HEIGHT PER TABLE
 4% SLOPE: 34.20 FT
 12% SLOPE: 28.50 FT
 15% SLOPE: 25.50 FT
 1% SLOPE: 34.20 FT
 2% SLOPE: 34.20 FT
 3% SLOPE: 34.20 FT

REPLACE EMISSIONS LEGEND

ISSUE	NO.	DESCRIPTION	EMISSIONS
DOWN-COUNTRY	100	DOWN-COUNTRY	2.0
INSULATED	100	INSULATED	2.0
TOTAL			4.0

REPLACE EMISSIONS - 1019 STRUCTURE 'C'

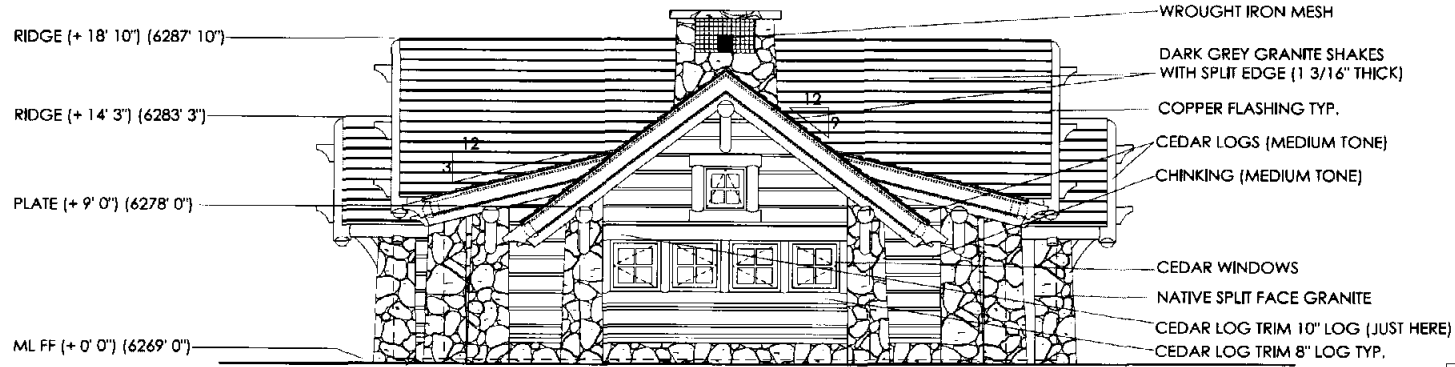
ISSUE	NO.	DESCRIPTION	EMISSIONS
DOWN-COUNTRY	100	DOWN-COUNTRY	2.0
TOTAL			2.0

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 DATE: 2012.12.05
 PLOT DATE: 2012.12.12
 DRAWN BY: RBC
 SCALE: 1/4" = 1'

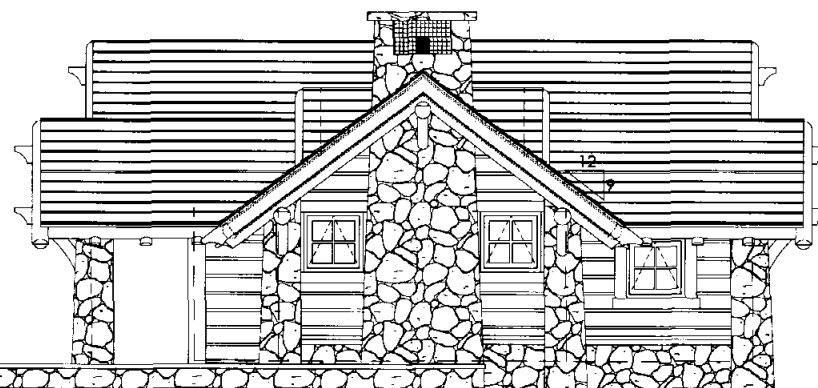
WASHOE
A-02.01
 SHEET NO:

0071001.CAD ADMIN BY: RBC DATE: 20121213 WASHOE

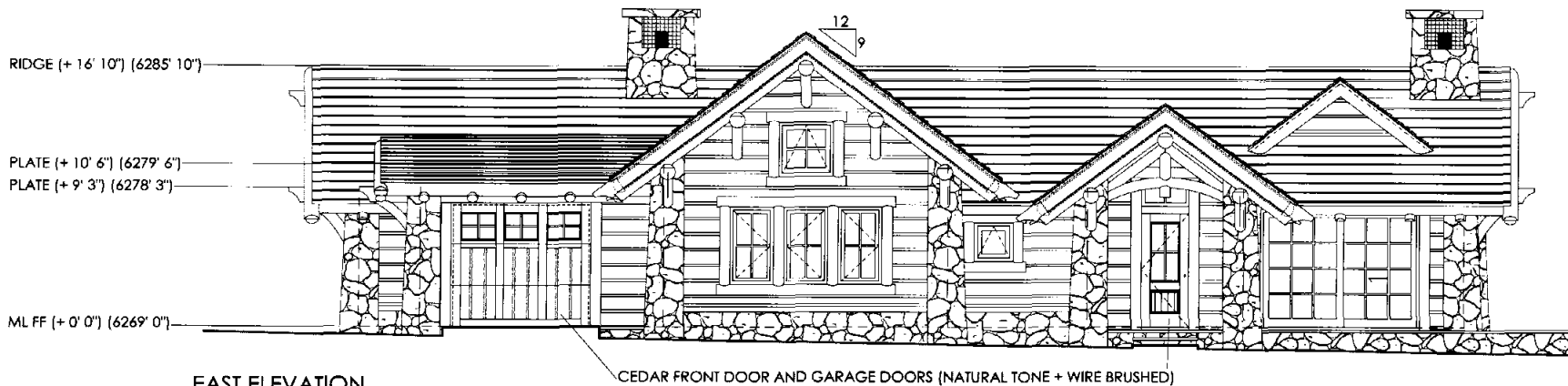
SECONDARY
 DWELLING



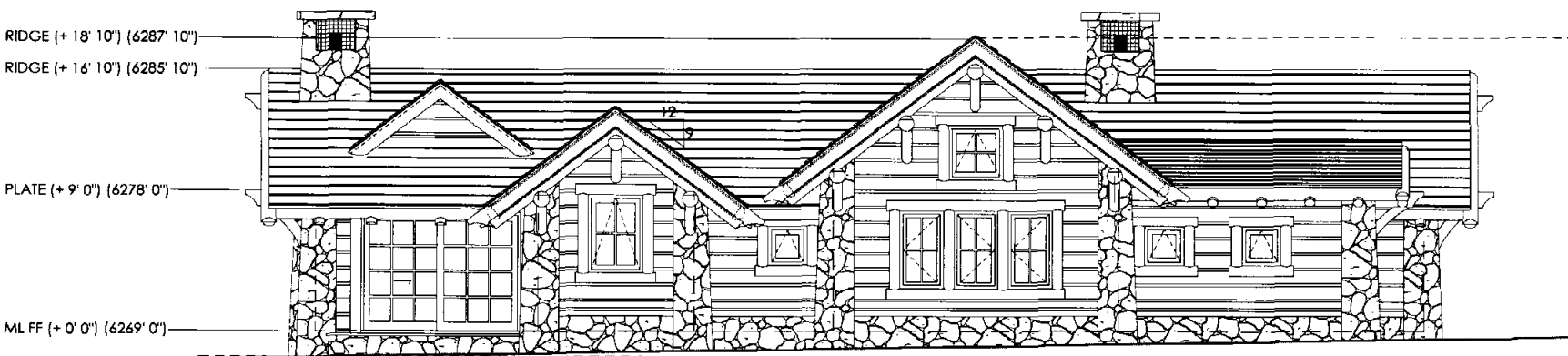
NORTH ELEVATION
1019 STRUCTURE 'C'



SOUTH ELEVATION
1019 STRUCTURE 'C'



EAST ELEVATION
1019 STRUCTURE 'C'



WEST ELEVATION
1019 STRUCTURE 'C'

6303' 7", MAX HEIGHT

TRPA MAX HEIGHT:
6287' 10", HIGHEST RIDGE, TOP OF ROOF MATERIAL
HEIGHT OF STRUCTURE +20' 6"
FROM LOWEST NATURAL GRADE
TRPA 36' 3" MAX HEIGHT
FOR A 6% SITE SLOPE
SEE TABLE IN TITLE BLOCK

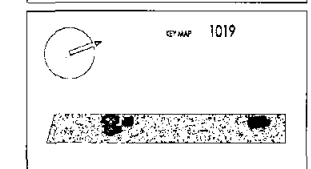
6267' 4", LOWEST POINT OF NATURAL GRADE
@ OUTSIDE WALL OF STRUCTURE, SE CORNER

olson-olson architects, llp
 post office box 7949 - tahoe city, california 96145
 telephone 530.550.0709 - fax 530.550.0704 - www.oolsondesign.com

**PROPOSED ELEVATIONS
1019 STRUCTURE 'C'
APN 130-230-05
TAHOE ESTATES, LLC
1019 LAKESHORE DRIVE
INCLINE VILLAGE, NEVADA**

ARCHITECT'S SEAL
 No. 4048
 REGISTERED ARCHITECT
 STATE OF NEVADA

REVISION	BY	REVISION	BY

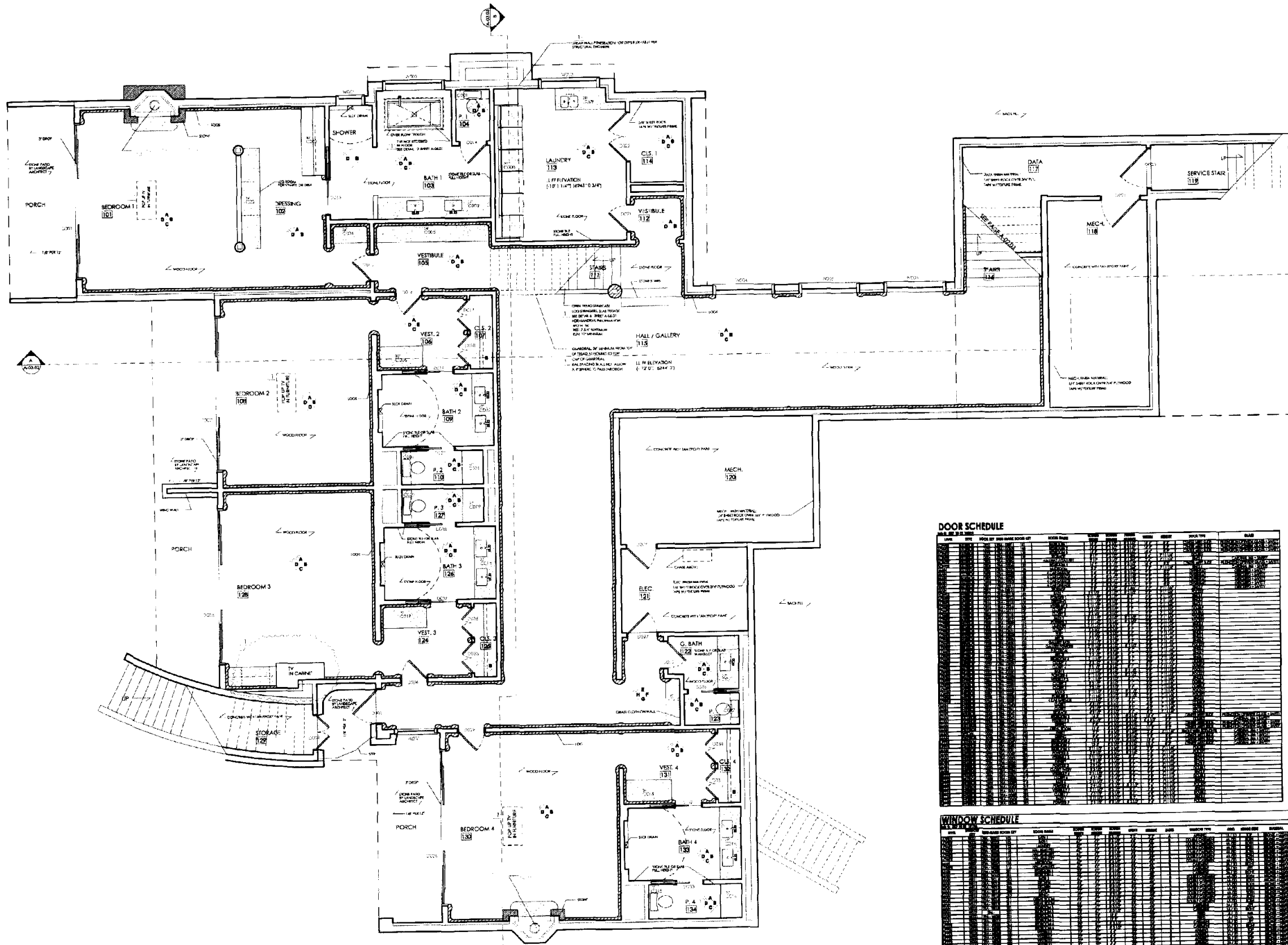


007 10 01
 2012.12.05
 2012.12.12
 RBO
 1/4" = 1"

**WASHOE
A-03.01**
 SHEET NO.

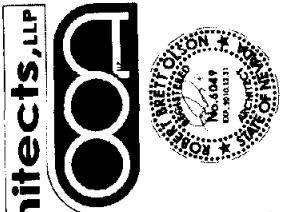
SECONDARY DWELLING

007 10 01 CAD ADMINISTRATIVE REVIEW FINAL APPLICATION 2012 12 13 WASHOE



LOWER LEVEL - MAIN
 4,742 SF - LIVING SPACE
 8,935 SF - NON-LIVING SPACE

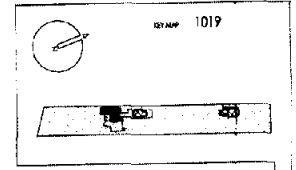
TOTAL SIZE - 1019 STRUCTURE 'A'
 8,628.5 SF - LIVING SPACE
 3,568 SF - NON-LIVING SPACE
 12,396.5 SF - BUILDING SIZE



olson-olson architects, llp
 post office box 7949 - tahoe city, california 96145
 telephone 530.550.0797 - fax 530.550.0704 - www.ooa-design.com

**NOTATED PLANS
 1019 STRUCTURE 'A'
 APN 130-230-05
 TAHOE ESTATES, LLC
 1019 LAKESHORE DRIVE
 INCLINE VILLAGE, NEVADA**

REVISION	BY	REVISION	BY
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DOOR SCHEDULE

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WINDOW SCHEDULE

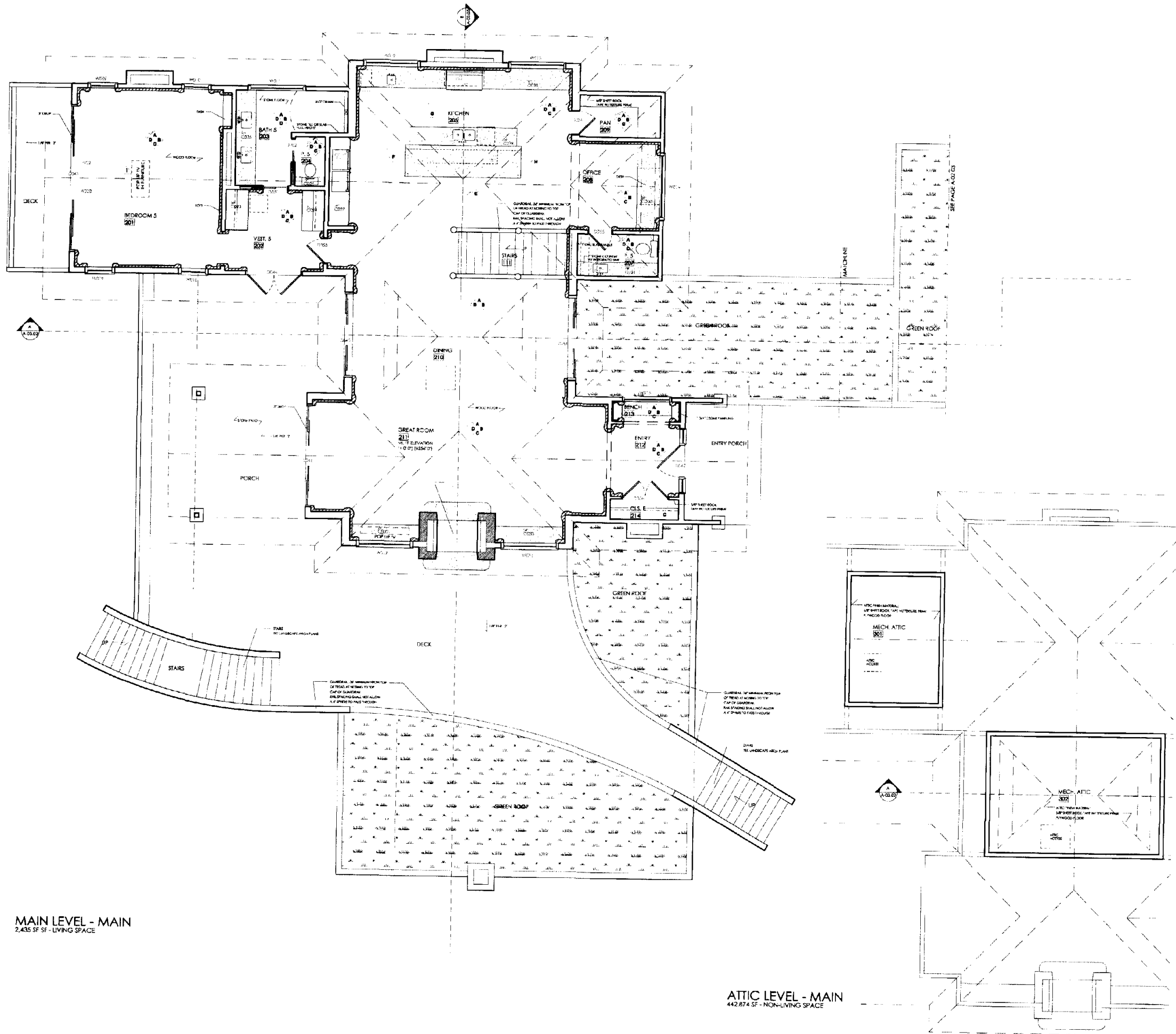
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NO. 007 1001
 DATE 2010.05.11
 PLAN NO. 2010.07.09
 DRAWN BY RBO/KLH
 SCALE 1/4" = 1'

**WASHOE
 A-02.01**
 SHEET NO.:

MAIN RESIDENCE

007 1001 1019A WASHOE DWG



MAIN LEVEL - MAIN
2,435 SF SF - LIVING SPACE

ATTIC LEVEL - MAIN
442.874 SF - NON-LIVING SPACE

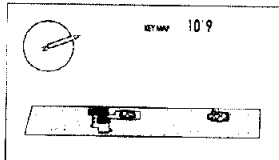
olson-olson architects, llp
 post office box 7949 - tahoe city, california 94145
 telephone 530.550.0707 - fax 530.550.0704 - www.ooarchitect.com



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NOTATED PLANS 'A'
 1019 STRUCTURE 'A'
 APN 130-230-05
 TAHOE ESTATES, LLC
 1019 LAKE SHORE DRIVE
 INCLINE VILLAGE, NEVADA

REVISION	BY	REVISION	BY
1	2010.07.09	KLH	KLH
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DATE: 2010.07.09
 DRAWN BY: R80/KLH
 SCALE: 1/4" = 1'

DATE: 2010.05.11
 DRAWN BY: R80/KLH
 SCALE: 1/4" = 1'

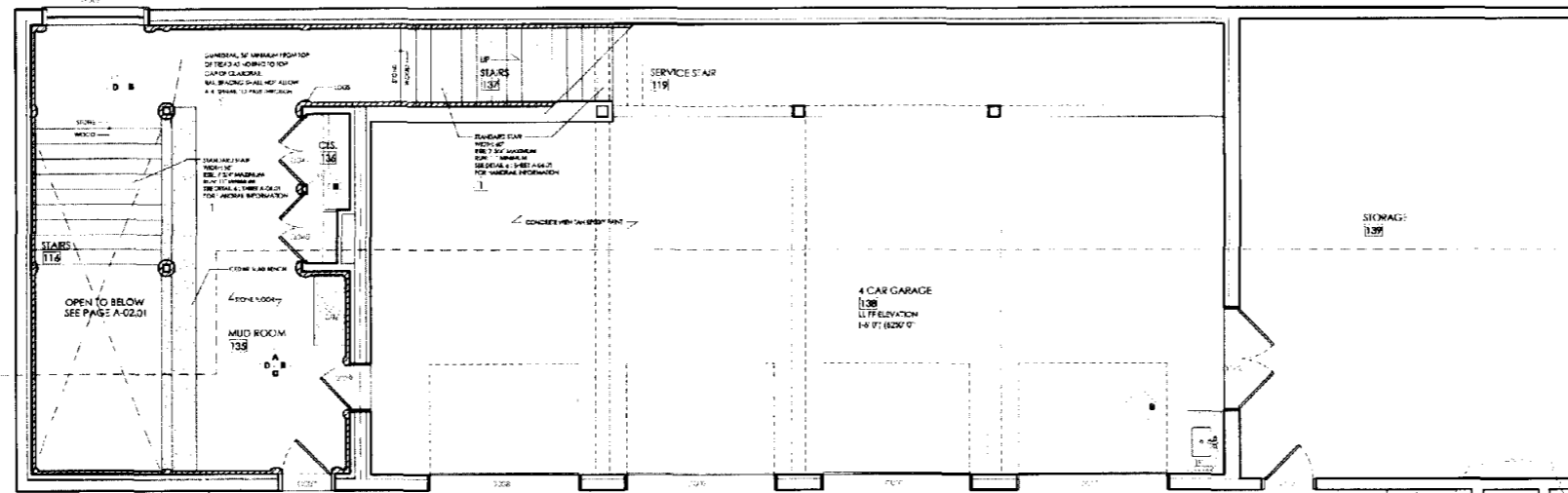
DATE: 2010.07.09
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 SCALE: 1/4" = 1'

OR: 007 10 01
 DATE: 2010.05.11
 REVISION: 2010.07.09
 DRAWN BY: R80/KLH
 SCALE: 1/4" = 1'

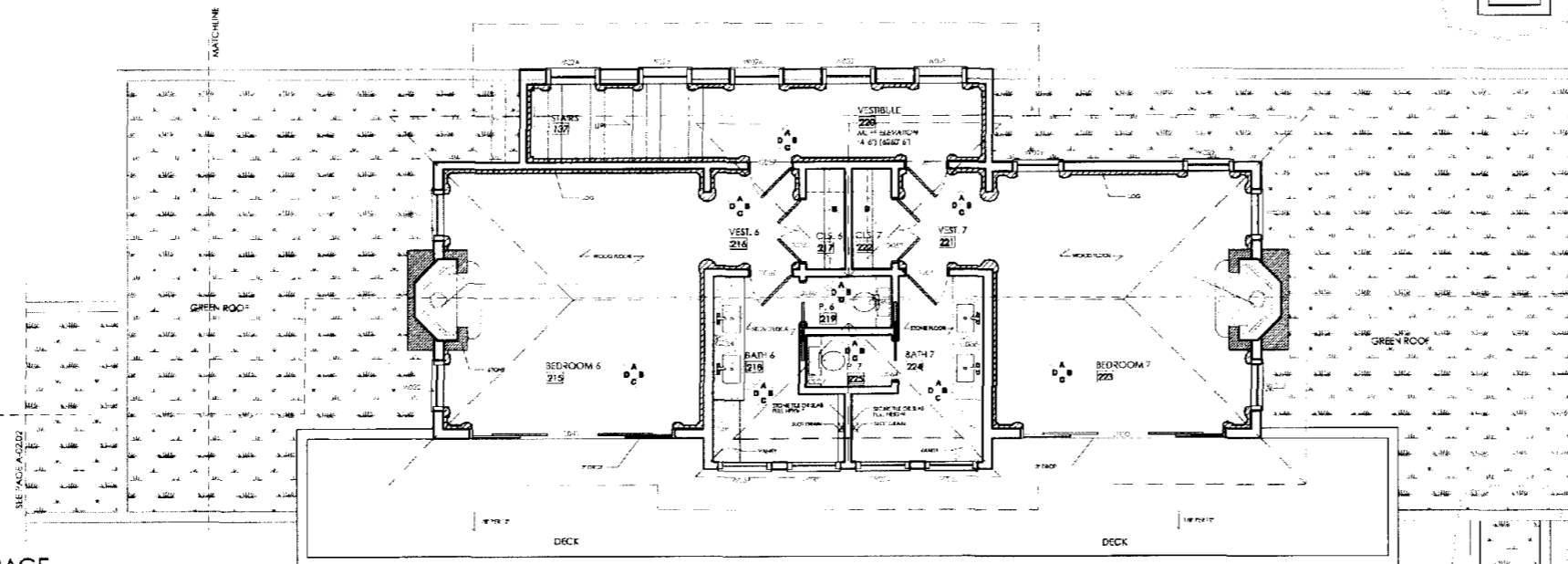
**WASHOE
 A-02.02**
 SHEET NO:

MAIN RESIDENCE

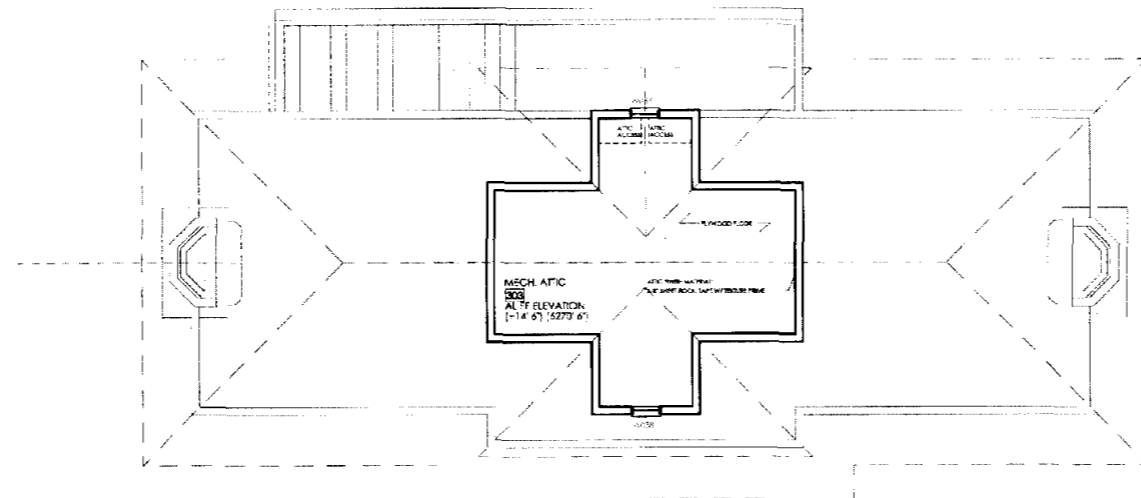
MAIN LEVEL - GARAGE
 536.5 SF - LIVING SPACE
 2,065.5 SF - NON-LIVING SPACE



UPPER LEVEL - GARAGE
 1,124 SF - LIVING SPACE



ATTIC LEVEL - GARAGE
 240 SF - NON-LIVING SPACE

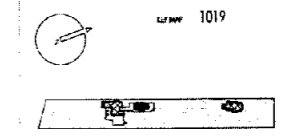


olson-olson architects, llp
 Post office box 7949 - Tahoe city, california 96145
 Telephone 530.550.0707 - fax 530.550.0704 - www.oolson.com



NOTATED PLANS
 1019 STRUCTURE 'A'
 APN 130-230-05
 TAHOE ESTATES, LLC
 1019 LAKESHORE DRIVE
 INCLINE VILLAGE, NEVADA

REVISION	BY	REVISION	BY
1	2010.07.09	KLH	KLH
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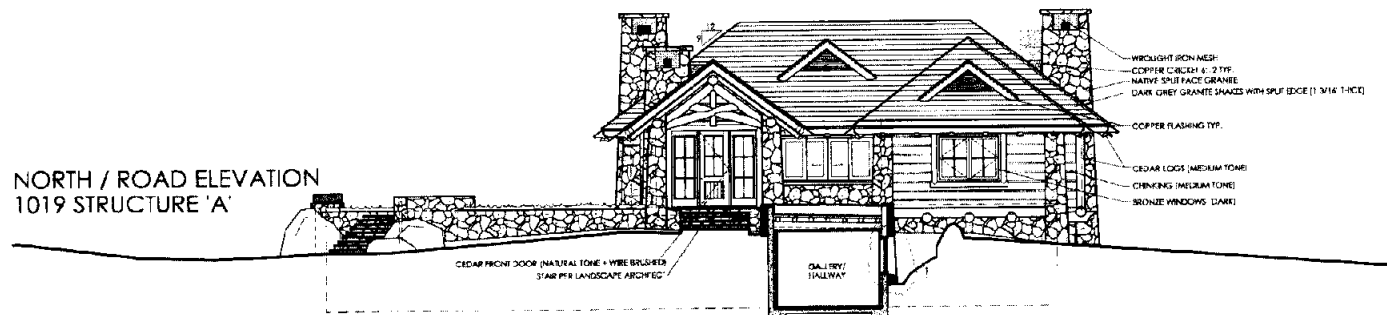


DATE: 007 10 01
 DATE: 2010.05.11
 NO DATE: 2010.07.09
 DRAWN BY: RBO/KLH
 SCALE: 1/4" = 1'

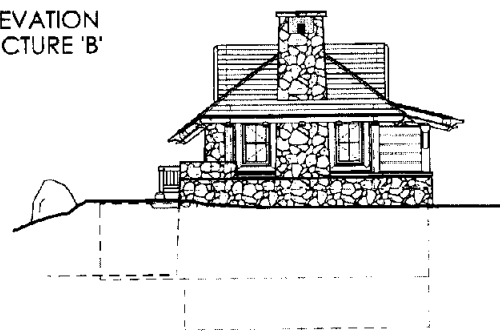
WASHOE
A-02.03
 SHEET NO.

MAIN RESIDENCE

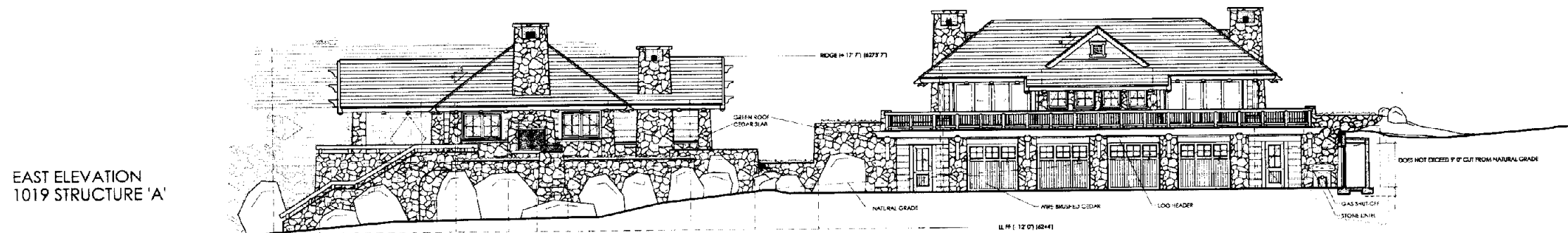
NORTH / ROAD ELEVATION
1019 STRUCTURE 'A'



NORTH ELEVATION
1019 STRUCTURE 'B'



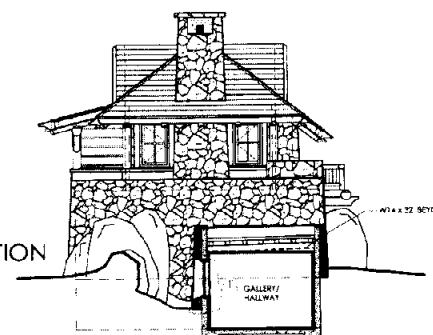
EAST ELEVATION
1019 STRUCTURE 'A'



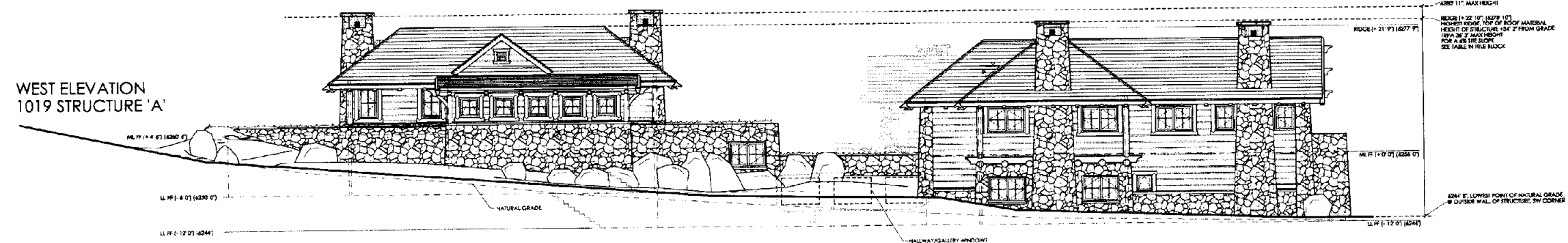
SOUTH / LAKE ELEVATION
1019 STRUCTURE 'A'



SOUTH / GARAGE ELEVATION
1019 STRUCTURE 'A'



WEST ELEVATION
1019 STRUCTURE 'A'

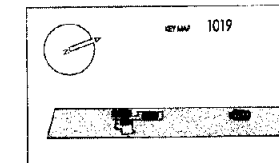


olson-olson architects, llp
 post office box 7949 - tahoe city, california 96145
 telephone 530.560.0709 - fax 530.560.0704 - www.ooa-arch.com



ELEVATIONS
 1019 STRUCTURE 'A'
 APN 130-230-05
 TAHOE ESTATES, LLC
 1019 LAKESHORE DRIVE
 INCINE VILLAGE, NEVADA

REVISION	BY	REVISION	BY
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NOTE: SEE SHEET A-03.10 FOR CABINET CLEARANCE AND FINISH INFORMATION

DATE: 007.10.01
 SHE: 2010.05.11
 REVISION: 2010.07.09
 DRAWN: RBC/KLH
 SCALE: 1/8" = 1'
WASHOE
A-03.01
 SHEET NO:

MAIN RESIDENCE

DIP 1001 1019 LAKESHORE.DWG



WASHOE COUNTY

Board of Adjustment Staff Report

Meeting Date: February 7, 2013

Subject: Special Use Permit Case No: SB12-014
Variance Case No: VA12-005

Applicant(s): Sierra Nevada College

Agenda Item No. **8C**

Project Summary: To allow the operation of a "Schools-College" in a currently unoccupied commercial building, within the Incline Village Tourist Community Plan. To allow the construction of two front entry features with a reduction in front yard setback to zero (0) feet from the existing structure sited at five (5) feet.

Recommendation: **Special Use Permit - Approval with Conditions**
Variance – Approval with Conditions

Prepared by: Roger D. Pelham, MPA, Senior Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description

Special Use Permit Case No. SB12-014 – Sierra Nevada College – To allow the operation of a "Schools-College" in a currently unoccupied commercial building, within the Incline Village Tourist Community Plan.

Variance Case No. VA12-005 – Sierra Nevada College – To allow the construction of two front entry features with a reduction in front yard setback to zero (0) feet from the existing structure sited at five (5) feet.

- *Applicant / Property Owner* *Sierra Nevada College
attn: Deborah Prout
999 Tahoe Boulevard
Incline Village, NV 89451*
- *Location:* *1008 Tahoe Boulevard*
- *Assessor's Parcel No.(s):* *130-050-11*
- *Parcel Size:* *± .404 Acres*
- *Area Plan:* *Tahoe*
- *Citizen Advisory Board:* *Incline Village / Crystal Bay*
- *Commission District:* *1 – Marsha Berkbigler*
- *Development Code:* *Article 810, Special Use Permits*
- *Section/Township/Range:* *Within T16N, R18E, MDM, Washoe County, NV*

Staff Report Contents

Project Description..... 1
Special Use Permit3
Vicinity Map4
Site Plan5
Project Evaluation.....6
Incline Village / Crystal Bay Citizen Advisory Board (IV / CB CAB)8
Reviewing Agencies8
Recommendation.....10
Motion.....11
Appeal Process12

Exhibits Contents

Conditions of Approval..... Exhibit A
Public Works and Engineering Division Memo Exhibit B
Public Notice Map..... Exhibit C
Project Application Exhibit D
Health District Letter Dated 1/11/2013 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.

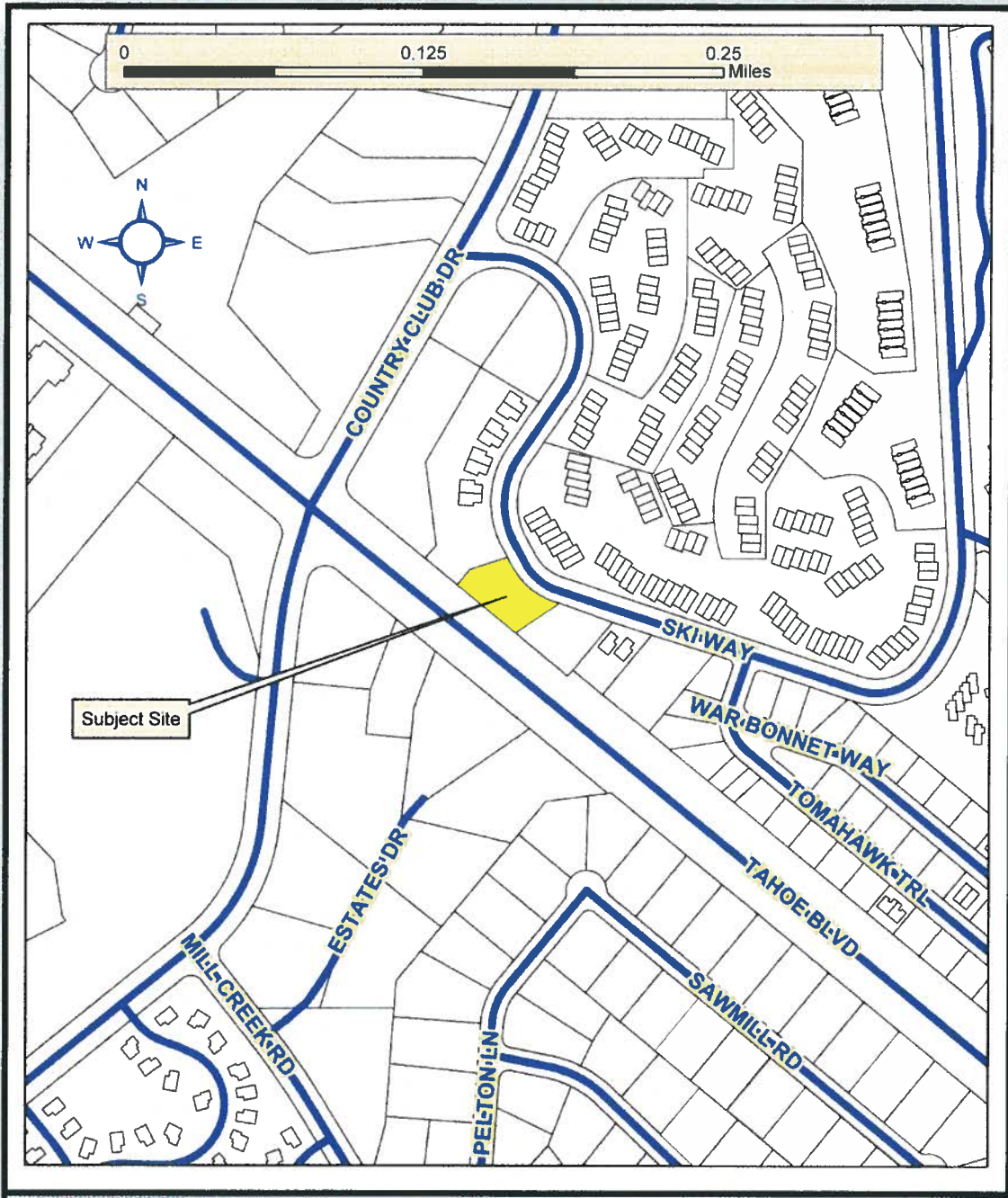
The Conditions of Approval for Special Use Permit Case No. SB12-014 are attached to this staff report and will be included with the Action Order.

Variance Definition

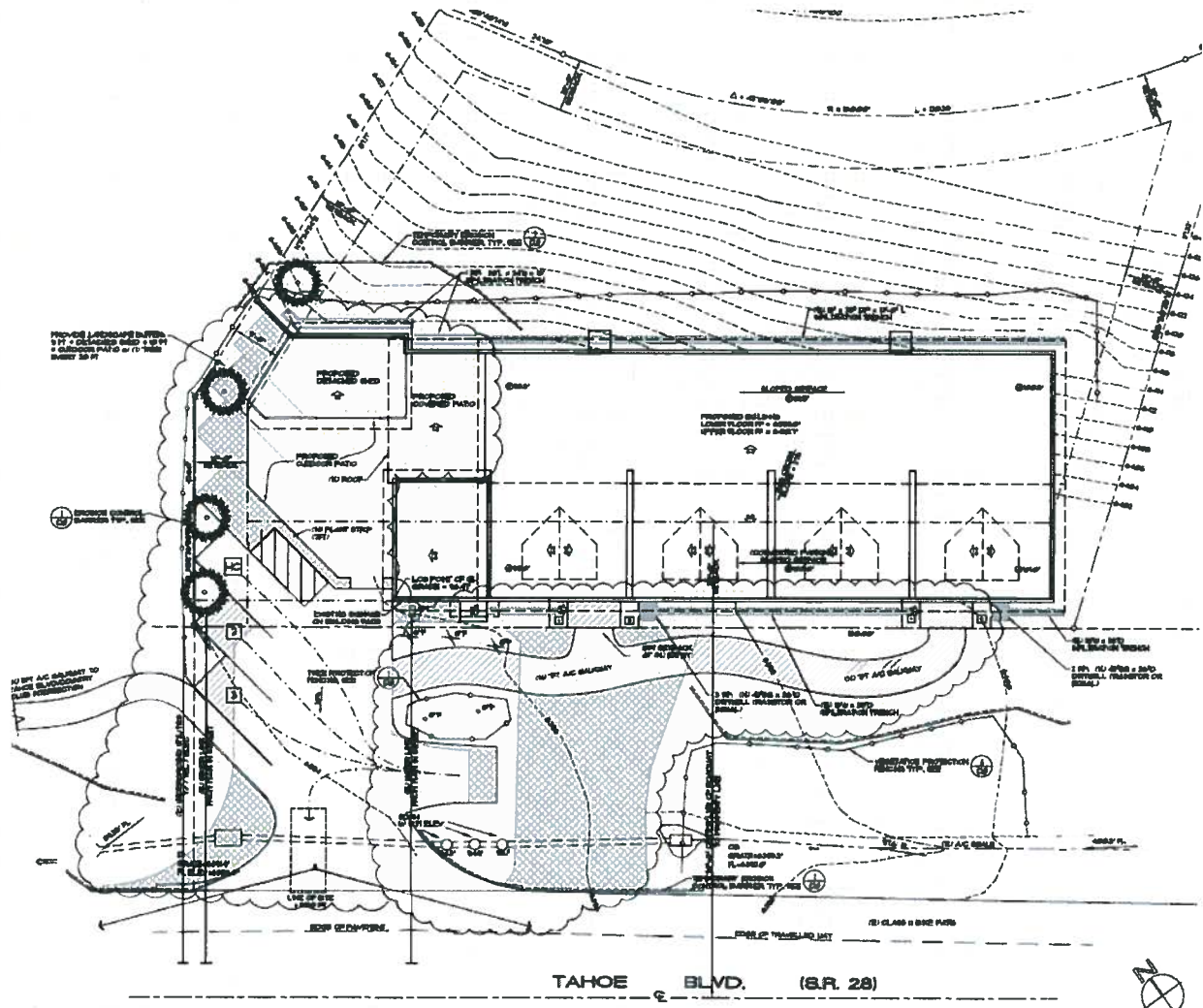
The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Variance, 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.

The Conditions of Approval for Variance Case No. VA12-005 are attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan



Overhead View of Existing Building

Project Evaluation

There are two distinct portions of this development request.

The first part of the request is the approval of a special use permit to allow the operation of a portion of Sierra Nevada College at the subject site. The subject site is a vacant commercial building that is proposed to house the "Arts" department of Sierra Nevada College. This building was constructed as a commercial building and intended for limited public access. For this reason there are numerous modifications proposed for the building to become suitable for a commercial education facility. Perhaps the most significant of these changes is the modification of the first floor of the building from its current use as a garage / parking area into classroom and studio space. This greatly reduces the amount of parking available on the subject site. The college has additional parking within 300 feet at their main campus. A reduction in parking standards may be permitted at the discretion of the Director of Community Development. Staff has provided conditions of approval to require that the applicant submit a letter from a Traffic Engineer verifying that sufficient parking is available on the main campus. The applicant has also offered to construct an asphalt path from the main campus to the subject site to facilitate student access.

Impacts created by the use of the facility for commercial education are likely very similar to the impacts created when the facility was used as a commercial office. The effect upon surrounding uses should be minimal and mitigated by the surrounding trees which create a visual barrier and help to reduce noise. Noise from the proposed use is likely to be significantly less than the noise currently generated by the adjacent state highway. Staff is comfortable recommending approval of the use of the structure as a college, subject to standard conditions of approval as attached to this report. Minor adjustments to the landscaping and parking standards of the Development Code may be required after final design is complete to accommodate the proposed free-standing kiln structure to the west of the existing building, and may be accomplished by means of a Director's Modification of Standards.

The second part of the development request is a request to reduce the front yard setback from the existing five feet (approved by Variance case VA06-021) to zero feet to allow the construction of two covered entry features. It is instructive to note that the applicant has worked extensively with Planning and Development staff to reconfigure the project to eliminate several variance requests associated with placing a kiln yard on the east side of the existing building.

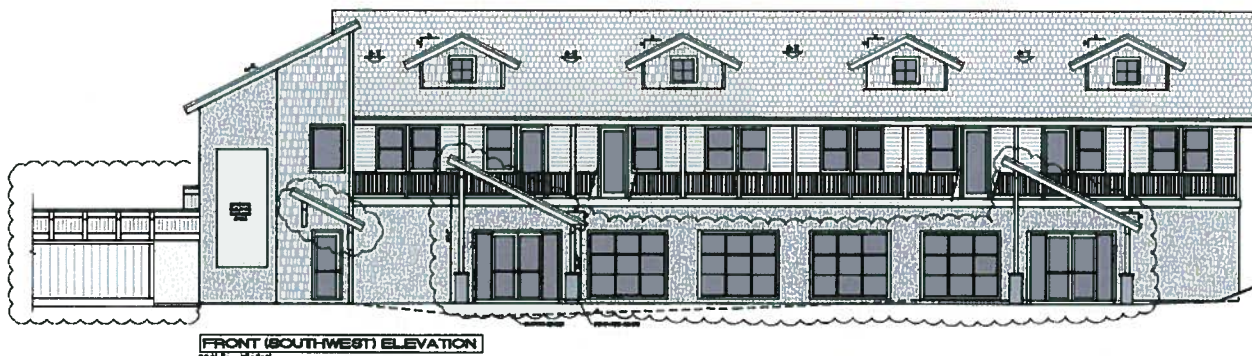
The building itself was granted a variance to allow 5-foot front and side-yard setbacks when it was constructed in 2006. At that time the Board of Adjustment voted to allow the reduction to alleviate the hardship created by the existing steep slopes. The applicant is now seeking to expand the degree of the variance, by reducing the setbacks further. The bottom floor of the building is now an enclosed parking area, but will be remodeled for classroom and studio space, if the use permit is granted. As part of that use permit required parking for this facility is proposed to be located at the main college campus, approximately 300 feet away.

The two entry features are proposed to be located on the first level of the building and open into what is now enclosed parking, and is proposed to become classroom and studio space. The current entrance into the building is on the west side adjacent to the entrance to the enclosed parking. The hardship identified by the applicant to support the variance request is that the back portion of the lot is very steep. This is true and justified the previous decision of the BOA to allow a reduction in front yard setback from 10 feet to 5 feet. While it may be less obvious that the steepness at the rear of the lot forces the further reduction of the front yard setbacks, it is a result of the current location of the structure which, obviously, cannot be moved to accommodate covered entry features. Covered entry features may help to provide safer ingress and egress from the building for the students. The project is within the Lake Tahoe Basin which receives significant amounts of snowfall each winter.

Site Photos / Proposed Improvement Plans



Front of Existing Building



Front of Building with Proposed Improvements

Incline Village / Crystal Bay Citizen Advisory Board (IVCB CAB)

The application for the proposed special use permit and variance was provided to each of the individual CAB members, via e-mail on October 18, 2012. Responses were requested by November 8, 2012. No responses were received from any of the CAB members.

Reviewing Agencies

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

- Washoe County Community Services Department

- Engineering and Capital Projects Division
- Planning and Development Division
- Water Resources Division
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- US Bureau of Land Management
- US Forest Service
- Nevada Department of Transportation
- Nevada Department of Wildlife
- Nevada Department of Environmental Protection
- Nevada Department of State Lands
- Incline Village General Improvement District
- North Lake Tahoe Fire Protection District

Three out of the thirteen 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 Planning and Development addressed landscaping, parking and lighting standards and imposed operational conditions that will be in effect for the life of the project.
Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us
- Washoe County Engineering and Capital Projects addressed several technical items regarding design of the parking area and pedestrian walkway as well as standard conditions requiring complete construction drawings.
Contacts: Clara Lawson and Leo Vesely, 775.328.2040, clawson@washoecounty.us
lvesely@washocounty.us
- Washoe County District Health provided conditions to discourage creation of rodent habitat and reduce downstream transport of sediment.
Contact: Jim Shaffer, 775.328.2434, jshaffer@washoecounty.us

Staff Comment on Required Findings

Section 110.810.20 of Article 810, *Special Use 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 abandonment request.

Staff has completed an analysis of the special use permit 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 Tahoe Area Plan.

Staff Comment: The Tahoe Area Plan specifically provides for the "Schools-College" use type in this area subject to the approval of a Special Use Permit.

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 facilities are in place. The structure is existing, currently vacant, and is being re-purposed to accommodate the proposed use.

3. Site Suitability. That the site is physically suitable for a school use and for the intensity of such a development.

Staff Comment: Again, the building is in place at this time. Parking on the subject site is proposed to be substantially reduced, however, off-site parking is available at the main campus, just 300 feet away. A walking path between the main campus and the subject site is proposed.

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 use of the existing structure for a school is similar in intensity to the previous use as a commercial office. Little, if any, additional impacts are anticipated.

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 project site.

Section 110.804.25 of Article 804, *Variances*, 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 abandonment request. Staff has completed an analysis of the application and has made no recommendation on a portion of the variance request and recommends denial on a portion of the variance request.

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

Staff Comment: Because of the unique characteristics of the site, including the steep topography at the rear of the site and the location of the existing improvements it is impractical to construct entry features in any other location.

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.

Staff Comment: Approval of the variance would be unlikely to result in substantial detriment. While approval would allow structures directly adjacent to the public right-of-way, that right-of-way is undeveloped at this time, and the structures would be located approximately 50 feet from the edge of pavement.

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.

Staff Comment: The applicant is not seeking to authorize a special privilege that would not be available to any other property owner in a similar situation.

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.

Staff Comment: The applicant is not seeking to authorize a use that would not be available to any other property owner in a similar situation.

5. **Effect on a Military Installation.** The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Staff Comment: There is no military installation located in the vicinity of the project.

Recommendation

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. SB12-014 and Variance Case No. VA12-005 are being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motions

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case No. SB12-014 for Sierra Nevada College, 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 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. That the site is physically suitable for a college use type, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case No. VA12-005 for Sierra Nevada College, having made all five findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
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.

Appeal Process

Board of Adjustment actions 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: Sierra Nevada College, attn: Deborah Prout, 999 Tahoe Boulevard, Incline Village, NV 89451

Property Owner: Sierra Nevada College, attn: Deborah Prout, 999 Tahoe Boulevard, Incline Village, NV 89451

Representatives: Hill Planning, Inc. attn: Kristina Hill, PO Box 6139, Incline Village, NV 89450

Others to be Contacted: GilanFarr and Associates Architecture, attn: Phil GilanFarr, PO Box 446, Crystal Bay, NV 89402

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB12-014 and
Variance Case No. VA12-005

The project approved under Special Use Permit Case No: SB12-014 and Variance Case No: VA12-005 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 7, 2013. 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 or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit and Variance 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 & Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit and Variance 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 and Variance may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Planning & Development Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning & Development Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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 Planning and Development Division

1. The following conditions are requirements of the Planning & Development Division, 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 special use permit and variance approval. The Planning & Development Division 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 and the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning & Development Division.
- 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 project.
- d. Any signage for this project shall meet all applicable standards of the Washoe County Development Code and shall be affixed to the main structure. (Additional signage standards may be imposed by the Tahoe Regional Planning Agency.)
- e. All exterior lighting shall be installed with solid covers such that light is emitted downward only.
- f. The applicant shall provide approved encroachment permits from the appropriate State agencies for all improvements proposed to be constructed within the public right-of-way.

- 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.

- h. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Planning & Development Division for review and approval. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, parking, parking lot circulation and striping, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
- i. A certification letter or series of letters by a registered landscape architect or other persons permitted to prepare landscaping and irrigation plans pursuant to N.R.S. 623A shall be submitted to and approved by the Planning & Development Division. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. Any landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of the Planning and Development Division has waived.
- j. All landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Planning & Development Division, prior to a Certificate of Occupancy. The plan shall be wet-stamped.
- i. The following **Operational Conditions** shall be required for the life of the development:
1. This special use permit and variance shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with all Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning & Development Division.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning & Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit and variance. Any subsequent purchaser/operator of the site and/or the

special use permit and variance shall notify the Planning & Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

4. This special use permit and variance shall remain in effect as long as the business is in operation and maintains a valid business license.

Washoe County Public Works and Engineering Divison

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

Contact Name – Clara Lawson or Leo Vesely, 775.328.3603

- a. The pedestrian path will be designed to direct pedestrians to the narrow, neck part of the driveway and continue parallel to the building face until it was opposite of the main entry, then go to the entry, to the satisfaction of the Engineering Division.
- b. 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 properties.
- c. Approved Encroachment Permits shall be obtained from the Nevada Department of Transportation (NDOT), for use of State right-of-way and a copy of said permit sent to the Engineering Division. The County Engineer shall determine compliance with this condition.
- d. Provide a turn-around template showing passenger vehicle turning out of parking spaces demonstrating that vehicles don't back up onto the bike lane and shoulder area of SR 28. This will be to the satisfaction of the County Engineer.
- e. Provide a 20 year traffic forecast of SR 28 that shows 2 lanes provide adequate capacity.
- f. Provide concrete sidewalks on Country Club and SR 28 to the satisfaction of the County Engineer.

Washoe County District Health Department

3. 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 – Jim Shaffer, 775.785.4599

Washoe County Conditions of Approval

- a. The proposed drainage system will require 4-6 inch rock in the flow line of the facility to reduce the downstream transport of sediment.
- b. The existing slope stabilization will require mixed aggregate $\frac{3}{4}$ to 1 $\frac{1}{2}$ inch D size rock to a depth of 3 inches to discourage void formation for rodent habitat.
- c. Prior to the sign off of the building plans the above detail designs are required on the plans.

*** End of Conditions ***

EXHIBIT B



WASHOE COUNTY COMMUNITY SERVICES DEPARTMENT Engineering and Capitol 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 9, 2012
TO: Roger Pelham, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB12-014**
APN 130-050-11
SIERRA NEVADA COLLEGE ART PROGRAM BUILDING

I have reviewed the referenced special use permit application and have the following conditions:

1. 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 properties.
2. Approved Encroachment Permits shall be obtained from the Nevada Department of Transportation (NDOT), for use of State right-of-way and a copy of said permit sent to the Engineering Division. The County Engineer shall determine compliance with this condition.
3. Provide a turn-around template showing passenger vehicle turning out of parking spaces demonstrating that vehicles don't back up onto the bike lane and shoulder area of SR 28. This will be to the satisfaction of the County Engineer.
4. Provide a 20 year traffic forecast of SR 28 that shows 2 lanes provide adequate capacity.
5. Provide concrete sidewalks on Country Club and SR 28 to the satisfaction of the County Engineer.

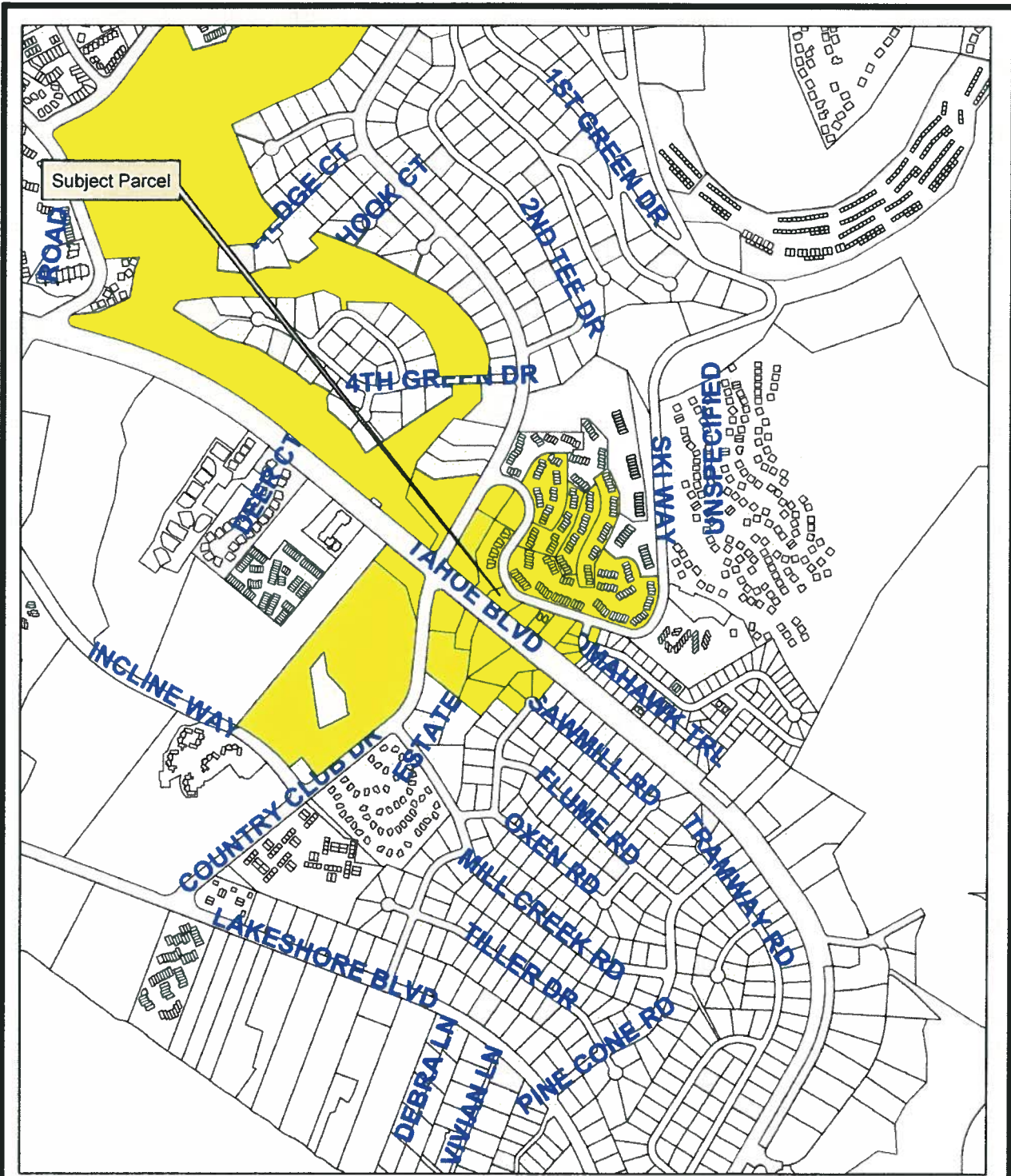
LRV/lrv

Equipment Services Reprintgraphics & Mail Services Animal Control Capital Projects Facility Mgmt. Engineering Roads

From: Lawson, Clara
Sent: Monday, December 31, 2012 8:16 AM
To: Pelham, Roger; 'Philip GilanFarr'
Cc: vesely, Leo
Subject: RE: Sierra Nevada College

I recommend the following condition of approval. The pedestrian path will be designed to direct pedestrians to the narrow, neck part of the driveway and continue parallel to the building face until it was opposite of the main entry, then go to the entry, to the satisfaction of the Engineering Division.

EXHIBIT C



Mailing Label Map
Special Use Permit Case Number AB12-014
Variance Case Number VA12-005
Sierra Nevada College

120 Parcels selected within 500 feet of the subject parcel.

Source: Community Planning Services



Date: October 2012

Department of
Community
Development
**WASHOE COUNTY
NEVADA**

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

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.: SB12-014	
Project Name (commercial/industrial projects only): Holman Arts & Media Center			
Project Description: Sierra Nevada College in Incline Village is requesting a variance to encroach into the side yard set back for the purpose of constructing retaining walls and a patio to house the kilns for their art department's ceramic program.			
Project Address: 1008 Tahoe Blvd. (Hwy. 28)			
Project Area (acres or square feet): 17,635 s.f./4 acres			
Project Location (with point of reference to major cross streets AND area locator): The property is located approximately 250' east of the northeast corner of Country Club Dr. and Hwy. 28			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
130-050-11	.404		
Section(s)/Township/Range: T16N-R18E			
Indicate any previous Washoe County approvals associated with this application: Case Nos. VA06-021			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Sierra Nevada College		Name: Hill Planning, Inc.	
Address: 999 Tahoe Blvd.		Address: P.O. Box 6139	
Incline Village, NV	Zip: 89451	Incline Village, NV	Zip: 89450
Phone: 775.831-1341	Fax: 775.831-6126	Phone: 775.832-5235	Fax: same
Email: dprout@sierranevada.edu		Email: tahoehills@att.net	
Cell:	Other:	Cell: 775.544-4345	Other:
Contact Person: Deborah Prout		Contact Person: Kristina Hill	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name: GilanFarr + Associates Architecture	
Address:		Address: P.O. Box 446	
	Zip:	Crystal Bay, NV	Zip: 89402
Phone:	Fax:	Phone: 775.831-8001	Fax: 775.831-8068
Email:		Email: phil@gilanfarrarchitects.com	
Cell:	Other:	Cell: 775.742-3358	Other:
Contact Person:		Contact Person: Philip GilanFarr	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Special Use 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 special use permits may be found in Article 810, Special Use Permits.

1. What is the type of project being requested?

Sierra Nevada College is requesting to use an existing, office building to house their art and media department. The building is approximately 300' +/- from the main campus.

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

The existing building and associated improvements will be used with this permit.

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?

The college is proposing to add retaining walls and a patio to accommodate the kilns used as part of the ceramics program. The patio improvements are estimated to be constructed in May of 2013. In addition, sidewalk improvements along Tahoe Blvd. are also proposed to be constructed in the Spring of 2013. Two new entry's with roof canopies will be added to the front facade. The existing parking garage will be converted to studio and exhibition space for the department.

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

Commencement of tenant improvements will be made to the interior of the building in November 2012. The art department is anticipating occupation of the building by mid-January 2013. The project will be completed upon finalization of the kiln facility and sidewalk improvements approx. June 2013.

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 site is within walking distance to the college's main campus; approximately 300 +/- feet. The existing building is ideal to accommodate the college's growing art department. The site also provides the college with an additional presence in the community.

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

The proposed sidewalk linking the new facility with the main campus will provide improved, safer pedestrian access along this stretch of highway. In addition, the use of an existing vacant building is more beneficial to the community and the college than construction of a new facility. The proposed use and maintenance of the structure will prevent this portion of the eastern gateway into Incline Village from potential deterioration and blight.

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

The operation of the facility will occur between normal business hours. Parking will be limited on site to faculty only with one space designated as ADA and one space for drop-off and pick-up only encouraging pedestrian/bike access, reducing noise and vehicle emissions.

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

Hours of operation will be limited by class schedules. Landscaping and irrigation will be improved and maintained. Lighting will be the minimum necessary for public health and safety. Pedestrian/bike path will be provided thereby reducing trips to the site; students utilizing the facility will be required to park at the main campus.

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

Approximately 3 on site parking spaces + 1 handicap space will be provided on-site for use by the faculty and handicap persons along with 3 off-site spaces immediately adjacent to the building in the State right of way. Based on a ration of .5 spaces/student, approximately 30 spaces will also be provided off-site at the main campus.

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

There is existing landscaping on site comprising of lawn, shrubs and trees. The existing structure is painted in brown earth-tone colors as required by the Incline Village Tourist Community Plan.

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.)

The college is proposing one freestanding sign and one building sign. The community plan allows for a building sign with a maximum of 40 s.f. of sign area and one freestanding sign if the street frontage is greater than 100 feet; the site's street frontage is 150 feet.
The building sign's design will be incorporated into an art piece TBD.
The freestanding sign will be a boulder with metal lettering.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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13. Community Sewer

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Community Water

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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HILL PLANNING
P.O. Box 6139 Incline Village, NV 89450
Phone/Fax: 775. 832-5235 Cell: 775.544-4345
e-mail: tahoehills@worldnet.att.net

October 15, 2012

Ms. Eva Kraus
Washoe County, Department of Community Development
1001 E. Ninth Street, Bldg. A
Reno, NV 89520-0027

HAND DELIVERED

Subject: Sierra Nevada College, SUP for College Use in IV Tourist CP and
Variance for Encroachment into Side Yard; APN: 130-050-11

Dear Eva,

Enclosed please find Special Use Permit and Variance applications for the above referenced project. These applications are being submitted together to be reviewed concurrently and scheduled for the December Board of Adjustments hearing. Included in this submittal is a C.D. and ten (10) packets; (one labeled "original" and one labeled "engineering") and 8 others containing the following items:

1. Completed SUP application form and supplemental information (C.D., original and 8 packets)
2. Completed Variance application form and supplemental information (C.D., original and 8 packets)
3. Filing fee for SUP in the amount of \$2,817.00 (original packet)
4. Filing fee for Variance in the amount of \$1530.00 (original packet)
5. Two owner affidavits (one for each application) (original packet)
6. Proof of property tax payments (original packet)
7. Title Report for SUP application (original, engineering and 8 packets)
8. Site plan / grading plan (C.D., original, engineering and 8 packets)
9. Building elevations (C.D., original, engineering and 8 packets)
10. Landscape plan for SUP application (C.D., original, engineering and 8 packets)
11. Traffic/parking analysis (C.D., original, engineering and 8 packets)
12. Exhibit/sketch of proposed kiln yard (C.D., original, engineering and 8 packets)
13. Photos of where kiln proposed (C.D., original, engineering and 8 packets)
14. Exhibit/photo of proposed pedestrian path (C.D., original, engineering and 8 packets)
15. Photo of area where pedestrian pathway proposed (C.D., original, engineering and 8 packets)

Thank you, Eva for your help in steering us through this application process. If you have any questions or if you need additional information, please contact me.

Sincerely,

Kristina Hill
Planning Consultant

Enclosures

cc: Deborah Prout, SNC
Phil GilanFarr, Architect

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.: VA12-005	
Project Name (commercial/industrial projects only): Holman Arts & Media Center			
Project Description: Sierra Nevada College, in Incline Village is proposing to occupy a nearby, vacant commercial building for the purpose of housing their art department. Schools-college is a special use in the Incline Village Tourist Community Plan.			
Project Address: 1008 Tahoe Blvd.			
Project Area (acres or square feet): 17,635 s.f. / .4 acres			
Project Location (with point of reference to major cross streets AND area locator): The property is located approximately 250' east of the northeast corner of Country Club Dr. and SR 28.			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
130-050-11	.404		
Section(s)/Township/Range: T16N-R18E			
Indicate any previous Washoe County approvals associated with this application: Case Nos. VA06-021			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Sierra Nevada College		Name: Hill Planning, Inc.	
Address: 999 Tahoe Blvd.		Address: P.O. Box 6139	
Incline Village, NV	Zip: 89451	Incline Village, NV	Zip: 89450
Phone: 775.831-1314	Fax: 775.831-6126	Phone: 775.832-5235	Fax: same
Email: dprout@sierranevada.edu		Email: tahoehills@att.net	
Cell:	Other:	Cell: 775.544-4345	Other:
Contact Person: Deborah Prout		Contact Person: Kristina Hill	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name: GilanFarr + Associates Architecture	
Address:		Address: P.O. Box 446	
	Zip:	Crystal Bay, NV	Zip: 89402
Phone:	Fax:	Phone: 775.831-8001	Fax: 775.831-8068
Email:		Email: phil@gilanfarrarchitects.com	
Cell:	Other:	Cell: 775.742-3358	Other:
Contact Person:		Contact Person: Phil GilanFarr	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Variance 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 variances may be found in Article 804, Variances.

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

The provisions of the Development Code that must be varied are:

1. Section 110.406.30 (e) Architectural Features - Front Yards

The proposed improvements to the front of the existing building will require a reduction of the front yard setback to zero feet for the construction of two entry canopies. As part of the renovations, the existing entry is being relocated from the side to the front of the building. The existing building received front yard setback reduction from 20 feet to 5 feet as part of the original construction.

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

An extraordinary circumstance is that the college was gifted the existing building by a donor conditioned upon it being occupied by the art and media department.

Because the previous use of the building, as a commercial showroom for plumbing and electric businesses, the building does not have a formal entry which fronts the street, which was requested by the donor. A setback reduction to zero feet for the construction of protected entry roof canopies (architectural features) are necessary since the existing building is located within 5 feet of the front property line.

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

The steps that will be taken to prevent negative impacts to other properties include:

*Improving pedestrian safety and reducing vehicle trips to the site by construction of a five foot wide pathway from SNC's main campus to the subject site (approximately 300 feet away).

*Eliminating a secondary access and consolidating the access to one ingress and egress from Tahoe Blvd. will provide a more defined entry.

*Re-vegetating and enhancing the landscape along the property frontage will improve the aesthetics for the site. This will require working with NDOT as the frontage is located in the SR28 right-of-way.

*The inclusion of two roof canopies and entry doors will articulate the facade and eliminate the existing flat fenestration.

* The architectural features of the kiln yard including open metal framing, sloping metal canopy and sliding metal panel walls will improve the character and aesthetic quality of the building.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

The variance will enhance the environmental character of the building by utilizing an existing building that has been vacant for many years and which has the potential to deteriorate and become an eyesore at this eastern gateway to Incline Village.

The proposed use will revitalize the area and be an example of green development; by limiting parking as the students will be required to walk to or bike to the site from the main campus.

The college use of the building will enhance the scenic quality of the neighborhood by improving and maintaining the landscaping and building's facilities.

The proposed roof canopies will provide architectural features which currently does not exist improving the aesthetic quality of the facade.

5. What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

Without the granting of the front variance for the entry features the pedestrian circulation of the site would be severely hampered. The building's previous use as a commercial showroom was not designed for the type of occupation currently proposed.

Other properties in the neighborhood including the church, condominium development and the hotel are unique and were designed to accommodate their intended use.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

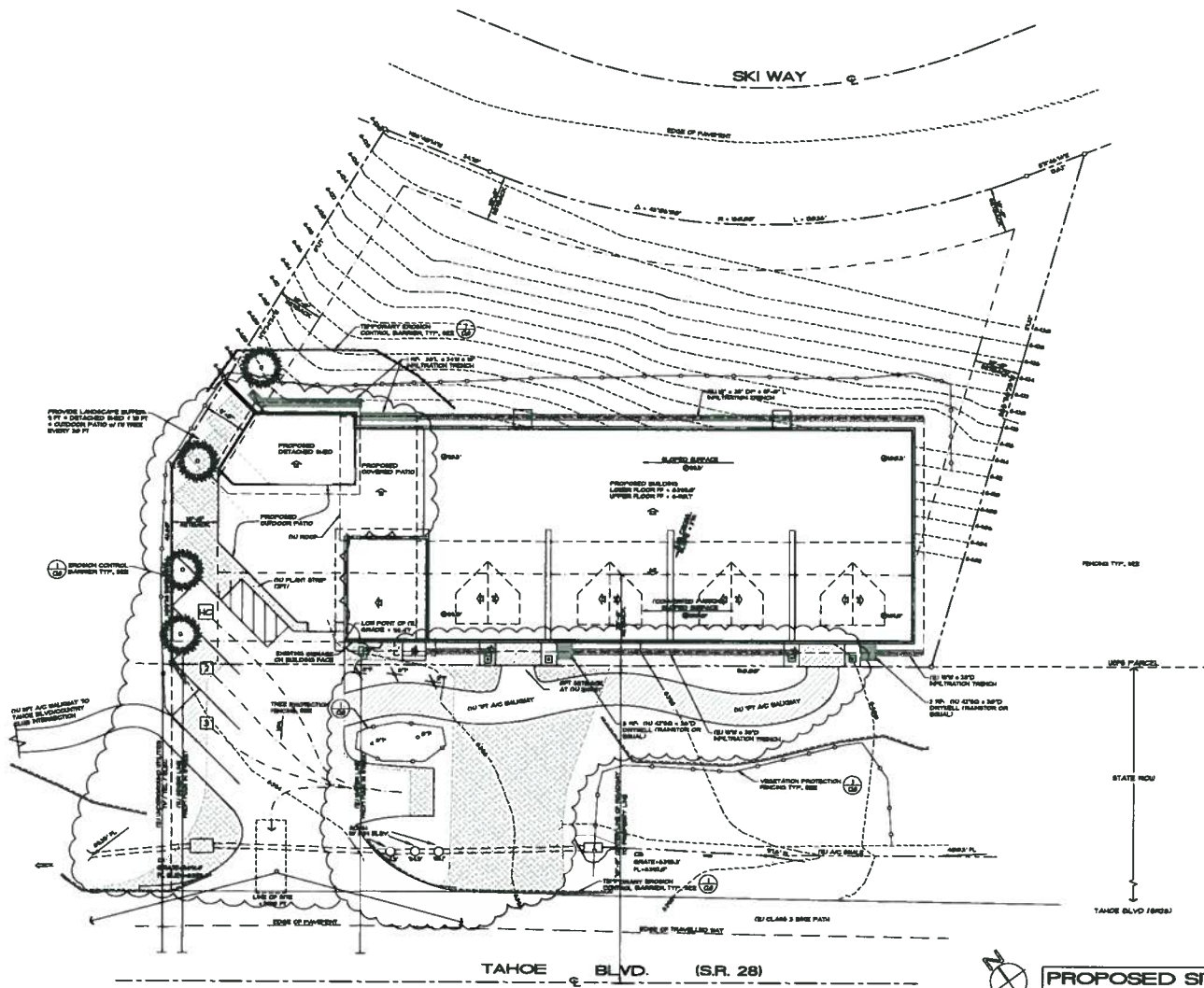
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy.
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7. What is your type of water service provided?

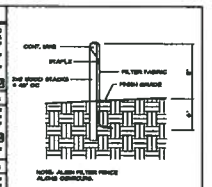
<input type="checkbox"/> Well	<input checked="" type="checkbox"/> Community Water System
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8. What is your type of sanitary waste disposal?

<input type="checkbox"/> Individual Septic System	<input checked="" type="checkbox"/> Community Sewer System
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COVERAGE CALCULATIONS	
AREAS NOT IN CLASSIFICATION	CLASS OF LAND
ALLOWABLE COVERAGE	30% OF
PREVIOUS ADDED COVERAGE BY TRANSFER	3,360 SF
PROPOSED ADDED COVERAGE BY TRANSFER	0 SF
TOTAL ALLOWABLE COVERAGE	CLASS 2 (20%)
EXISTING COVERAGE	CLASS 4
REPAIRS	5,774 SF
REPAIRS / CONC. GROUPS	20 SF
DECKING / PATIOS	130 SF
TOTAL EXISTING COVERAGE	CLASS 4 (20%)
TOTAL EXISTING COVERAGE	3,934 SF
PROPOSED COVERAGE	CLASS 4
REPAIRS	5,774 SF
REPAIRS / CONC. GROUPS	20 SF
DECKING / PATIOS	130 SF
DRIVEWAYS / PARKING	300 SF
TOTAL PROPOSED COVERAGE	CLASS 4 (20%)
TOTAL PROPOSED COVERAGE	6,554 SF



EXISTING COVERAGE TO BE REMOVED TO BE COVERED (LINE OR COVERED)

NEW COVERAGE TO BE ADDED (NO IN COVER / 20% OF COVER, DOES NOT INCLUDE SUBJECT TO INSPECTION)

NOTES

1. ALL BARRIER AREAS AND AREAS DESIGNATED BY CONTRACTOR SHALL BE DEMONSTRATED IN ACCORDANCE WITH THE STATE OF NEVADA'S CONSTRUCTION PRACTICES. APPLICATION OF A YELLOW PAINT STRIPE VISIBILITY ESTABLISHMENT.

2. ALL SLOPED GREATER THAN 24% ROAD SIDE DITCHES SHALL BE PERMANENTLY STABILIZED.

3. REMOVE EXISTING OR EXISTING BEFORE ROAD PAVES & REPAIRED FOR THE PROPOSED TRANSPORT. FROM PILE TO EXISTING PILES IN 4' OF LENGTH AT HEAD OF BOLDERS.

4. REMOVAL OF EXISTING PILES (REMOVING) SHALL BE COMPLETED AND THE OLD PILES OF ALL EXISTING PILES SHALL BE REMOVED AND REPAIRED.

5. CONTRACTOR SHALL INSURE PROPER PLACEMENT OF BOLDERS WITHIN THE DESIGNATED RETAINERS PER SITE PLAN.

6. CONTRACTOR TO VERIFY SUBMITTER UTILITY LOCATIONS AND CONDITIONS WITH LOCAL UTILITY SERVICE PROVIDERS. INSTALL ALL UTILITIES IN AN APPROVED MANNER AND ACCORDANCE WITH ALL APPLICABLE CODES AND ORDINANCES.

7. ALL EXISTING EXPOSED 24" OR GREATER SHALL BE IN CONFORMANCE WITH THE STATE OF NEVADA'S CONSTRUCTION PRACTICES. APPLICATION OF A YELLOW PAINT STRIPE VISIBILITY ESTABLISHMENT.

8. ALL AREAS DESIGNATED BY CONTRACTOR SHALL BE FENCED WITH A 1' TO 2' HIGH LAYER OF FENCE OR OTHER MEANS OF A FENCE SYSTEM. FENCE SHALL BE COMPLETED AND THE OLD PILES OF ALL EXISTING PILES SHALL BE REMOVED AND REPAIRED.

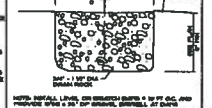
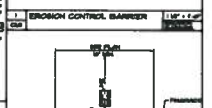
9. ALL EXISTING EXPOSED 24" OR GREATER SHALL BE IN CONFORMANCE WITH THE STATE OF NEVADA'S CONSTRUCTION PRACTICES. APPLICATION OF A YELLOW PAINT STRIPE VISIBILITY ESTABLISHMENT.

10. THIS PROJECT SHALL CONFORM TO THE FOLLOWING DESIGN STANDARDS:

A. COLOR: THE COLOR OF THE STRUCTURE INCLUDING THE FENCE OR THE EQUIPMENT SHALL BE COMPATIBLE WITH THE SURROUNDING. EXISTING COLOR IS TO BE MAINTAINED. EXISTING COLOR SHALL BE USED FOR THE PRIMARY COLOR OF THE STRUCTURE. EXISTING COLOR SHALL BE USED FOR THE SECONDARY COLOR. EXISTING COLOR SHALL BE USED FOR THE THIRDARY COLOR. EXISTING COLOR SHALL BE USED FOR THE QUARTARY COLOR. EXISTING COLOR SHALL BE USED FOR THE FIFTHARY COLOR. EXISTING COLOR SHALL BE USED FOR THE SIXTHARY COLOR. EXISTING COLOR SHALL BE USED FOR THE SEVENTHARY COLOR. EXISTING COLOR SHALL BE USED FOR THE EIGHTHARY COLOR. EXISTING COLOR SHALL BE USED FOR THE NINTHARY COLOR. EXISTING COLOR SHALL BE USED FOR THE TENTHARY COLOR.

B. FINISH: FINISH SHALL BE COMPATIBLE WITH THE SURROUNDING. EXISTING FINISH IS TO BE MAINTAINED. EXISTING FINISH SHALL BE USED FOR THE PRIMARY FINISH OF THE STRUCTURE. EXISTING FINISH SHALL BE USED FOR THE SECONDARY FINISH. EXISTING FINISH SHALL BE USED FOR THE THIRDARY FINISH. EXISTING FINISH SHALL BE USED FOR THE QUARTARY FINISH. EXISTING FINISH SHALL BE USED FOR THE FIFTHARY FINISH. EXISTING FINISH SHALL BE USED FOR THE SIXTHARY FINISH. EXISTING FINISH SHALL BE USED FOR THE SEVENTHARY FINISH. EXISTING FINISH SHALL BE USED FOR THE EIGHTHARY FINISH. EXISTING FINISH SHALL BE USED FOR THE NINTHARY FINISH. EXISTING FINISH SHALL BE USED FOR THE TENTHARY FINISH.

C. MATERIAL: MATERIAL SHALL BE COMPATIBLE WITH THE SURROUNDING. EXISTING MATERIAL IS TO BE MAINTAINED. EXISTING MATERIAL SHALL BE USED FOR THE PRIMARY MATERIAL OF THE STRUCTURE. EXISTING MATERIAL SHALL BE USED FOR THE SECONDARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE THIRDARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE QUARTARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE FIFTHARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE SIXTHARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE SEVENTHARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE EIGHTHARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE NINTHARY MATERIAL. EXISTING MATERIAL SHALL BE USED FOR THE TENTHARY MATERIAL.



Client: Sierra Nevada College
 Project: A Tenant Improvement
 Location: Sierra Nevada College - Holman Art & Media Center
 Date: 11/20/2024
 Scale: 1" = 30'-0"

PROPOSED SITE PLAN
 A TENANT IMPROVEMENT
 SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER
 11/20/2024
 SCALE: 1" = 30'-0"

REVISIONS

NO.	DATE	DESCRIPTION

FILED: 11/20/2024
 DATE: 11/20/2024
 SCALE: AS NOTED
 DRAWN: PUP
 CHECKED: PUP
 DESIGNED: PUP
 C1.0

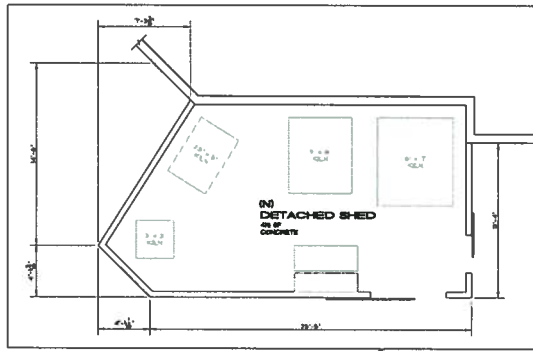
PROPOSED SITE PLAN
 A TENANT IMPROVEMENT
 SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER
 11/20/2024
 SCALE: 1" = 30'-0"

REVISIONS

NO.	DATE	DESCRIPTION

FILED: 11/20/2024
 DATE: 11/20/2024
 SCALE: AS NOTED
 DRAWN: PUP
 CHECKED: PUP
 DESIGNED: PUP
 C1.0

PROPOSED SITE PLAN
 A TENANT IMPROVEMENT
 SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER
 11/20/2024
 SCALE: 1" = 30'-0"



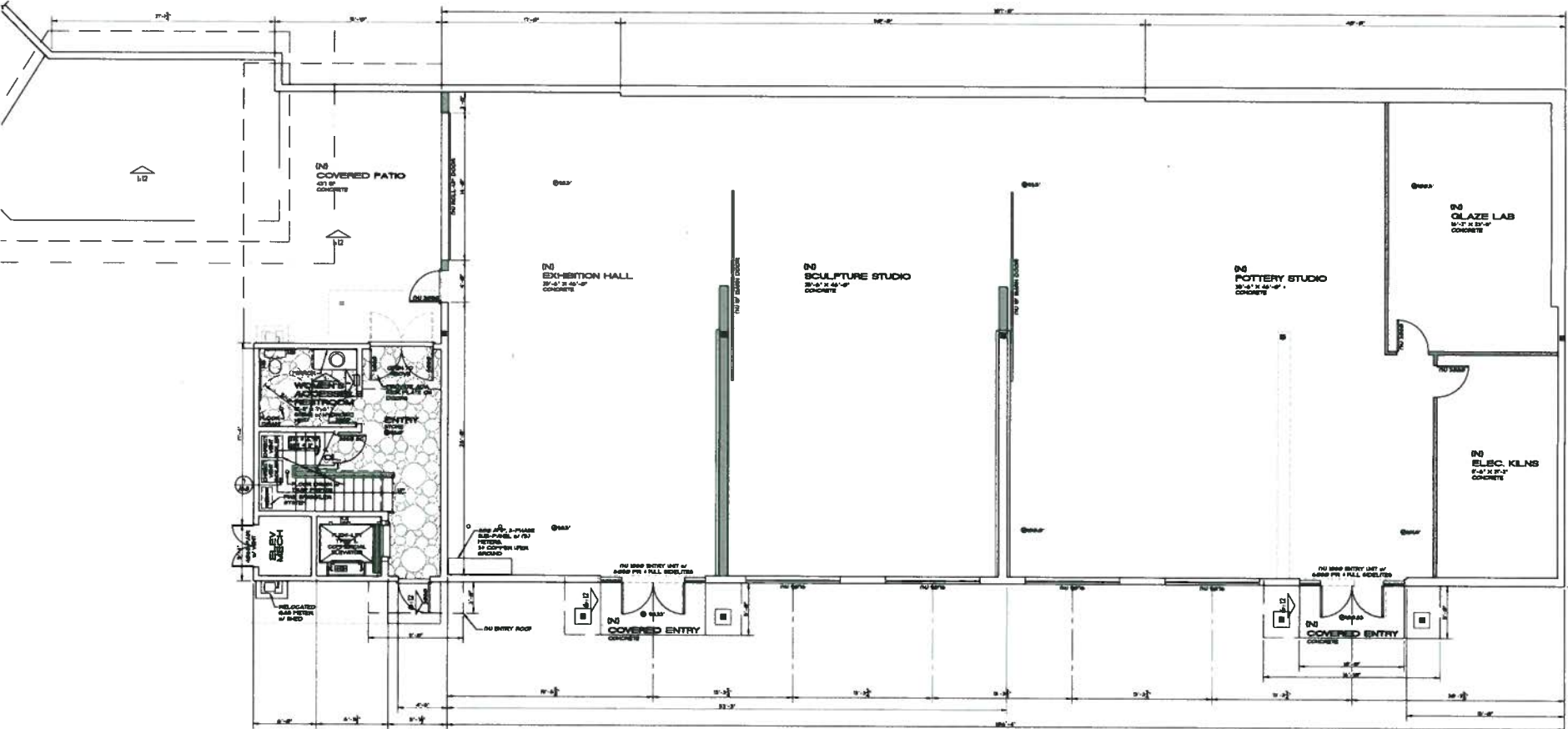
WALL LEGEND

- EXISTING WALLS
- NEW WALLS
- EXISTING WALL TYP (DETACHED SHED)

BUILDING AREAS

LOWER FLOOR OPTION	4,880 SF	UPPER FLOOR OPTION	4,580 SF	TOTAL OPTION AREA	9,460 SF
EXCLUDED FLOOR	274 SF	EXCLUDED FLOOR	274 SF	TOTAL EXCLUDED AREA	548 SF
NET FLOOR LINE	4,606 SF	NET FLOOR LINE	4,306 SF	TOTAL NET FLOOR AREA	8,912 SF
EXTERIOR WALL TYP (DETACHED SHED)	49 SF	EXTERIOR UPPER DECK	843 SF		

CONTRACTOR
ClanFarr & Associates
 ARCHITECTS
 1000 S. GARDEN AVENUE, SUITE 100
 LAS VEGAS, NEVADA 89102
 TEL: 702.735.1100
 FAX: 702.735.1101

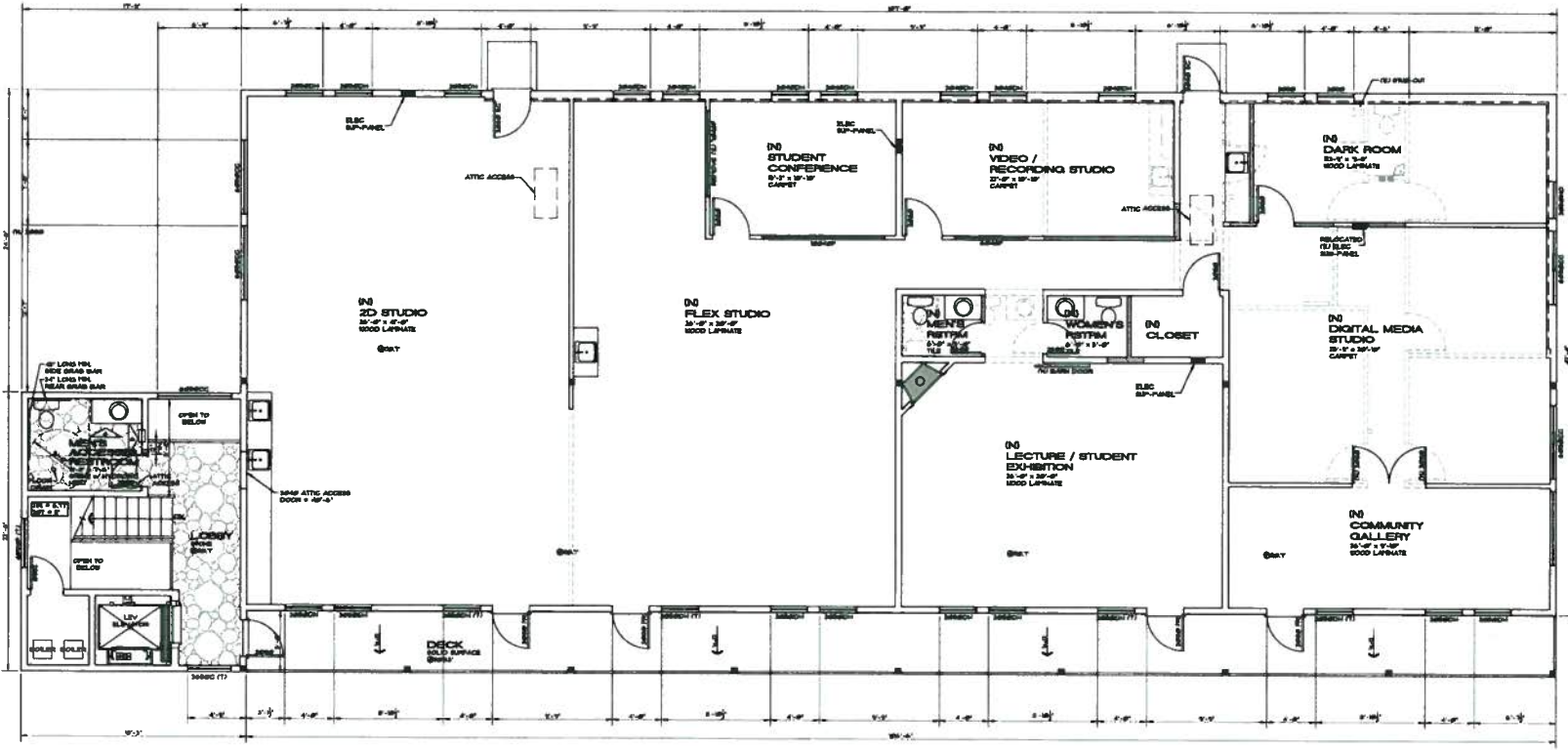


PROPOSED LOWER FLOOR PLAN
 SCALE: 1/4" = 1'-0"

PROJECT: **PROPOSED LOWER FLOOR PLAN**
 CLIENT: **SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER**
 DATE: 02 DEC 2009
 SCALE: 1/4" = 1'-0"
 DRAWN: PJP
 SHEET: **A1.0**
 OF SHEETS

BUILDING AREAS

LOWER FLOOR COMMON	AREA OF LOWER FLOOR COMMON	UPPER FLOOR COMMON	AREA OF UPPER FLOOR COMMON	TOTAL COMMON AREAS	AREA OF TOTAL COMMON AREAS
EXTERIOR PLAZA YARD	478 SF	EXTERIOR UPPER DECK	543 SF		



PROPOSED UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"

THIS PROPOSED UPPER FLOOR PLAN
 A TENANT IMPROVEMENT
SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER
 3000 S. GARDEN AVENUE, SUITE 100, LAS VEGAS, NV 89102
 PREPARED BY: CLANFAIR + ASSOCIATES ARCHITECTS
 DATE: 11 DEC 2000
 SCALE: 1/4" = 1'-0"
 SHEET: 100
A2.0
 OF 2 SHEETS

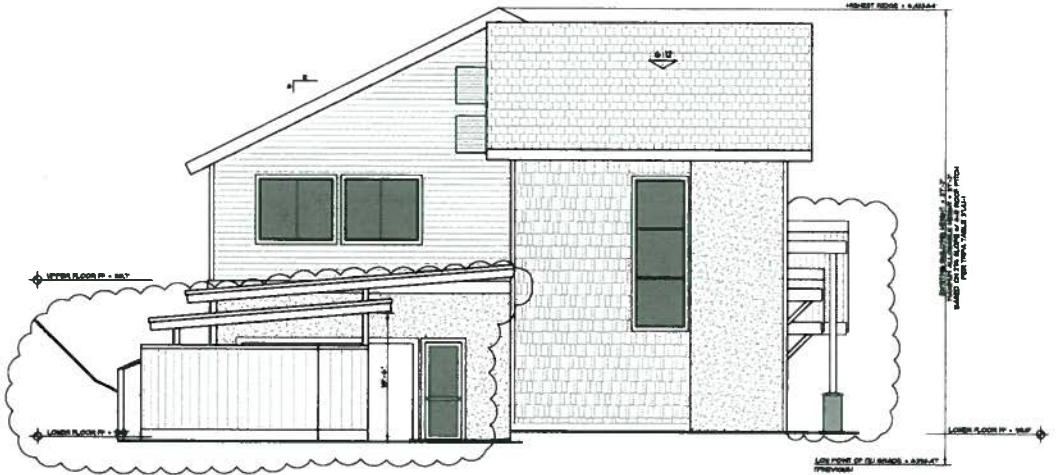
EXTERIOR FINISH NOTES:

- WOOD SHAKES: BACK BUTT APPLIED OVER 1/2" WATER PROOF. COLOR: ARCTIC BLEND
- PANELS: 1/2" LP TYPICAL EDGE BY 3/4" SHINGLE FIELDS. OLYMPIC STAIN. SLOPE.
- ROOFING: 1/4" HEAVY CERAMIC TILE - W/SHOULDER OLYMPIC STAIN. SLOPE - TRANSVERSE.
- ROOF LINES:
 - SHOULDER: 1/4" HEAVY CERAMIC TILE - W/SHOULDER OLYMPIC STAIN. SLOPE - TRANSVERSE.
 - SHOULDER: 1/4" HEAVY CERAMIC TILE - W/SHOULDER OLYMPIC STAIN. SLOPE - TRANSVERSE.
 - SHOULDER: 1/4" HEAVY CERAMIC TILE - W/SHOULDER OLYMPIC STAIN. SLOPE - TRANSVERSE.
 - SHOULDER: 1/4" HEAVY CERAMIC TILE - W/SHOULDER OLYMPIC STAIN. SLOPE - TRANSVERSE.
- UPPER FLOOR TRIM: 1/2" LP TYPICAL TRIM BY 3/4" SHINGLE FIELDS. OLYMPIC STAIN. SLOPE.
- PAINT ALL EXPOSED METAL FLASH TO MATCH ROOF. ADVISOR: FINISH.
- PAINT ALL EXPOSED CONCRETE FLASH TO MATCH ADVISOR: FINISH.
- PAINT ALL EXPOSED JOISTS, BEAMS AND PORS. CASSET BEAM. 1/2" LP TYPICAL TRIM BY 3/4" SHINGLE FIELDS. OLYMPIC STAIN. SLOPE.
- PROVIDE 1/4" GA. BRASS METAL ON COPPER CAP BY 1/2" TYPICAL TRIM BY 3/4" SHINGLE FIELDS. OLYMPIC STAIN. SLOPE.

- SIGNAGE UNDER SEPARATE PERMIT
- FALSE WINDOW (BLACKOUT) TYPICAL - DOORWAY

- COLOR: LOWER SECTION
- UPPER LEVEL: CONCRETE FINISH
- UPPER LEVEL: RAFFLES SURFACE
- DOWN RAFFLES

- WOOD: DUAL GLAZE IN WOOD / VINYL CLAD PROFILES (COLOR: TAN)
- ROOF VENTS: NATURAL. CUT GRANITE STONE. W/ 1/2" HEAVY CERAMIC WATER TABLE. W/ INCREASED SLOPE. ATTACH PER ADVISOR: FINISH.



LEFT (NORTHWEST) ELEVATION
SCALE: 1/4" = 1'-0"



FRONT (SOUTHWEST) ELEVATION
SCALE: 1/4" = 1'-0"

Clairfair Associates

ARCHITECTS

1000 14TH AVENUE, SUITE 100
DENVER, CO 80202
TEL: 303.733.1111 FAX: 303.733.1112
WWW.CLAIRFAIR.COM

PROPOSED EXTERIOR ELEVATIONS - FRONT & LEFT

A TENANT IMPROVEMENT

SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER

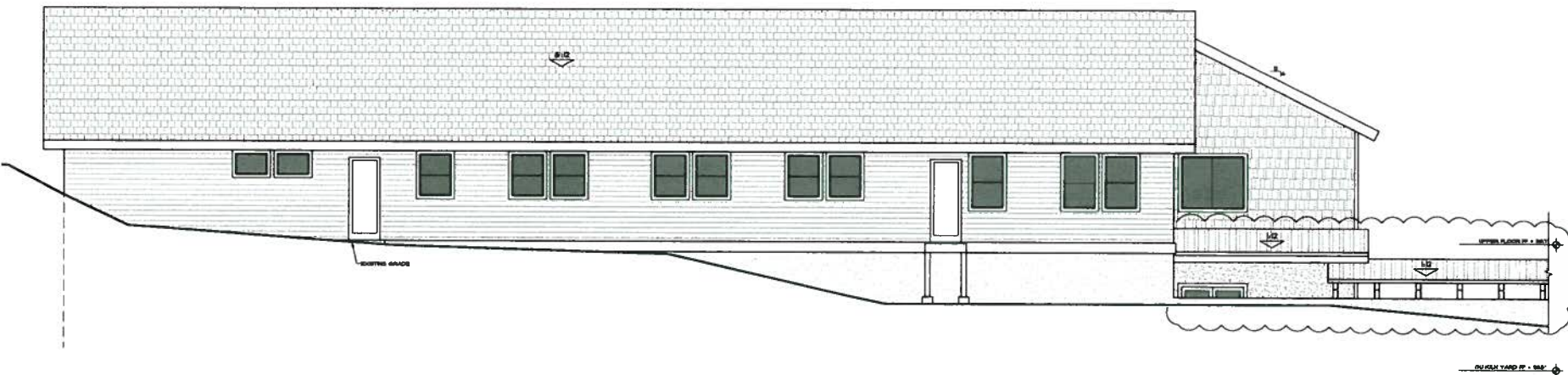
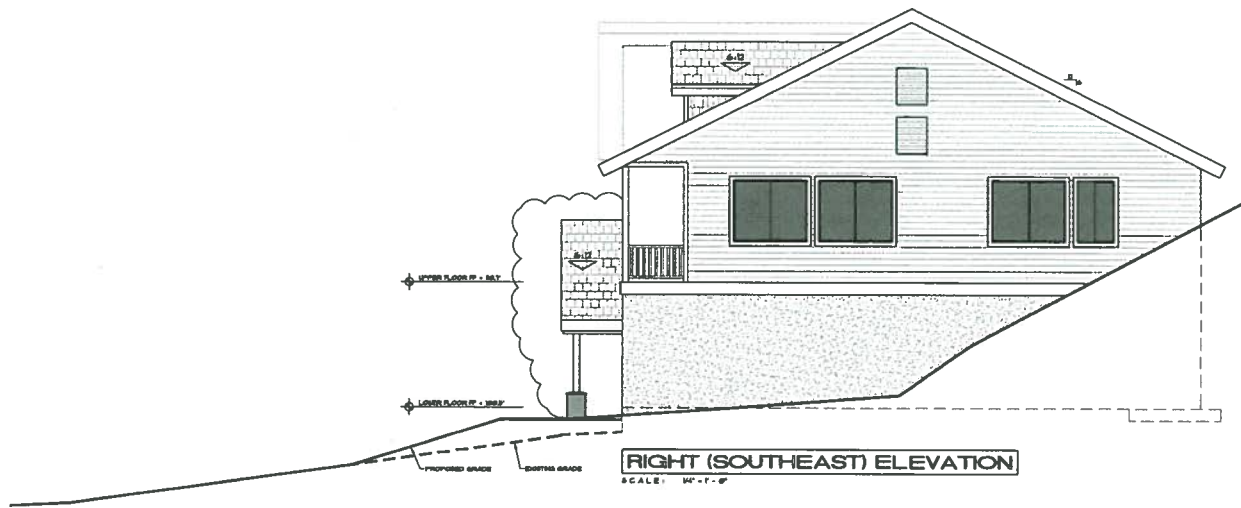
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SCALE: 1/4" = 1'-0"
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DATE: 08/14/2013 11:45 AM
SCALE: 1/4" = 1'-0"
DRAWN: PJP
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A3.0

OF 8 SHEETS



PROPOSED EXTERIOR ELEVATIONS - REAR & RIGHT
SIERRA NEVADA COLLEGE - HOLMAN ART & MEDIA CENTER
 A TENANT IMPROVEMENT
 PROJECT NO. 2023-001
 DATE: 11/08/2023
 SCALE: 1/4" = 1'-0"
 DRAWN: PJP
 SHEET:
A4.0
 OF 11 SHEETS



REAR (NORTHEAST) ELEVATION
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

EXHIBIT E



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION



Public Health
Prevent. Promote. Protect.

Washoe County
Community Development
C/O Roger Pelham
1001 E. Ninth Street
Reno, NV 89512

January 11, 2013

Dear Roger,

After having reviewed the special use permit from Sierra Nevada College (SB12-014), please be advised of the following.

1. The proposed drainage system will require 4-6 inch rock in the flow line of the facility to reduce the downstream transport of sediment.
2. The existing slope stabilization will require mixed aggregate $\frac{3}{4}$ to 1 $\frac{1}{2}$ inch D size rock to a depth of 3 inches to discourage void formation for rodent habitat.
3. Prior to the sign off of the building plans the above detail designs are required on the plans.

If there are any questions concerning the aforementioned vector-planning conditions as it relates to environmental health, please call us at 785-4599.

Sincerely,

J. L. Shaffer
Coordinator/Planner Vector-Borne Diseases
Environmental Health Division



Board of Adjustment Staff Report

Meeting Date: February 7, 2013

Subject: Variance Case No: VA12-006
Applicant(s): Kurosh Moassessi
Agenda Item No. 8D
Project Summary: To allow a two-foot encroachment into the front yard setback to remain as the dwelling was originally constructed.
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

Variance Case No VA12-006, for Kurosh Moassessi – To vary the required front yard setback from 30 feet to 28 feet to allow the existing garage to remain as it was constructed in 1956.

- Location: 12755 Valley Springs Road, at the northwest corner of Valley Springs Road and Cottonwood Road.
- Assessor's Parcel No: 049-355-01
- Parcel Size: 1 acre
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 804
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 20, T 18 N, R 20 E, MDM

Staff Report Contents

Variance Definition 3
Vicinity Map 4
Site Plan 5
Project Evaluation 6
Reviewing Agencies..... 8
Recommendation..... 9
Motion 9
Appeal Process..... 10

Exhibits Contents

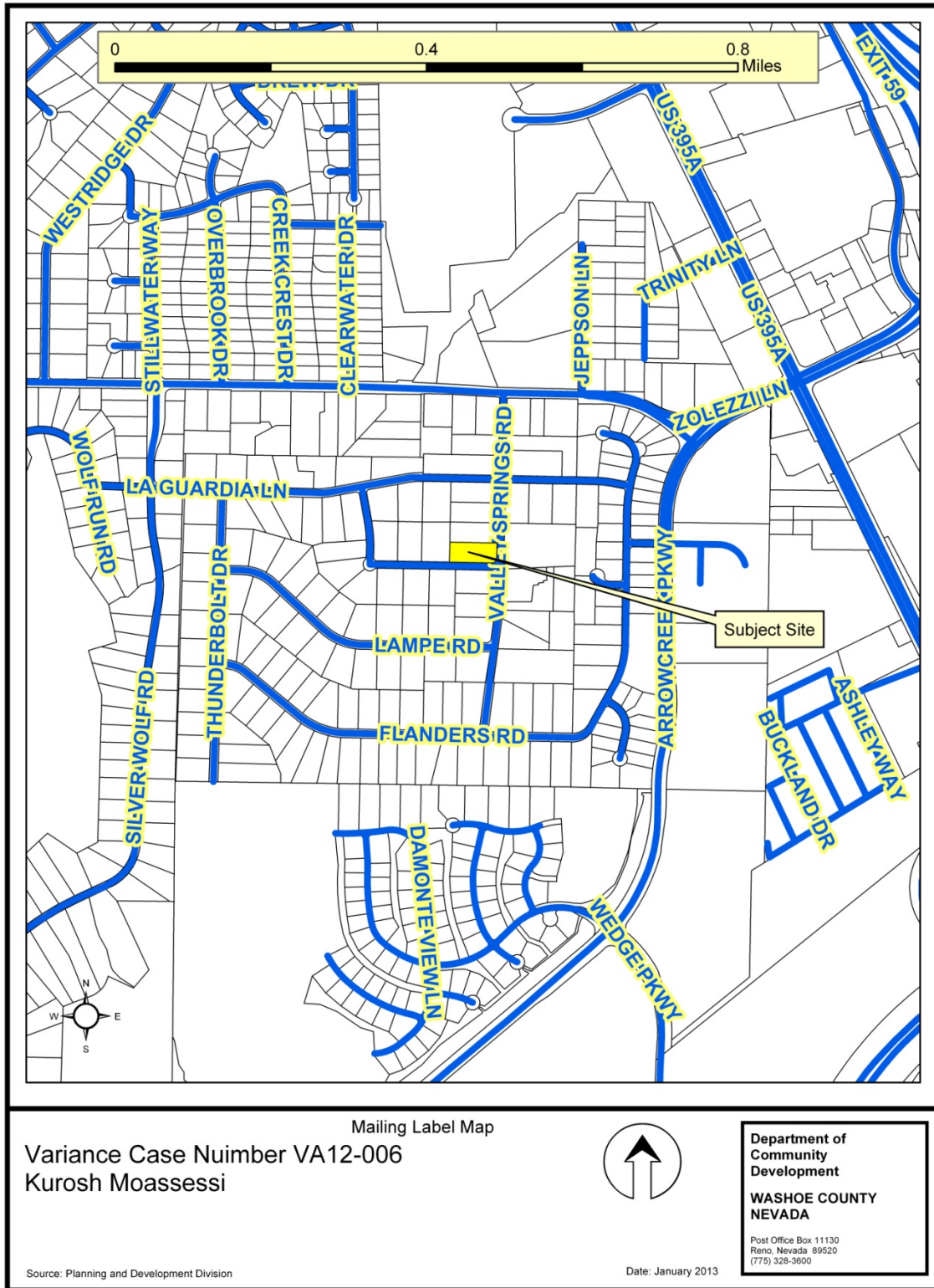
Conditions of Approval..... Exhibit A
Citizen Advisory Board Member Comments..... Exhibit B
Public Notice Map Exhibit C
Project Application Exhibit D
Truckee Meadows Fire Letter Dated 1/10/13 Exhibit E

Variance Definition

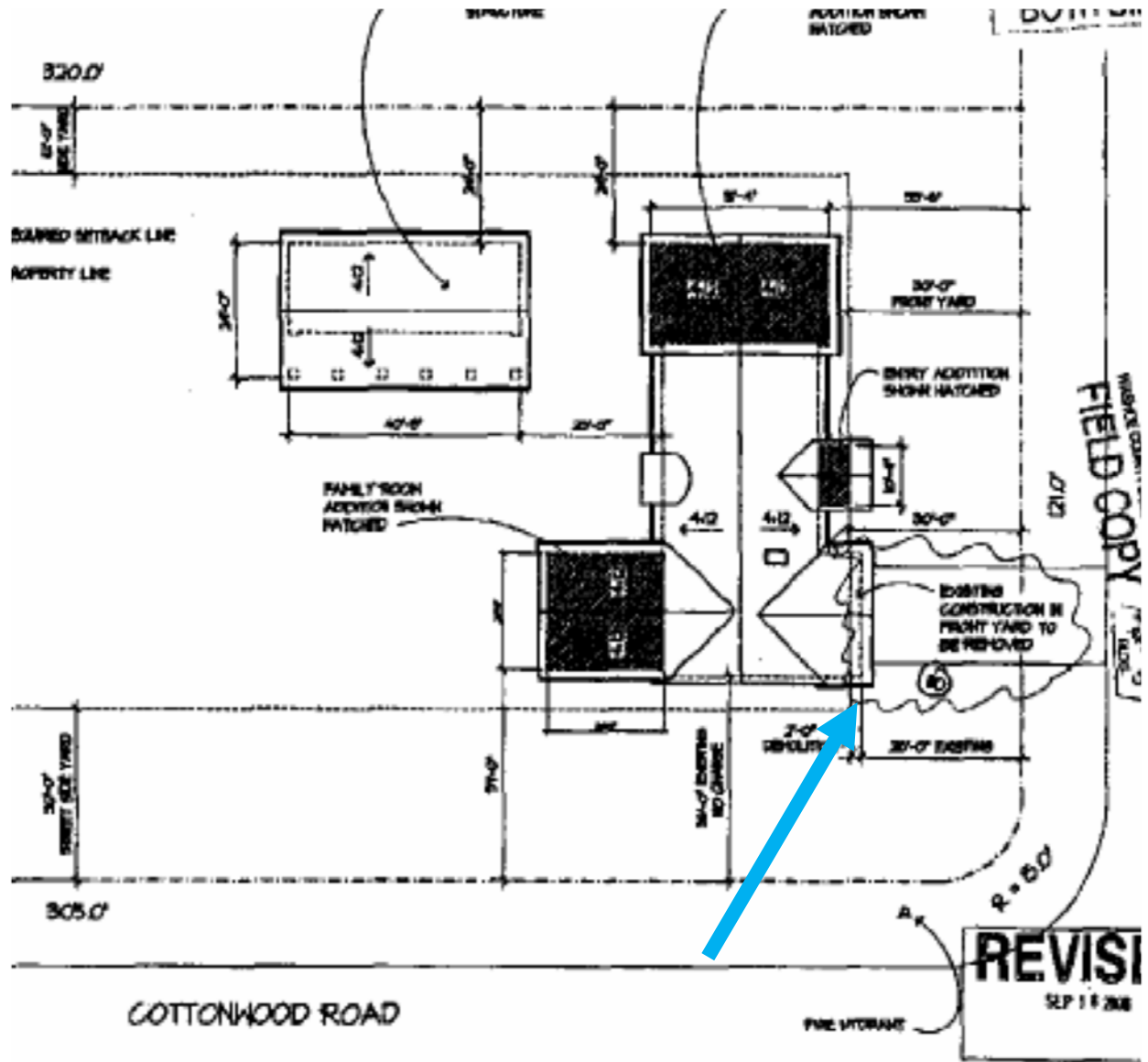
The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Variance, 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.

The Conditions of Approval for Variance Case No. VA12-006 are attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan

Project Evaluation

The applicant is seeking to legalize an encroachment of two feet into the required thirty-foot front yard setback of the parcel. The encroachment has existed since the dwelling was originally constructed in 1956. The applicant applied for, and was granted, a building permit to enlarge the dwelling in 2008. While the garage itself was not remodeled during this process, it was noted that the garage encroached into the required front yard setback and would have to be shortened by two feet (to meet the required setback) prior to the issuance of a final certificate of occupancy for the remodel. All other portions of the remodel project have been completed and the applicant is now seeking for the encroaching portion of the garage to remain.

The application states that if the garage were to be shortened by the two feet required that the garage would be less than 18 feet in length, making it impractical for parking a vehicle. Washoe County Code does not specifically state the minimum length required for a garage, however, the minimum length required for a parking space in a parking lot is eighteen feet, and that dimension has been used as a minimum for garage depth.

For the Board of Adjustment to approve a variance request certain findings of fact must be made. Foremost among them is that there are, *“special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.”*

Because the garage would be shortened to less than the required depth if it were to meet the front yard setback, and because the garage has not been expanded during the current remodeling project, and because the garage will remain as it was constructed in the 1950's, staff believes that the Board of Adjustment can make the required finding that there is an, *“extraordinary and exceptional situation and that the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.”*

Photos of the garage follow.



Garage, looking west from Valley Springs Road



Garage, looking north from Cottonwood Road.

The proposed project was provided to the members of the Southwest Truckee Meadows Citizen Advisory Board. Written responses were received from Brian Wheeler and Matt Hansen, both of which expressed support for approval of the request to alleviate an undue burden on the applicant. Both of their responses are included in the exhibits attached to this report.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Capitol Projects Division
- Washoe County Health District, Environmental Health Division
- Truckee Meadows Fire Protection District (TMFPD)
- Regional Transportation Commission

Of the above-listed agencies and departments only the TMFPD provided substantive comments or recommended conditions of approval in response to their evaluation of the project application. Their condition is included in the attached action order. Washoe County Planning and Development has evaluated the project and provided standard conditions of approval.

Staff Comment on Required Findings

Section 110.804.25 of Article 804, *Variances*, 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 abandonment 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. **Special Circumstances.** Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

Staff Comment: Because the garage would be shortened to less than the required depth if it were to meet the front yard setback, and because the garage has not been expanded during the current remodeling project, and because the garage will remain as it was constructed in the 1950's, staff believes that the Board of Adjustment can make the required finding that there is an, "extraordinary and exceptional situation and that 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.

Staff Comment: The garage will remain as it was constructed in the 1950's, therefore no additional detriment could occur if 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.

Staff Comment: The applicant is seeking to retain the depth of a garage, which is consistent with the surrounding uses.

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.

Staff Comment: Garages are not only allowed, but actually required, as part of single-family dwellings.

5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Staff Comment: There is no military installation in the vicinity.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Variance Case No. VA12-006 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 Washoe County Board of Adjustment approve Variance Case No. VA12-006 for Kurosh Moassessi, having made all five findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. Because of the special circumstances applicable to the property, including an exceptional situation or condition of the property, particularly that shortening the garage to meet the required setback would result in a garage less than 18 feet in length; 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;

5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of any military installation.

Appeal Process

Board of Adjustment action 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: Property Owner: Kurosh Moassessi, 12755 Valley Springs Road, Reno, NV 89511

Action Order xc:

EXHIBIT A



Conditions of Approval

Variance Case No: VA12-006

The project approved under Variance Case No: VA12-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 7, 2013. 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 Variance 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 Variance 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 Variance may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Variance 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 conditions are requirements of the Planning and Development Division, 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 variance. The Planning and Development Division shall determine compliance with this condition.
- b. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.

Truckee Meadows Fire Protection District

2. The following condition is a requirement 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. Plans and/or permits for the project shall be obtained and approved prior to construction in accordance with Washoe County Code 60.

*** End of Conditions ***

EXHIBIT B

Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: SOUTHWEST TRUCKEE MEADOWS

Meeting Date (if applicable): 12

Topic or Project Name (include Case No. if applicable): VA 12-006

Please check the appropriate box:

My comments were (or) were not discussed during the meeting.

Identified issues and concerns:

AFTER REVIEW, THIS IS AN EXCELLENT EXAMPLE OF WHAT A VARIANCE SHOULD BE. THAT IS OFFER REMEDY FOR A SITUATION BEYOND THE CONTROL OF THE APPLICANT. THIS VARIANCE WILL NOT ADVERSELY EFFECT THE PROPERTY OR THE NEIGHBORHOOD, IN MY OPINION.

I FIND NO ISSUE OR CONCERN FOR THIS PROJECT & THIS VARIANCE.

Suggested alternatives and/or recommendations:

NONE.

Name MATT HANSEN Date: 12/27/2012

Signature:  (Please Print)

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

EXHIBIT B

DEC. 28. 2012 2:39PM 101300

NO. 430 P. 1

Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: SWTTH CAB

Meeting Date (if applicable): 2/7/2013

Topic or Project Name (include Case No. if applicable): VA12-006 - Moresse

Please check the appropriate box:

My comments were (or) were not discussed during the meeting.

Identified issues and concerns:

NONE

Suggested alternatives and/or recommendations:

APPROVE - 28' VS 30' ON A GARAGE THAT
WAS BUILT BACK IN 1956 SEEMS REASONABLE
TO MAKE EXCEPTION. IT WOULD BE UNFAIR
TO REQUIRE OTHERWISE

Name Brian Wheeler Date: 12/28/12

Signature: [Signature] (Please Print)

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.

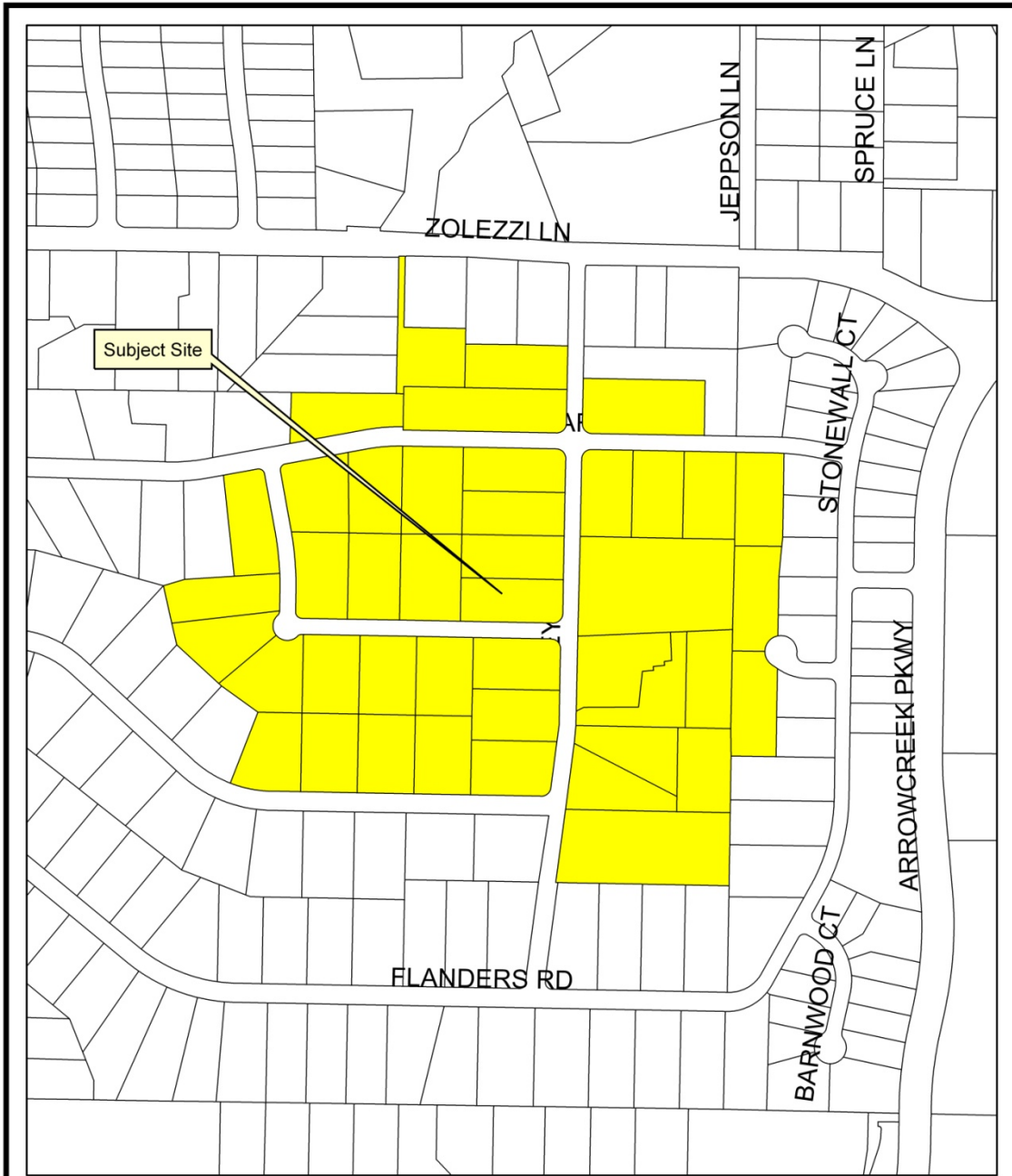
If you would like this worksheet forwarded to your Commissioner, please include his/her name.

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

EXHIBIT C



Mailing Label Map

Variance Case No VA12-006
Kurosh Moassessi Front Yard Setback Variance
43 Parcels selected at 600 feet.

Source: Community Planning Services



Date: December 2012

Department of
Community
Development
WASHOE COUNTY
NEVADA

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

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>VA12-006</u>	
Project Name (commercial/industrial projects only):			
Project Description: <u>Remodel of the existing house by adding a Family Room, Master Bedroom & cosmetic changes</u>			
Project Address: <u>12755 Valley Springs Rd, Reno, NV 89511</u>			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets AND area locator): <u>12755 Valley Springs Rd in Reno, NV 89511 between Zulezzi Lane & Cottonwood Street.</u>			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
<u>049-355-01</u>	<u>1</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>Kurosh & Caroline Moassessi</u>		Name:	
Address: <u>12755 Valley Springs Rd</u>		Address:	
Reno, NV Zip: <u>89511</u>		Zip:	
Phone: <u>851-8337</u> Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person: <u>Kurosh Moassessi</u>		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: <u>Kurosh Moassessi</u>		Name:	
Address: <u>12755 Valley Springs Rd</u>		Address:	
Reno, NV Zip: <u>89511</u>		Zip:	
Phone: <u>775-851-8337</u> Fax:		Phone: Fax:	
Email:		Email:	
Cell: <u>510-967-8458</u> 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):	

Variance 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 variances may be found in Article 804, Variances.

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

The current 30' Front Yard Setback must be Varied to Allow the existing Home/Garage to remain un-modified at 28'.

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

The Home and attached garage are existing since 1956. The Dimension in question is unchanged from that time. If the garage is to be shortened by the required 2', it would measure less than 18' in depth being in violation of other Washoe County Planning Department code(s).
(See Attached 2 page letter)

Scope of Project & Related Issues

Scope of the Project:

This residential Addition/Remodel was first fully Approved and Permitted for construction by the Washoe County Building Department as a new two story home. It was to be constructed in the center of the one acre lot, just to the east of its centerline. The existing home, which was constructed on or about 1956 was to be fully remodeled and modernized to serve as "Mother in Law" residence and office. This existing building, which met all current codes, if any when it was constructed was not to be extended into the front setback in any manor. The original Washoe County approval & resulting building permit did not indicate any encroachment issues of the garage into the front setback.

Due to the down turn of the economy, and resulting decline of property values in my neighborhood, the scope of the project was re-designed and scaled down with respect to the size of any new structure(s). The proposed new two story home was abandoned in favor of placing two additions onto the existing home. One Master bedroom addition extending from the north, parallel to, but not extending into the front setback. The second addition was a new family room which extended from the back of the house west towards the center of the lot, on the opposite side of the structure from the front setback. Secondly, a new casita was proposed, again west of the existing structure towards the north/center of the one acre lot. It was upon the plan re-submittal to the Washoe County Building Department the front set back encroachment issue arose from Planning & Zoning.

The Issues:

The existing home and attached garage had been constructed in 1956 and was still within its original footprint. This footprint included a 28 foot front setback, as measured by modern satellite technology. As the current owner, I have no way of knowing what the setback requirement was when the building was first constructed. Furthermore, I have no way of knowing weather the current setback distance of 30 feet was changed/imposed on our neighborhood sometime between 1956 and 2008. I believe this to be the case as I will discuss later in this letter. Staying on point, through the process of redesigning and obtaining county approval for the new, down sized project, I was burdened with the setback encroachment. Again keeping in mind that I had already obtained approval and permits for the larger project and that through both versions, no modifications have been made to change the pre-existing distance between the front of the garage and front property line. Instead, due largely to the proposed remodel activities on this 50+ year old home the Washoe County Planning Department invoked a code that called for the existing structure to meet the new (current) setback requirement of 30 feet. In order to comply with this requirement, the front of the garage was noted to be shortened by 2 feet.

The notation, which had to be added to the plans in order to obtain approval for the redesign, carries with it a new problem. Although removing two feet from the front (east) end of the garage would indeed bring the structure into compliance with the current 30 foot front setback, it would cause me to be in violation of another Planning Department Code. That code requires that all garages be a minimum of 18 feet deep. As originally constructed, the garage was slightly less than 20 feet in dept, depending on which point from which it's measured. Removing an additional two feet would place that measurement below the required 18 feet needed for a compliant garage in Washoe County. This would not only render the space somewhat useless for the intended purposes of parking vehicles, but would also devalue the entire structure with respect to resale. In short, to comply with one Planning Department Code, I would violate another.

With respect to my belief that front setback requirements have changed in my neighborhood since many of the older homes were built, (mine included) I submit the following: Attached you will find a Google Map of Valley Springs Drive. Although the condition exists on other streets, I will direct you to those on my street. There are at least 3 other, older homes within two blocks that extend into the 30 foot setback. One two blocks south noted as Example-C which is 21' +/- from the lot front. One on the next block south noted as Example-B which is like mine at 28' +/- and the most obvious encroachment directly across the street. This home and attached garage, noted as Example-A has its south/west corner some 17' +/- from the front of the lot, which is to say the edge of the roadway pavement. It is the placement of these 3 homes on my street, others in the area, as well as my own home that lead me to conclude that we were all in compliance until front setback codes were changed by the Washoe County Planning Department at sometime over the past 50 years.

Conclusion:

Through out the long and painstaking process of designing then redesigning this residential remodel due to the economic down turn I have strived to comply with all codes and laws. The end result is a full and complete renovation of a classic home from an era gone by. The site itself has been modernized with paver walkways & vehicle parking. It has been landscaped and re-vegetated in a very appealing manor. All of which have enhanced the appeal of not only my property, but my neighborhood as a whole. To place this additional burden on my home solely because a modern code is applied randomly is at best un-warranted. No part of my 4 year project has had any effect on the setback condition that is being applied to me. It remains as it has always been. The application of this code is arbitrary to the neighborhood and carries with it real and lasting negatives. I therefore respectfully request that a Variance to the 30' Front Setback Code be granted to me and to allow my garage and home to exist as it has for 50+ years.

Respectively Submitted;

Kurosh Moassessi,
Property Owner



Google earth



Example A - Across Street - 17' set Back
B - 1 Block South - 28' set Back
C - 2 Blocks South - 21' set Back

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE REMODEL OF THE EXISTING ONE-STORY SINGLE FAMILY HOUSE FOR WELL AS THE CONSTRUCTION OF AN ADDITION CONSISTING OF A NEW MASTER BEDROOM SUITE, AN ENTRY PORCH AND A FAMILY ROOM.

PROJECT DATA

PROPERTY OWNERS & PROJECT ADDRESS:
KIMBRI & CAROLINE MOAESSI
1255 VALLEY SPRINGS ROAD
RENO, NEVADA

JURISDICTION: WASHOE COUNTY, NEVADA

PLAN AREA: SOUTHWEST

APN: 044-895-01 S.D. ACRES

PLANNED LAND USE: LDS - LOW DENSITY SUBURBAN

CHALLENGE UNITS PER ACRE: ONE

OCCUPANCY CLASS: SINGLE FAMILY HOUSE
TYPE OF CONSTRUCTION: V-B

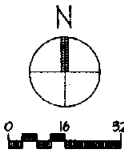
GROSS FLOOR AREA:
MEASURED TO EXTERIOR FACE OF EXTERIOR WALLS

	HOUSE	GARAGE
EXISTING MAIN HOUSE	1290 SF	470 SF
EXISTING ACCESSORY BUILDING	850 SF	-
PROPOSED ADDITION	474 SF	-
TOTAL GROSS AREA	2,614 SF	470 SF

GRADING:
THE EXISTING PROPERTY HAS VERY LITTLE SLOPE IN THE AREA OF THE PROJECT. MINIMAL GRADING IS REQUIRED. EXISTING GRADE ADJACENT TO THE NORTH AND EAST SIDE OF THE EXISTING HOUSE IS BETWEEN 6800' AND 6820'. GRADE LEVELS ARE BASED ON WASHOE COUNTY GIS INFORMATION.

SITE PLAN NOTES

- SEE GENERAL NOTES SHEET A1 AND NOTES ON PREVIOUS SHEETS.
- THIS SHEET IS INTENDED TO SHOW THE CONFIGURATION OF THE COMPLETED PROJECT ON THE SITE, THE RELATIONSHIP OF THE STRUCTURES TO THE PROPOSAL AS WELL AS THE ROOF PLANS. SEE SHEET A3 FOR CONSTRUCTION DIMENSIONS.
- ALL SURFACE WATER TO DRAIN AWAY FROM BUILDINGS.
- VERIFY ALL UTILITY LOCATIONS (EXISTING OR NEW) PRIOR TO START OF CONSTRUCTION.
- CONTRACTOR SHALL REFORM ANY WORK IN PUBLIC RIGHT-OF-WAY ACCORDING TO WASHOE COUNTY STANDARD PLANS AND SPECIFICATIONS. CONTRACTOR SHALL OBTAIN PERMITS FROM APPROPRIATE AGENCIES.
- APPROVED NUMBERS AND ADDRESSES SHALL BE PROVIDED IN SUCH A MANNER TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET.
- PROVIDE A CONCRETE WALKOUT FOR USE IN CONNECTION WITH ALL POURED IN PLACE CONCRETE.
- HARDSCAPE AND LANDSCAPE:
ALL HARDSCAPE AND LANDSCAPE INCLUDING PAVING AND PLANTING IN COURTYARDS, PAVING PATTERNS OF DRIVEWAYS, THE COURTYARD ROYALTY, PLANTING SUGGESTIONS THE STRUCTURES, AND ALL IRRIGATION ARE NOT SHOWN. THE DESIGN OF HARDSCAPE AND LANDSCAPE FOR ALL EXTERIOR AREAS WILL BE PROVIDED BY OWNER IN SEPARATE DOCUMENTS.

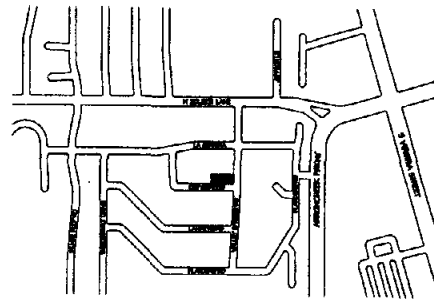
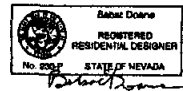


ROOF PLAN NOTES

- ROOFING:
CLASS #4 ROOFING ASSEMBLIES THROUGHOUT.
ASPHALT COMPOSITION SHINGLES OVER ONE LAYER 50 lb. ROOFING FELT LAPPED #3 MIN. AT ALL JOINTS.
INSTALL ALL ROOFING UNDERLAYMENTS, FLASHING AND OTHER COMPONENTS AS REQUIRED BY MANUFACTURERS PRINTED INSTRUCTIONS. ROOFING MANUFACTURERS PRODUCTS AND COLORS TO BE SELECTED.
- ROOFING INSTALLATION:
INSTALL ALL ROOFING MATERIALS AS REQUIRED BY THEIR MANUFACTURERS FOR HIGH WIND CONDITIONS. CONTRACTOR SHALL FOLLOW ROOFING MANUFACTURERS PRINTED INSTRUCTIONS AND MAINTAIN COPIES OF HIGH WIND INSTALLATION INSTRUCTIONS FOR REVIEW BY INSPECTORS.
- ROOF VENTING:
INSTALL CONTINUOUS 3/4" MINIMUM X 3/4" VENT SCREEN ABOVE ANELED BLOCKING BETWEEN RAFTER TAILS - SEE SECTION.
- DOWN SPOUTS:
#3 SMOOTH DOWN SPOUTS. LOCATIONS TO BE DETERMINED IN THE FIELD. DOWN SPOUTS SHALL DISCHARGE TO A CONCRETE SPLASH BLOCK AND DRAIN TO LANDSCAPING WHENEVER POSSIBLE. PROVIDE WIRE BASKET SCREENS IN OUTLETS AT EACH DOWN SPOUT.
- FLASHING VENTS:
CONCRETE VENTS WHENEVER POSSIBLE TO MINIMIZE ROOF PENETRATIONS. PROVIDE VENT FLASHING AS RECOMMENDED BY ROOFING MANUFACTURERS. FLASHING VENTS SHALL NOT BE LOCATED WITHIN 5'-0" OF ANY RIDGE AND SHALL BE LOCATED ON OPPOSITE SIDE FROM COURTYARD WHENEVER POSSIBLE. FLASH ALL FLASHING VENTS AND OTHER ROOF PENETRATIONS TO MATCH ROOFING.
- EAVE FLASHING:
22 GA. GALV. EXTENDING 4" UNDER ROOFING FELT 1' DOWN 1/2" AT EAVE (OR INTO OUTLET AS APPLICABLE).
- OUTLETS:
#4 NICKEL HALF-ROUND, CONTINUOUS PAINTED ALUMINUM OUTLETS, INSTALLED LEVEL.

GENERAL NOTES

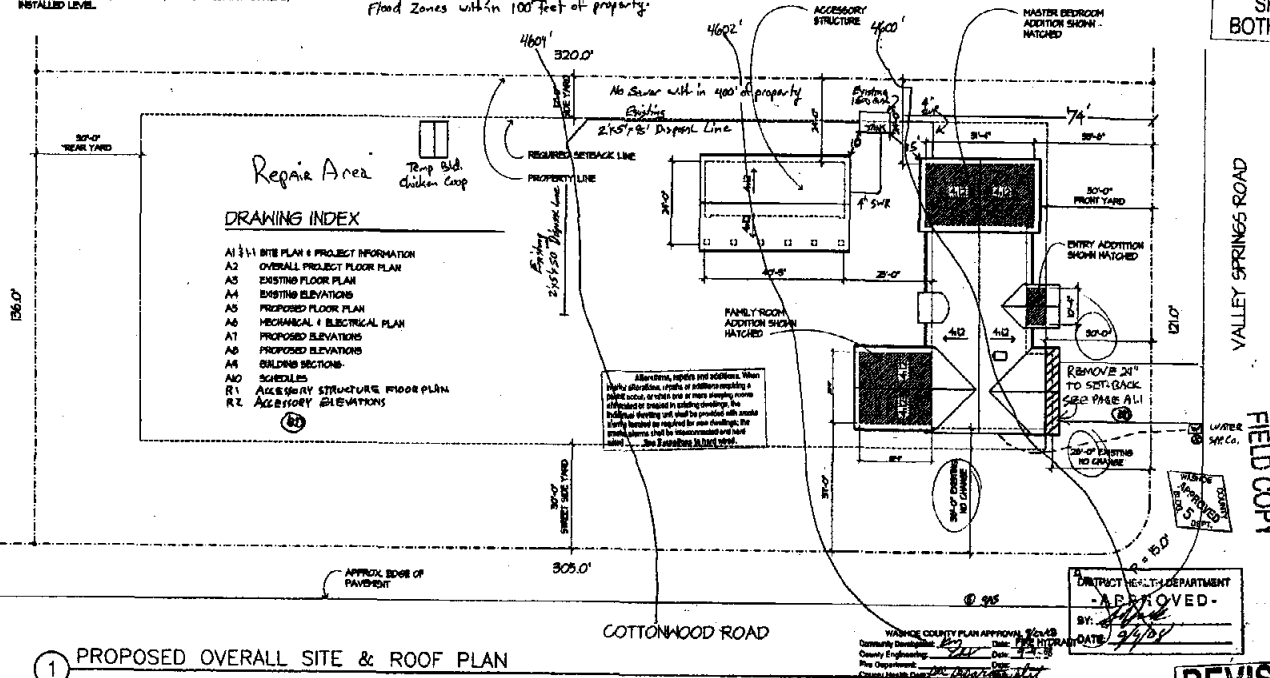
- THE INTENT OF THESE CONSTRUCTION DOCUMENTS IS TO ACCOMPLISH A COMPLETE PROJECT. ANYTHING REASONABLY IMPLIED OR INTENDED SHALL BE INCLUDED. CLARIFY ALL AMBIGUITIES WITH OWNER AND/OR ARCHITECT PRIOR TO PROCEEDING WITH PORTIONS OF THE WORK IN QUESTION.
- REVIEW ALL CONSTRUCTION DOCUMENTS, INCLUDING STRUCTURAL DRAWINGS THOROUGHLY BEFORE SUBMITTING A BID OR COMMENCING CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN GENERAL LIABILITY AND WORKERS' COMPENSATION INSURANCE AND SHALL BE RESPONSIBLE FOR JOB SITE SAFETY.
- ALL WORK SHALL BE INSTALLED TRUE PLUMB, LEVEL, SQUARE AND IN PROPER ALIGNMENT. CORRECT EXISTING FRAMING TO REMAIN AS REQUIRED.
- INSTALL ALL FIXTURES, EQUIPMENT AND MATERIALS FOR THEIR MANUFACTURERS INSTRUCTIONS AND RECOMMENDATIONS.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE 2006 INTERNATIONAL BUILDING CODE AND THE 2006 INTERNATIONAL MECHANICAL CODE, AS WELL AS ALL APPLICABLE FEDERAL, STATE AND WASHOE COUNTY ORDINANCES, LAWS, CODES AND REGULATIONS.
- LIGHTING FIXTURES IN THE BATHROOM SHALL BE FLUORESCENT AND THE NEW TOILET SHALL BE ULTRA LOW FLUSH TYPE, 1.6 GAL PER FLUSH MAX.
- GLAZING IN ALL NEW WINDOWS AND EXTERIOR DOORS SHALL BE LOW-E DOUBLE GLAZING GLASS. SEE DOOR AND WINDOW SCHEDULES FOR TYPICAL GLASS REQUIREMENTS.
- UNLESS OTHERWISE NOTED, FLANK DIMENSIONS ARE TO FACE OF CONCRETE, FACE OF FINISH CENTERLINE OF DOOR, CENTERLINE OF WINDOW AND CENTERLINE OF FINISH. SECTION DIMENSIONS ARE TO TOP OF CONCRETE AND TO FINISH WORK POINTS. TOP OF SUB FLOOR, BOTTOM OF HEADER, TOP OF BEAM AND TOP OF TOP PLATE.
- There are no Water, Drainage Channels or Flood Zones within 100 feet of property.



2 VICINITY MAP

PERPETUATE EXISTING DRAINAGE GRADE TO DRAIN WATER AWAY FROM THE STRUCTURE

SEE WARNING SHEET BOTH SIDES



1 PROPOSED OVERALL SITE & ROOF PLAN

WASHOE COUNTY PLAN APPROVAL RECORD

County Identification: 2521 Date: 11/23/04
 County Engineering: [Signature] Date: 11/23/04
 Plan Department: [Signature] Date: 11/23/04
 Design/Construction: [Signature] Date: 11/23/04
 Water Resources Dept: [Signature] Date: 11/23/04
 Building & Safety Dept: [Signature] Date: 11/23/04
 Other: [Signature] Date: 11/23/04

TRACT HEALTH DEPARTMENT - APPROVED -
 BY: [Signature] DATE: 11/23/04

SCALE: 1/8" = 1'-0"
 1.0 Acre

REVISED A1
SEP 11 2004

BABAC DOANE
1842 RELIEX VALLEY RD
LAFAYETTE, CA 94549
925.934.1693 PHONE
925.943.7608 FAX

Contact Info:
Cell: 742-9892
Fax: 820-0807
Dennis Jackson

12755 VALLEY SPRINGS ROAD, RENO, NEVADA

NO.	DATE	REVISION
1	08.12.04	PERMIT APPLICATION

SITE PLAN & PROJECT INFORMATION

A1

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE REMODEL OF THE EXISTING ONE-STORY SINGLE FAMILY HOUSE ASH WELL AS THE CONSTRUCTION OF AN ADDITION CONSISTING OF A NEW MASTER BEDROOM SUITE, AN ENTRY PORCH AND A FAMILY ROOM. THIS PROJECT ALSO CONSISTS OF THE DEMOLITION OF THE PORTION OF THE EXISTING GARAGE THAT EXTENDS INTO THE REAR FRONT YARD.

PROJECT DATA

PROPERTY OWNERS & PROJECT ADDRESS:
 KATHORN J CAROLINE HOAGNESS
 12755 VALLEY SPRINGS ROAD
 RENO, NEVADA

JURISDICTION: HAWAII COUNTY, NEVADA

PLAN AREA: SOUTHWEST

AP# 04-388-01

PLANNED LAND USE: LOS - LOW DENSITY SUBURBAN

CHILLING UNITS PER ACRE: ONE

OCCUPANCY CLASS: SINGLE FAMILY HOUSE
 TYPE OF CONSTRUCTION: V-B

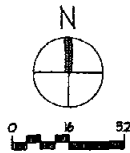
GROSS FLOOR AREAS HEADQUARTER TO EXTERIOR FACE OF EXTERIOR WALLS

	NAME	AREA
EXISTING MAIN HOUSE	1230 SF	470 SF
EXISTING ACCESSORY BUILDING	850 SF	-
PROPOSED ADDITION	174 SF	-
TOTAL GROSS AREA	2080 SF	470 SF

GRADING:
 THE EXISTING PROPERTY HAS VERY LITTLE SLOPE IN THE AREA OF THE PROJECT. MINIMAL GRADING IS REQUIRED. EXISTING GRADE ADJACENT TO THE NORTH AND EAST SIDE OF THE EXISTING HOUSE IS BETWEEN 8'00" AND 8'02". GRADE LEVELS ARE BASED ON HAWAII COUNTY GIS INFORMATION.

SITE PLAN NOTES

- SEE GENERAL NOTES, SHEET A1, AND NOTES ON PREVIOUS SHEETS.
- THIS SHEET IS INTENDED TO SHOW THE CONFIGURATION OF THE COMPLETED PROJECT ON THE SITE, THE RELATIONSHIP OF THE STRUCTURES TO THE ROADS AS WELL AS THE ROOF PLANS. SEE SHEET A5 FOR CONSTRUCTION DIMENSIONS.
- ALL SURFACE WATER TO DRAIN AWAY FROM BUILDINGS.
- VERIFY ALL UTILITY LOCATIONS (EXISTING OR NEW) PRIOR TO START OF CONSTRUCTION.
- CONTRACTOR SHALL PERFORM ANY WORK IN PUBLIC RIGHT-OF-WAY ACCORDING TO HAWAII COUNTY STANDARD PLANS AND SPECIFICATIONS. CONTRACTOR SHALL OBTAIN PERMITS FROM APPROPRIATE AGENCIES.
- APPROVED NUMBER AND ADDRESS SHALL BE PROVIDED IN SUCH A POSITION TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET.
- PROVIDE A CONCRETE MASKOUT FOR USE IN CONNECTION WITH ALL POURED IN PLACE CONCRETE.
- HARDSCAPE AND LANDSCAPE:**
 ALL HARDSCAPE AND LANDSCAPE INCLUDING PAVING AND PLANTING IN COURTYARDS, PAVING PATTERNS OF DRIVEWAYS, THE COURTYARD FOUNTAIN, PLANTING SURROUNDING THE STRUCTURES, AND ALL IRRIGATION ARE NOT SHOWN. THE DESIGN OF HARDSCAPE AND LANDSCAPE FOR ALL EXTERIOR AREAS WILL BE PROVIDED BY OWNER IN SEPARATE DOCUMENTS.

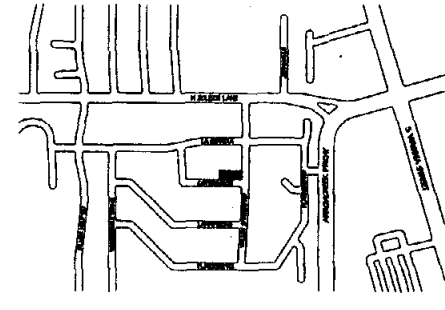
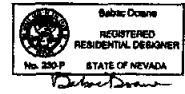


ROOF PLAN NOTES

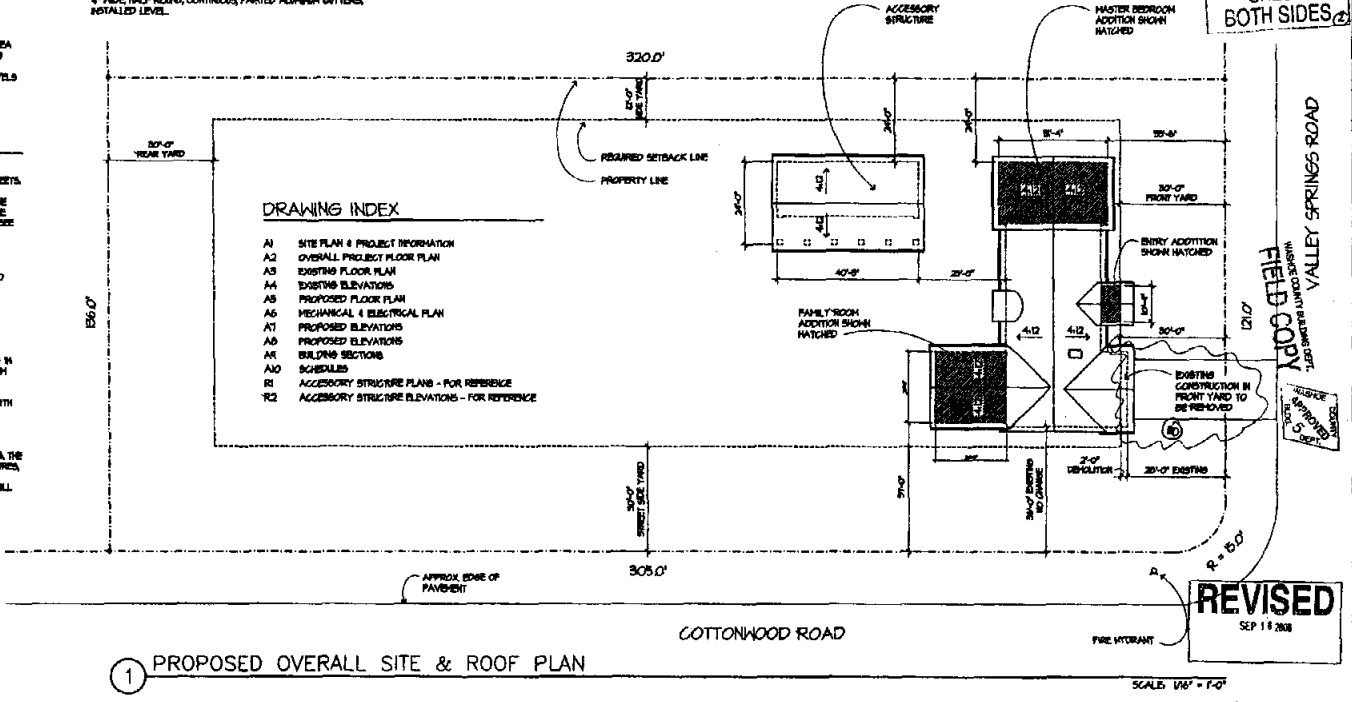
- ROOFING:**
 CLASS "A" ROOFING ASSEMBLIES THROUGHOUT. ASPHALT COMPOSITION SHINGLES OVER ONE LAYER 50 LB. ROOFING FELT LAPPED 2" MIN. AT ALL EDGES.
 INSTALL ALL ROOFING UNDERLAYMENTS, FLASHING AND OTHER COMPONENTS AS REQUIRED BY MANUFACTURERS PRINTED INSTRUCTIONS. ROOFING MANUFACTURERS, PRODUCTS, AND COLORS TO BE SELECTED.
- ROOFING INSTALLATION:**
 INSTALL ALL ROOFING MATERIALS AS REQUIRED BY THEIR MANUFACTURERS FOR HIGH WIND CONDITIONS. CONTRACTOR SHALL FOLLOW ROOFING MANUFACTURERS PRINTED INSTRUCTIONS AND MAINTAIN COPIES OF THEM AND INSTALLATION INSTRUCTIONS FOR REVIEW BY INSPECTORS.
- ROOF VENTING:**
 INSTALL CONTINUOUS 1/2" HOLE 2x4 VENT SCREEN ABOVE ANGLED BLOCCING BETWEEN RAFTER TAILS - SEE SECTION.
- DOWN SPOUTS:**
 3" ROUNDED DOWN SPOUTS. LOCATIONS TO BE DETERMINED IN THE FIELD. DOWN SPOUTS SHALL DISCHARGE TO A CONCRETE SPLASH BLOCK AND DRAIN TO LANDSCAPING IN BUTTERS IF POSSIBLE. PROVIDE WIRE BASKET SCREENS IN BUTTERS AT EACH DOWN SPOUT.
- FLUERSH VENTS:**
 COMBINE VENTS WHENEVER POSSIBLE TO MINIMIZE ROOF PENETRATIONS. PROVIDE VENT FLASHING AS RECOMMENDED BY ROOFING MANUFACTURER. FLUERSH VENTS SHALL NOT BE LOCATED WITHIN 3'-0" OF ANY RIDGE AND SHALL BE LOCATED ON OPPOSITE SIDE FROM COURTYARD WHENEVER POSSIBLE. PAINT ALL FLUERSH VENTS AND OTHER ROOF PENETRATIONS TO MATCH ROOFING.
- EAVE FLASHING:**
 22 GA. #30 AL. EXTENDING 4" UNDER ROOFING FELT & DOWN 1/2" AT EAVE (OR INTO BUTTER AS APPLICABLE).
- BUTTERS:**
 4" WIDE, HALF ROUND, CONTINUOUS, PAINTED ALUMINUM BUTTERS, INSTALLED LEVEL.

GENERAL NOTES

- THE INTENT OF THESE CONSTRUCTION DOCUMENTS IS TO ACCOMPLISH A COMPLETE PROJECT. ANYTHING REASONABLY MISSING OR INTENDED SHALL BE INFERRED. CLARIFY ALL AMBIGUITIES WITH OWNER AND/OR ARCHITECT PRIOR TO PROCEEDING WITH PORTIONS OF THE WORK IN QUESTION.
- REVIEW ALL CONSTRUCTION DOCUMENTS, INCLUDING STRUCTURAL DRAWINGS THOROUGHLY BEFORE SUBMITTING A BID OR COMMENCING CONSTRUCTION.
- THE CONTRACTOR SHALL MAINTAIN GENERAL LIABILITY AND WORKERS COMPENSATION INSURANCE AND SHALL BE RESPONSIBLE FOR JOB SITE SAFETY.
- ALL WORK SHALL BE INSTALLED TRUE, PLUMB, LEVEL, SQUARE AND IN PROPER ALIGNMENT. CORRECT EXISTING DRAWINGS TO REMAIN AS REQUIRED.
- INSTALL ALL FIXTURES, EQUIPMENT AND MATERIALS PER THEIR MANUFACTURERS INSTRUCTIONS AND RECOMMENDATIONS.
- ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE 2008 INTERNATIONAL BUILDING CODE AND THE 2008 INTERNATIONAL RESIDENTIAL CODE, AS WELL AS ALL APPLICABLE FEDERAL, STATE AND HAWAII COUNTY ORDINANCES, LAWS, CODES AND REGULATIONS.
- LIGHTING FIXTURES IN THE BATHROOM SHALL BE FLUORESCENT AND THE NEW TOILET SHALL BE ULTRA LOW FLUSH TYPE: 1.6 GAL. PER FLUSH MAX.
- GLAZING IN ALL NEW WINDOWS AND EXTERIOR DOORS SHALL BE LOWE DOUBLE INSULATING GLASS. SEE DOOR AND WINDOW SCHEDULES FOR TYPICAL GLASS REQUIREMENTS.
- UNLESS OTHERWISE NOTED, PLAN DIMENSIONS ARE TO FACE OF CONCRETE, FACE OF FINISH CENTERLINE OF DOOR, CENTERLINE OF WINDOW AND CENTERLINE OF FINISHE. SECTION DIMENSIONS ARE TO TOP OF CONCRETE AND TO FINISH WORK TOPS. TOP OF SUB FLOOR, BOTTOM OF HEADER, TOP OF BEAM AND TOP OF TOP PLATE.



2 VICINITY MAP NO SCALE



1 PROPOSED OVERALL SITE & ROOF PLAN SCALE: 1/8" = 1'-0"

BABAC DOANE

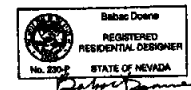
1842 RELIEZ VALLEY RD
 LAFAYETTE, CA. 94549
 925.934.1693 PHONE
 925.943.7608 FAX

MOASSESI RESIDENCE
 12755 VALLEY SPRINGS ROAD RENO NEVADA

6	08.12.08	PERMIT APPLICATION
7	09.11.08	PERMIT APPLICATION

SITE PLAN & PROJECT INFORMATION

A11



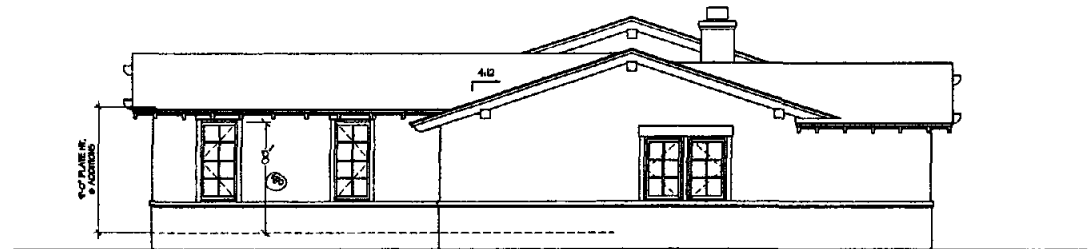
BABAC DOANE
 1842 RELIEZ VALLEY RD
 LAFAYETTE, CA, 94549
 925.934.1693 PHONE
 925.943.7608 FAX

ELEVATION NOTES

1. SEE GENERAL NOTES ON SHEET A1 AND FLOOR PLAN NOTES FOR ADDITIONAL INFORMATION.
2. "T" INDICATES TEMPERED GLASS, "E" INDICATES EGRESS WINDOW.
3. SEE SCHEDULES FOR DOOR AND WINDOW INFORMATION.

ATTIC VENTILATION

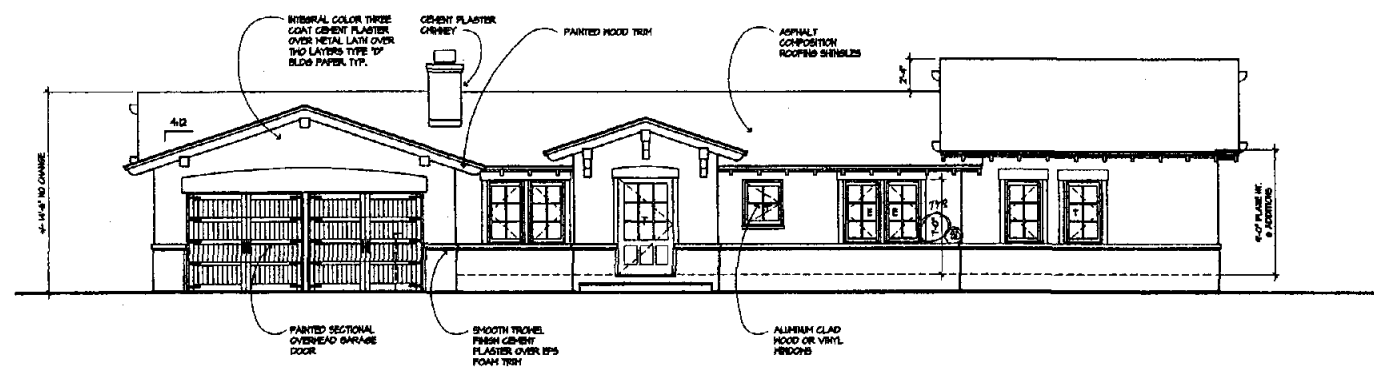
FAMILY ROOM ADDITION ATTIC AREA:	411 SQ. FT.
REQUIRED VENT AREA (USOQ):	134 SQ. FT. + 200 SQ. IN.
VENT AREA PROVIDED:	270 SQ. IN.
EAVE VENTS:	
15 EACH 3/4" WIDE X 20" LONG SCREENED VENTS BETWEEN RAFTER TAILS BENEATH ROOF OVERHANGS, NORTH & SOUTH SIDES	270 SQ. IN.
EAVE VENTS PROVIDED:	15 X 5 SQ. IN.
MASTER SUITE ADDITION ATTIC AREA:	356 SQ. FT.
REQUIRED VENT AREA (USOQ):	166 SQ. FT. + 270 SQ. IN.
VENT AREA PROVIDED:	270 SQ. IN.
EAVE VENTS:	
15 EACH 3/4" WIDE X 20" LONG SCREENED VENTS SIMILAR TO FAMILY ROOM ADDITION	270 SQ. IN.
EAVE VENTS PROVIDED:	15 X 5 SQ. IN.



② SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

Existing window header height is 7'-0" off FF.
 New window header height is 8'-0" off FF.



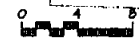
① EAST ELEVATION

SCALE: 1/4" = 1'-0"

SEE WARNING SHEET BOTH SIDES

MINOR COUNTY REVISIONS
 FIELD COPY

REVISED
 SEP 4 2008




MOAESSI RESIDENCE
 12755 VALLEY SPRINGS ROAD RENO NEVADA

6	08.12.08	PERMIT APPLICATION

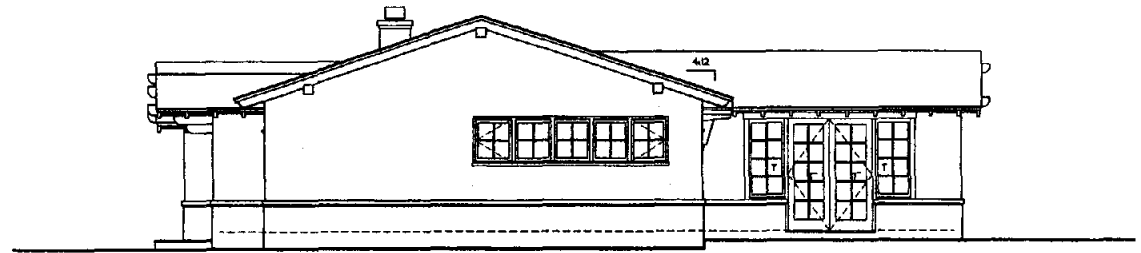
PROPOSED EAST & SOUTH ELEVATIONS

A7


 DIMITRI DOANE
 REGISTERED
 RESIDENTIAL DESIGNER
 NO. 220-P
 STATE OF NEVADA
Dimitri Doane

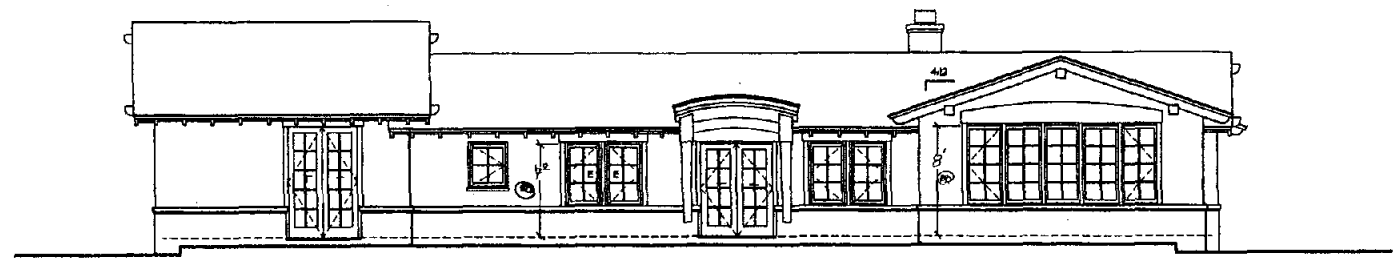
BABAC DOANE

1842 RELIEZ VALLEY RD
 LAFAYETTE, CA, 94549
 925.934.1693 PHONE
 925.943.7608 FAX



② NORTH ELEVATION

SCALE: 1/4" = 1'-0"



① WEST ELEVATION

SCALE: 1/4" = 1'-0"

SEE WARNING SHEET BOTH SIDES

WORKING COPY
 NOT TO BE USED FOR PERMIT APPLICATION
 FIELD COPY
 WASHINGTON COUNTY PLANNING DEPT.

REVISED
 SEP 11 2008

MOASSESI RESIDENCE
 12755 VALLEY SPRINGS ROAD RENO NEVADA

4	08.12.08	PERMIT APPLICATION

PROPOSED ELEVATIONS

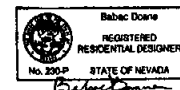
A8

EXTERIOR FINISHES

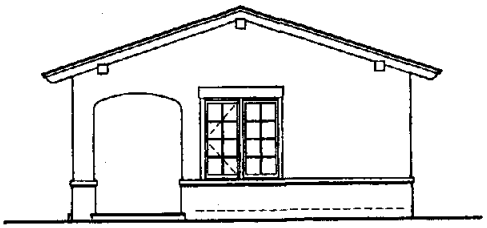
EXTERIOR SIDING: INTEGRAL COLOR THREE COAT GYPSUM PLASTER OVER EXPANDED METAL LATH OVER 2 LAYERS TYPE "D" PAPER OVER STRUCTURAL SHEATHING.
 EXTERIOR TRIM: EPS FOAM SHAPES INSTALLED BETWEEN GOATS OF GYPSUM PLASTER.
 HOOKS: ALUMINUM GLAZED HOOD FRAME AND SASH.
 ROOF: 50 YEAR ARCHITECTURAL ASPHALT SHINGLES.
 PORCH PAVING: CLAY TILE PAVERS SET ONTO SLOPED CONCRETE SLAB.

ATTIC VENTILATION

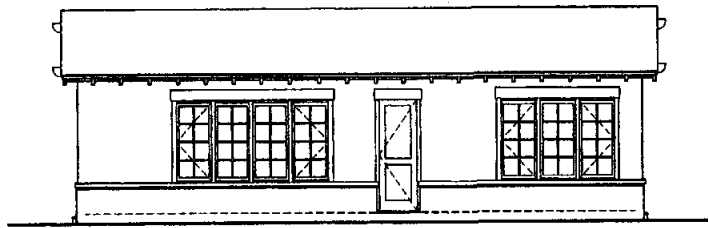
ATTIC AREA: 966 SQ. FT.
 REQUIRED VENT AREA (3000) 3.22 SQ. FT. = 460 SQ. IN.
 VENT AREA PROVIDED: 600 SQ. IN.
 EAVE VENTS: 40 EACH, 3/4" WIDE X 20" LONG SCREENED VENTS BETWEEN RAFTERS, SAILS BENEATH TRUSS COUSINGS, NORTH & SOUTH SIDES.
 EAVE VENTING PROVIDED: 40 X 15 SQ. IN. 600 SQ. IN.



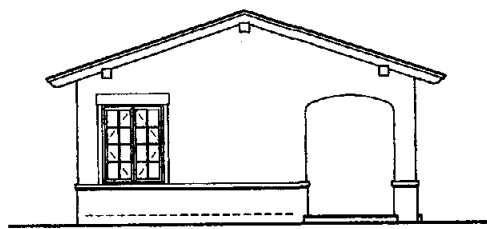
NOTE: THIS DRAWING IS FOR REFERENCE ONLY. THE WORK REPRESENTED IN THIS DRAWING IS BEING PERFORMED UNDER A PRIOR BUILDING PERMIT.



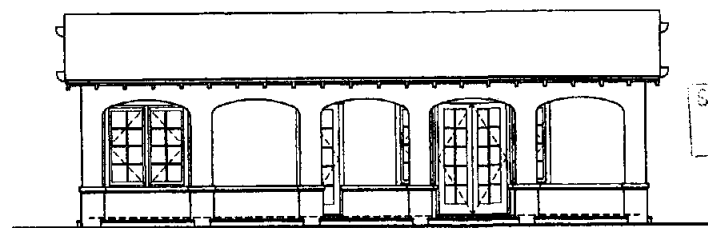
4 EAST ELEVATION SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION SCALE: 1/4" = 1'-0"



2 WEST ELEVATION SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION SCALE: 1/4" = 1'-0"

SEE WARNING SHEET BOTH SIDES

REVISED
 SEP 1 8 2008



LA: 97-134, 92-943.

MOASSESI RESIDENCE
 12755 VALLEY SPRINGS ROAD RENO NEVADA

3	04.23.08	REVIEW
4	05.03.08	REVIEW
5	05.14.08	PERMIT APPLICATION

ACCESSORY STRUCTURE ELEVATIONS

R-2

EXHIBIT E

Amy Ray
Fire Marshal



Tim Leighton
Division Chief

Charles A. Moore
Fire Chief

January 10, 2013

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

Re: Variance Case Number: VA12-006 Kurosh Moassessi

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

- Plans and/or permits for the project 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,

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



Board of Adjustment Staff Report

Meeting Date: February 7, 2013

Subject: Administrative Permit Case No. AP12-011
Applicant(s): Richard and Tamera Baca
Agenda Item No. 8E
Summary: To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 5672 Lupin Drive, Sun Valley, 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 AP12-011 (Baca) – To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 5672 Lupin Drive, Sun Valley, in conjunction with the existing single family residence.

- Applicant: Richard and Tamera Baca
- Property Owner: George W. Paine Jr.
- Location: 5672 Lupin Drive
- Assessor's Parcel No: 504-042-05
- Parcel Size: 0.37 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 310 and Article 808
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 17, T20N, R20E, MDM, Washoe County, NV

Staff Report Contents

Description 1
Administrative Permit Definition 3
Temporary Occupancy for the Care of the Infirm (Article 310 Temporary Uses and Structures). 3
Vicinity Map 4
Site Plan 5
Project Evaluation 5
Sun Valley Citizen Advisory Board (SVCAB)..... 7
Public Comment..... 7
Reviewing Agencies..... 8
Staff Comment on Required Findings 8
Recommendation 10
Motion 10
Appeal Process..... 10

Exhibits Contents

Conditions of Approval Exhibit A
Doctor’s Affidavit Exhibit B
Truckee Meadows Fire Protection District letter Exhibit C
Sun Valley General Improvement District letter Exhibit D
Public Notice Exhibit E
Project Application Exhibit F

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 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. AP12-011 are attached to this staff report and will be included with the Action Order.

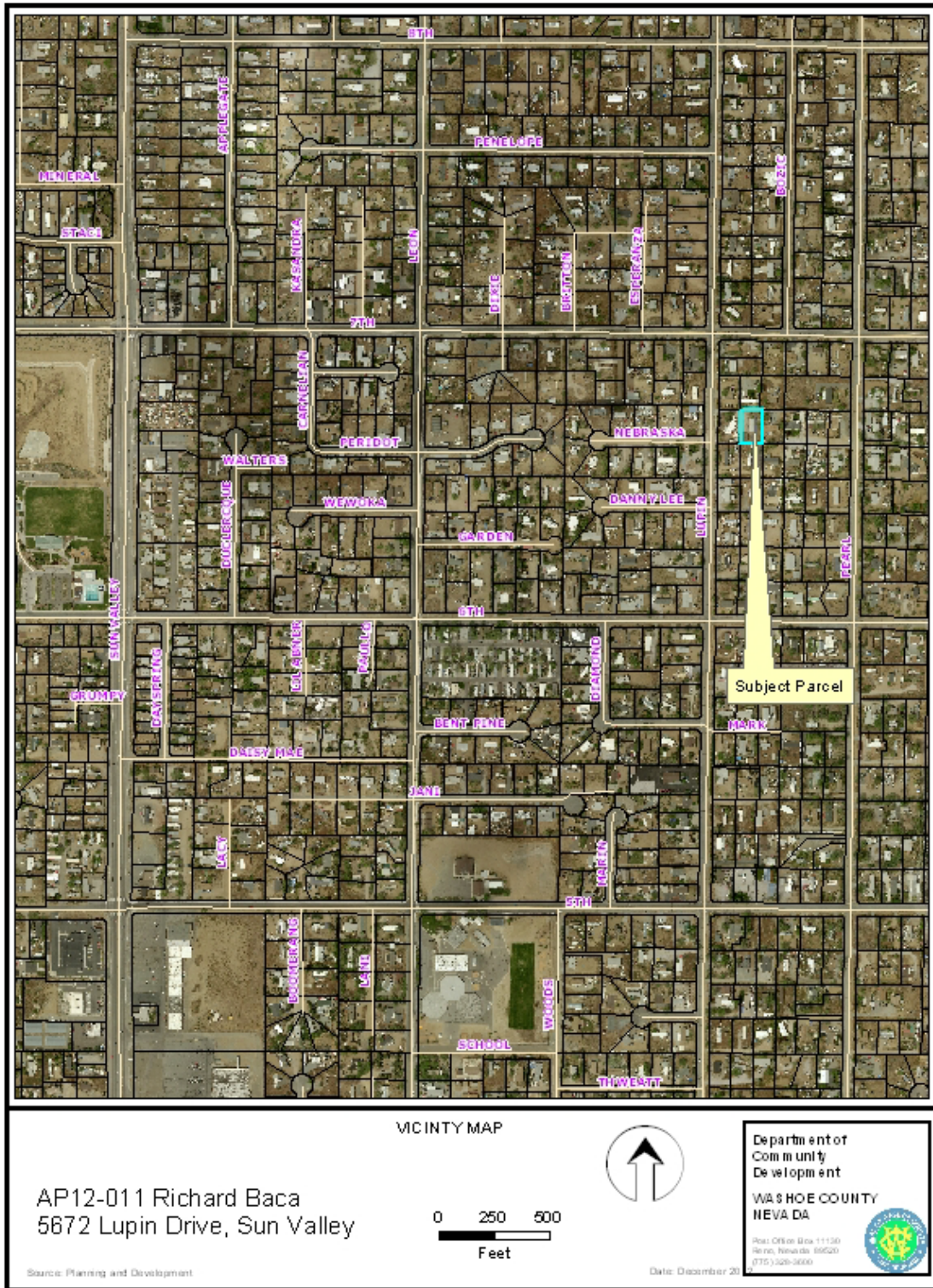
Temporary Occupancy for the Care of the Infirm (Article 310 Temporary Uses and Structures)

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



Site Plan

Project Evaluation

The subject property is a 0.37-acre lot with a manufactured home and garage. The property is accessed by a shared access easement on along the north property line. The access easement serves three lots created by parcel map 1462 in 1983 (5670, 5672 and 5674 Lupin Drive). The access ends at 5674 and does not go through to the next street (Pearl Drive). The entire block between Lupin and Pearl, and 6th and 7th is zoned Medium Density Suburban (MDS) with all but one lot averaging a third of an acre (one parcel is ± 1 -acre). All the properties abutting the subject parcel are approximately ± 0.37 -acres.

The property is owned by George W. Paine Jr., who lives in the home. Ursulo Baca, age 91, rents a room and shares the house with Mr. Paine. Mr. Paine is not related to Mr. Baca. Mr. Baca's physician has signed an affidavit stating that Mr. Baca has medical conditions that require assistance with life function. Mr. Baca's son and daughter-in-law have moved their RV next to the house so that they can be there to assist the elder Mr. Baca.

The RV is located in the south side yard between the house and the garage. There is a solid wood fence along the rear yard, between subject parcel and the neighbor at 5674. The south side-yard is fenced with chain link and looks on to the neighbor's rear yard.

The location of the RV behind the garage and with another house between the road and the subject property, therefore a fence is not required to screen the RV from the street.

Mr. Ursulo Baca's son, Richard Baca, and daughter-in-law, Tamera Baca have moved their 42-foot 5th wheel (RV) into the side-yard of Mr. Paine's property so that they can assist their father with his personal care. The RV is hooked-up to electrical service, but not water or sewer. According to Richard Baca, he and his wife use the RV for sleeping, but they spend most of their day in the house. They use the bathroom and kitchen in the house.



The RV that the Baca's are living in is set-up in Mr. Paine's side-yard behind the garage.

The Fire Marshal has expressed concern about the use of extension cords as a source of power for the RV. The applicant has stated the RV is hooked directly to the power source on the garage. There is one extension cord ran from the house to the RV so they can watch TV, but they will remove it if that is a problem. The Conditions of Approval require that the applicant to have an inspection by the Building and Safety Division, and if the power service source does not comply with the codes, they shall apply for a permit and bring the power source up to the adopted International Fire Code.

In addition, the Conditions of Approval require that the applicant apply to the Sun Valley General Improvement District for their approval of the temporary care of the infirm unit and pay additional sewer and water fees.



Sun Valley Citizen Advisory Board (SVCAB)

Administrative permits are not required by Washoe County Code to be presented at a Citizen Advisory Board meeting. The SVCAB was notified of the application and given the opportunity to comment. No comments were received by staff.

Public Comment

Staff received three phone calls from neighboring property owners after the courtesy notice was mailed. (Legal Notices will be mailed 10 days prior to the Public Hearing)

- One person said he was opposed in principle to any use of RV for care of the infirmed, because it is “opening a can of worms.”
- One person stated that Mr. Baca doesn’t need assistance.
- One person didn’t care as long as they were responsible and considerate of the neighbors.

Reviewing Agencies

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

- Washoe County Community Services, Department,
 - Planning
 - Engineering
 - Water Resources
 - Building and Safety
- Washoe County Health District, Environmental Health Division
- Truckee Meadows Fire District
- Sun Valley CAB members
- Sun Valley General Improvement District
- Regional Transportation Commission

Six out of the seven 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 addressed operational conditions, renewal requirements and the termination of the permit once Mr. Ursulo Baca no longer resides at the residence or no longer needs assistance.

Contact Eva Krause, AICP Planner, 775.328.3796, ekrause@washoecounty.us

Truckee Meadows Fire Protection District addressed their concerns about the use of extension cords for electrical service.

Contact Amy Ray, Fire Marshall, 775.326.6005 aray@TMFPD.us

Sun Valley General Improvement District requires the applicant to apply to the GID for approval of care of the infirmed unit and to pay additional water and sewer fees for said unit.

Contact Mike Ariztia, SVGID Public Works Director, 775.673.2253 maritzia@svgid.com

The following agencies responded that they had no comments, concerns or conditions:

- Engineering
- Water Resources
- Regional Transportation Commission

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 Sun Valley Area Plan.

Staff Comment: 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 a 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 state 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 utility, 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 RV is not hooked-up to water or sewer and the applicant has stated that they use the kitchen and bath in the house. The Conditions of Approval state that all waste material must be properly disposed of. Failure to comply with these conditions could cause the Administrative Permit to be revoked. Sun Valley General Improvement District (SVGID) was notified of this request. The applicant is required to apply to SVGID for a temporary use permit and to pay additional water and sewer fees per SVGID regulations.

3. Site Suitability. That the site is physically suitable for the type of development and for the intensity the development.

Staff Comment: The subject property is 0.37 acres which is a similar in size to all the surrounding properties. The location of the RV is in the side-yard behind the garage so it does not interfere with access to subject parcel or either of the neighbors' parcels. The RV is screened from view by a solid fence on the rear of the lot and a garage on the front of the lot.

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 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.

Staff Comment: There are no military installations in the 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. AP12-011 for Richard and Tamera Baca 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 with conditions Administrative Permit Case No. AP12-011 for Richard and Tamera Baca *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 Sun Valley Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the temporary use of a RV as living quarters for the care givers for the 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;
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 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: Richard and Tamera Baca

Property Owner: George W. Paine Jr.

Staff Report xc: Bert Bracy, Zoning Enforcement Officer; Don Jeppson, Building and Safety Official; Amy Ray, Fire Marshall, Truckee Meadow Fire Protection District; Mike Ariztia, SVGID Public Works Director

EXHIBIT A



Conditions of Approval

Administrative Permit Case No. AP12-011

The project approved under Administrative Permit Case No: AP12-011 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 7, 2013. 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.

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 – Eva M. Krause, AICP, Planner, 775.328.3796, ekrause@washoecounty.us

- a. The approval of this Administrative Permit is limited to use of the RV for living quarters for the caregivers of Mr. Ursulo Baca; 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. Within 60 days from approval by the Board of Adjustment, the applicant shall provide Planning staff evidence of approval by Sun Valley General Improvement District for Infirm Care unit.
- d. Within 30 days from approval by the Board of Adjustment, the applicant shall provide Planning staff evidence of compliance with Truckee Meadows Fire Protection District requirements.
- e. The following **Operational Conditions** shall be required for the duration of the use:
 1. No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed for the disposal of said material.
 2. All utility connections shall be to the satisfaction of Building and Safety and the Truckee Meadows Fire Protection District.
 3. On an annual basis, the applicant shall provide a letter from the infirm person's physician verifying that Mr. Ursulo Baca continues to need physical assistance from the family. The letter shall be received by the Planning staff on or before December 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.
 4. Upon Mr. Ursulo Baca vacating the subject property, the Administrative Permit shall be null and void.
 5. Once the Administrative Permit becomes null and void, the use of the RV as living quarters shall cease and the RV shall be disconnected from all utilities.

Truckee Meadows Fire Protection District

2. The following conditions are requirements of the Truckee Meadow Fire Protection District (TMFPD), which shall be responsible for determining compliance with these conditions.

Contact – Amy Ray, Fire Marshal, 326-6005, aray@TMFPD.us

- a. The Truckee Meadows Fire Protection District (TMFPD) will approve permit with the following condition: the recreational vehicle shall be provided with permanent power. The recreational vehicle would have to be provided with permanent wiring, not used with an extension cord, to accommodate the proper power supply required for the vehicle. The International Fire Code, as adopted in Washoe County Code 60 Section 605, does not permit the use of extension cords as a substitute for permanent wiring, and extension cords are only approved for use with portable appliances. Any temporary wiring shall be allowed for a period not to exceed 90 days shall be in accordance with the International Electric Code. Within 15 days of approval by the Board of Adjustment the applicant shall obtain a permit, pay appropriate fees and install permanent power (or if current in compliance, pay an inspection fee and obtain approval of said service) from Washoe County Building and Safety to verify compliance and safety.

Sun Valley General Improvement District

3. The following conditions are requirements of the Sun Valley General Improvement District (SVGID), which shall be responsible for determining compliance with these conditions.

Contact Mike Ariztia, SVGID Public Works Director, 775.673.2253
maritzia@svgid.com

- a. Sun Valley General Improvement District current Regulations and Policies provide guidance on requests for infirm care units. In addition to Washoe County requirements individuals requesting to establish an infirm care unit must comply with the requirements set forth in SVGID Rule 21, Section E and Rule 22, Section H.
- b. Within 15 days of approval of the Board of Adjustment, the applicant shall make application to SVGID for a temporary infirm care unit.

*** End of Conditions ***

Exhibit B

State of Nevada)
)
County of Washoe)

AFFIDAVIT OF PHYSICIAN

To: Washoe County Community Development Department
1001 E. 9th Street
Reno, Nevada 89520

Re: Ursulo Baca
5672 Lupin Drive
Sun Valley, Nevada

I, **John W. Grinsell, M.D.** whose office is at 343 Elm Street, Suite 400, Reno Nevada, upon being duly sworn do hereby swear or affirm under penalty of perjury:

1. That I am a licensed physician caring for Ursulo Baca and am personally familiar with his physical and medical condition and its impact on his life functions.
2. That Mr. Baca suffers from numerous disabling conditions that severely impair his ability to live alone and care for himself and he needs to have a person living on the premises where he lives in order to provide care and assistance to him.

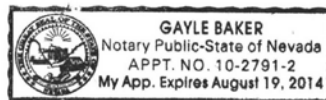
This affidavit is for the purpose of inducing Washoe County to permit the occupancy of a trailer as a legal use for person in connection with the care of an infirm resident under the provisions of Washoe County Code 110.310.35. (g).

Executed on this 14th day of January 2013.



John W. Grinsell, M.D.

SUBSCRIBED AND SWORN to before me on
1/14/13 by **John W. Grinsell, M.D.**





Notary Public

Exhibit C

Amy Ray
Fire Marshal



Tim Leighton
Division Chief

Charles A. Moore
Fire Chief

December 27, 2012

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

Re: Administrative Permit Case Number: AP12-011 Richard and Tamera Baca

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

- The recreational vehicle shall be provided with permanent power. The recreational vehicle would have to be provided with permanent wiring, not used with an extension cord, to accommodate the proper power supply required for the vehicle. The *International Fire Code*, as adopted in Washoe County Code 60, Section 605, does not permit the use of extension cords as a substitute for permanent wiring, and extension cords are only approved for use with portable appliances. Any temporary wiring shall be allowed for a period not to exceed 90 days, shall be in accordance with the *International Electric Code* and a permit obtained from Washoe County Building Department to verify compliance and safety.

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 D



Sun Valley General Improvement District
5000 Sun Valley Boulevard
Sun Valley, NV 89433-8229
Phone: (775) 673-2220
Fax: (775) 673-1835

January 17th, 2013

Washoe County Community Services Department
Planning and Development Division
1001 East Ninth Street
Reno, Nevada 89520

Attn: Eva Krause, AICP, Planner

RE: Administrative case No AP12-011 – Richard and Tamara Baca

Dear Eva:

Sun Valley General Improvement District's (SVGID) current Regulations and Policies provides guidance on requests for infirm care units. In addition to Washoe County requirements individuals requesting to establish an infirm care unit must comply with the requirements set forth in SVGID Rules 21-Section E and 22-Section H.

I have attached a copy of SVGID Rules 21 and 22 along with the District form for application and action on temporary infirm care unit. Please include these as conditions of the application.

Please contact me should you have any further questions.

Sincerely,

SUN VALLEY G.I.D.

Mike Ariztia
Public Works Director
Office (775)673-2253
Fax (775)673-7708

RULE NO. 22

SEWER SERVICE RULES, RATES, FEES AND CHARGES

In addition to any fees, charges or rates established in the preceding Rules, the following shall apply as to sewer service:

I. SEWER RATES FOR SERVICE CLASSIFICATIONS -GENERALLY

A. AVAILABILITY AND REQUIREMENT OF SEWER SERVICE:

Sewer service is available and is required to be obtained from the District to the property of Customers in all applicable service classifications defined in Rule No. 1 for real property within the service boundaries and legal boundaries of the Sun Valley Water & Sanitation District, per these Rules and/or Regulations validly adopted by the Sun Valley General Improvement District, to the extent the District has allocated to it sufficient capacity therefore in the Truckee Meadows Water Reclamation Facility.

B. MODIFICATIONS TO EXISTING SEWER

Any existing customer who makes modification to his existing sewer in size, character or extent of the equipment or operations for which the service is utilized shall immediately file with the District a modification form.

Upon receipt of such form, the District will determine the following:

If the modification is to any commercial or industrial property and results in an additional new or separate use of the property by an additional and separate commercial or industrial business, all appropriate charges set out in this Rule 22 shall apply to the customer, as a new customer. It shall be presumed that if a customer receives a new business license for such additional business, and/or building permit for such modifications these charges apply.

C. WATER METER REQUIREMENT:

For property under any service classification as defined in Rule No. 1 desiring or being mandated by law to utilize the District's sewer system, the sewer rates, fees and charges therefore are to be based on water utilized at such property, whether such water be supplied to such property by the District or through that property owner's own independent sources, such as a private well. For such purposes, therefore, any property owner desiring or being mandated by law to utilize the District's sewer system to serve such property within the District's boundaries shall, if not utilizing the District's water system and associated water meter at the time of connection to the District's sewer system, be required to have a water meter installed on the property to be served with the District's sewer service, such

installation being at the point where the Customer's water supply enters a building, mobile home, or separate defined portion thereof, such as an apartment, or any structure of any type wherein are located fixtures which result in discharge to the District's sewer system.

1. The District shall be requested by the Customer so to install the water meter for such purposes, by written request therefore to the District so far in advance of the date of installation as reasonably required by the District.
2. The Customer shall pay to the District the actual costs of installation of said meter, based on an amount equal to the time and material expended by the District in said installation.
3. The meter shall remain the property of the District, but Customer shall be responsible for maintenance and upkeep of associated lines and other private water system devices utilized by the District.
4. By his written request to install said meter, the Customer consents to the District's installation of same and agrees to hold the District and its officers, agents and employees acting within the scope of their duties of employment hereunder harmless from any liability in connection with the said installation unless such liability arises due to negligence of such officers, agents and employees. Further, by said written request, the Customer agrees to be bound by these Rules as they relate to sewer service as well as Rule 21 II re restoration of water service and Rule 19 re water meter tests.

D. PROPERTIES WITH WELL WATER CAPABILITY:

In the event any property within the District served by the District water system also has an existing serviceable well with which well the inhabited or occupied improvements on the property could be served with water and which well does not have a water meter installed to measure water supplied from such well to said improvements, the District reserves the right either to install such meter per the provisions of Paragraph I (C) above or to provide some method of assurance satisfactory to the District that the water capable of being pumped from such well is not in fact being utilized by the property owner or Customer to serve such improvements in such a manner that would allow discharge into the District's sewer system. The cost of such meter shall be paid by the Customer per I (C) above, as shall the cost of the latter alternative. Provided, however, that no multiple-unit residential, commercial or industrial buildings shall be allowed to be served through well water.

E. SPECIAL CHARGES FOR UNAUTHORIZED USES (SEWER USE ORDINANCE)

1. The District adopted, on September 10, 1981, "Rules of Operation - Sewer Division" which Rules, inter alia, prohibit, at the second

paragraph thereof, the discharge into the District's sewer system of certain water or wastes.

2. In addition to the payments required under "Surcharge" II C 6 below, in the event any user of the District's sewer system is found to be violating such Rules of Operation, as they may be from time to time amended, the District may, at its discretion, discontinue sewer and/or water service to said property until the owner thereof shall demonstrate to the District's satisfaction his ability and intent to comply with said Rules of Operation as to prohibited discharges. Further, in the event the District is subject to payment by a governmental agency of a fine, fee, penalty or any other charge involving payment of funds of the District to a governmental agency because of such discharge, before such water and/or sewer service is re-established to the subject property, the District shall be reimbursed by the property owner for the amount of such fine, fee, penalty or other charge paid by the District.

F. GUIDELINES FOR CUSTOMER CHARGES:

The charges set out in Sections II and III of this Rule 22 are based upon the actual use of the District's system by the respective customers' properties located within District boundaries. Each customer is, under this system of charges, to pay its proportionate share of operation and maintenance (including replacement) costs of the District's sewer system, based on the customer's property's proportionate contribution of wastewater, or will be based upon in the future, factors such as, volume and loading characteristics. The costs of operation and maintenance for sewer flow not directly attributable to the property of customer (i.e., inflow and infiltration) are distributed among all customers of the system in the same manner that it distributes costs of operation and maintenance among customers for actual use.

G. ACCESSORY DWELLING

A Customer applying for service to an Attached Accessory Dwelling or a Detached Accessory Dwelling, as defined in Rule No. 1, shall comply with the following conditions before service is supplied:

1. The sewer service line to service an Attached Accessory Dwelling shall be an extension of the service line servicing the main residence. The sewer service line to service a Detached Accessory Dwelling shall be a separate sewer line, with a separate and independent tap into the sewer main, and all inspections thereof shall be made and fees therefore shall be paid, as with new construction.
2. The Customer shall pay the current sewer hookup fee.

3. The Customer shall comply with the District's construction and inspection specifications (i.e. the Green Sheet), and the construction shall be inspected by the District prior to any use.

H. INFIRM CARE UNIT:

The requirements of Rule 22 G and Rule 21 I E are applicable and must be met for initial and continued sewer service to any infirm care unit. In addition, the following conditions apply:

1. The sewer service line for the unit shall be inspected and approved by District staff as meeting all current District regulations therefore, in advance of occupancy of the unit.
2. In lieu of all other sewer fees, the customer shall pay, for sewer service to the unit:
 - (a) The monthly additional unit charge set forth in paragraph III B 2 b of this rule, as it may be changed from time to time
 - (b) A fee in the amount of **\$25.00** each month, up to a maximum of \$2,500.00 in accumulated payments of \$25.00 per month. After such \$2,500.00 has been paid, no additional \$25.00 monthly payments need to be made.

II. SEWER REVENUE SYSTEM

A. THE CAPITALIZATION FUND:

The capitalization fund shall provide funding for capital expenditures and all other non-Operating Maintenance and Replacement costs as the Board may consider appropriate, including redemption of the principal and payment of the interest on sewer bonds.

1. Revenue Components for the Capitalization Fund shall include:
 - a. **SERVICE CHARGES** - Assessed customers to recover non-Operation, Maintenance and Replacement costs (for which the User Charge System is not appropriate) including the Sewer Connection (hookup) Fees and the Monthly Capitalization Charge. The rate of the Capitalization Charge shall be established by the Board of Trustees and customers shall be notified of the charge as a portion of their monthly Sewer Fee bill pursuant to Rule 5.
2. **REVENUE OFFSETS** - These include funds generated through activities other than wastewater treatment services including sales of excess equipment or facilities. However Revenue derived from the sale of treatment-related by-products shall accrue only to the User Charge System.

B. FEES, PENALTIES & EXTRAORDINARY CHARGES:

These are collected by the District and not related to regular Operation, Maintenance and Replacement expenses, and shall accrue to the Capitalization Fund.

C. THE USER CHARGE SYSTEM:

The user charge system shall be based on actual use of the District's wastewater treatment facilities. Each user (user class) shall pay his proportionate share of Operation, Maintenance and Replacement costs based upon his actual contribution to the flow volume and loading of the plant, thereby assuring the fiscal self-sufficiency of the facility over its useful life. The User Charge System shall include:

1. A Financial Management System shall prescribe accounting budgetary procedures to accurately depict revenue requirements and procedures to generate revenue sufficient to operate and maintain the plant.
2. Separate Accounts shall be maintained for the User Charge System and the Capitalization Fund.
3. Operation, Maintenance and Replacement costs of the treatment system shall be enumerated through a line item budget including the following categories:
 - Salaries and Wages
 - Indirect Salary and Wage Costs
 - Contractual Services
 - Materials and Supplies
 - Utilities
 - Equipment Replacement
 - Administrative Expenses

Operation, Maintenance and Replacement costs shall include the costs required to achieve and maintain compliance with discharge permits.

4. The User Charge Rate shall generate revenue sufficient to meet Operation, Maintenance and Repairs costs and maintain a prudent equipment reserve thereby assuring the facilities fiscal operational viability, through charges to customers which are proportionate to their usage (volume and loading).
5. Annual User Charge Rate: The Annual User Charge Rate per 1,000 gallons shall be based on the following formula:

$$\text{Annual User Charge Rate} \\
 \text{Rate} = \frac{\text{Operation, Maintenance \& Replacement Costs}}{\text{Total Volume}}$$

6. Industrial/Commercial Surcharge:

A surcharge shall be levied upon any customer whose property's discharge loadings exceed those found to be the average amongst the predominant user class (residential).

The Surcharge shall be based on treatment cost of loadings over standard levels. The standard is the local domestic wastewater strength, which follows;

Parameter	Domestic Wastewater Strength
BOD5d Inhibited	151 mg/l
SSd	149 mg/l
Pd	11.2mg/l
Nd	20.20mg/l

SURCHARGE RATE SCHEDULE

<u>CLASS</u>	<u>USER/TYPE</u>	<u>TOTAL SURCHARGE</u> <u>PER \$/1,000 GAL</u>
1	Large Hotel/Casino	\$0.60
2	Small Hotel/Casino	\$0.20
3	Restaurant	\$1.20
4	Pizza Shop	\$0.50
5	Hotel Laundry	\$1.70
6	Laundromat	\$0.50
7	Wand Car Wash	\$0.20
8	Commercial Bakery	\$0.10
9	Donut Bakery	\$2.40
10	Truck & Bus Wash	\$0.70
11	RV Park w/dump site	\$1.10
12	Commercial Portable Toilet Dump	\$36.40
13	Meat Packer	\$0.50
14	Market with Bakery & Delicatessen	\$0.40
15	Kitchen, commercial	\$1.90

Weighted Fixture Unit Schedule.

In order to fairly apply the surcharge rate schedule to those user types whose properties are on a multiple service, the weighted fixture unit schedule will be applied as per the Uniform Plumbing Code Standards.

The number of weighted fixture units for discharges exceeding the said

average shall be determined from the follow schedule:

Fixture Type	Weighted Fixture Units	
	Private	Public
Bathtub (including shower head)	2.5	
Bedpan (washer and sterilizer)	3.0	5
(1) Car wash (stall)	12	28
Dental units (cuspidors)	1	
(2) Drinking fountain (per head) with valve control	1	2
(2) Dishwasher (conveyor)		100
(2) Dishwasher (under counter type)	2	10
(2) Disposal (commercial type)	25	50
Laundry (tub and trays)	2	4
(2) Lavatory	1	2
(1) Laundry, commercial (per pound capacity of machine)	1.5	
(2) Laundry, self-service (per pound capacity of machine)	1	.75
(2) Sink: kitchen or service	2	4
(2) Sink: wash or bar	1	2
Shower: each heard	2.5	5
(2) Urinal, tough (per 2 foot) valve controlled	3	6
(2) Urinal, individual valve controlled	3	6
(2) Water closet	3	6
(2) Floor drain	2	4
Recreational vehicle dump station	25	
Recreational vehicle park (per wet space)	7	

(1) Recycle: reduce by thirty-five percent

(2) Multiply 1.5 for private and public facilities with greater than twelve-hour and less than sixteen-hour operations. Multiply by 2.0 for private and public facilities with greater than sixteen-hour operation.

In order to protest the surcharge before the Board of Trustees the customer will be required to have 10 days of sampling from a State of Nevada Certified Lab.

III. SEWER RULES, RATES, FEES AND CHARGES FOR RESIDENTIAL SERVICE CLASSIFICATION

A. APPLICABILITY:

To all properties defined under domestic or residential service classifications in Rule No. 1 located within the District's Service Area and connected to the sewer system owned and operated by the Sun Valley General Improvement District.

B. SEWER SERVICE CHARGE:

1. User Charge Component:

- a. Based upon metered water consumption, each Customer in each single family dwelling or having residential service shall be billed at the rate of **\$4.29** per each 1,000 gallons of water metered. Each Customer in each single-family dwelling shall be billed the above rate based on 100% of their metered water consumption during the months of December, January and February (due to the District's billing cycles this consumption means metered water consumption during a consecutive three month period from November through March). The average monthly consumption during that period shall establish that specific Customer's monthly billable quantity for sewer service for the remainder of the year, unless the monthly discharge is less than the average monthly consumption, in which event the billing shall be based on the actual metered water consumption for that period.
- b. In the event of excessive loadings, the surcharge defined in II C 6 above shall also be paid monthly.

2. Capitalization Fund:

- a. In addition to the sewer service user charge component established above, each Customer in each single family dwelling or having residential service shall also pay the flat monthly sum of **\$17.14**.
- b. Unit Charge:

Where Applicable - For each unit in excess of one (1) unit served from a single metered service connection, the unit charge shall be **\$17.14** per unit.

C. ESTABLISHING SEWER SERVICE CHARGE:

In the event a person becomes a Customer of the District at such a time of year as not to be able to establish the discharge component of the sewer bill set forth in Paragraph III B 1 above, such component, pending calculation of same per the method set forth in Paragraph III B 1 above, shall be the average of such component for all existing residential service classification Customers.

D. NEW CUSTOMER SET-UP FEE:

Upon application for service under this Paragraph III, the Customer shall also pay the sum of **\$15.00** to the District to defray initial costs of establishing sewer records and billing procedures for such Customer. All requests for physical connection to sewer shall be complied with during regular working hours, if possible on the date of the request, as conditions permit. In the event a request is made to connect service at other than regular working hours, the District will endeavor so to make the connection if practicable under the circumstances, but is under no obligation to do so unless an emergency exists in the opinion of the District. A connection shall be made at other than regular working hours only if the Applicant pays an additional fee equal to 1.5 times the normal fee for the particular service connection.

IV. SEWER RULES, RATES, FEES, AND CHARGES FOR COMMERCIAL AND INDUSTRIAL SERVICE CLASSIFICATION

A. APPLICABILITY:

To all properties defined under Commercial and Industrial service classifications in Rule No. 1 located within the District's Service Area and connected to the sewer system owned and operated by the Sun Valley General Improvement District.

B. SEWER SERVICE CHARGE:

1. (a) User Charge Component: Based upon metered water consumption, each Customer in each commercial or industrial unit shall be billed at the rate of **\$4.57** per each 1,000 gallons of water metered. Provided, however, any Customer being

billed under a Commercial or Industrial service classification may apply to the Board for an irrigation allowance as set out in Paragraph III B 1 above, for Domestic/Residential Service classifications, but only in the event such Customer does regularly utilize water supplied by the District for substantial residential-type plant irrigation purposes on the subject property.

- (b) In the event of excessive discharge loadings, the surcharge defined in II C 6 above shall also be paid monthly.
2. (a) Capitalization Component: In addition to the sewer service user charge component established above, each Customer in each commercial or Industrial unit shall also pay the flat monthly sum of **\$17.14**.
- (b) Unit Charge:

Where Applicable - For each unit in excess of one (1) unit served from a single metered service connection, the unit charge shall be **\$17.14** per unit.

C. NEW CUSTOMER SET-UP FEE:

Upon application for service under this Paragraph IV-D, the Customer shall also pay the sum of **\$15.00** to the District to defray initial costs of establishing sewer records and billing procedures for such Customer. All requests for physical connection to sewer shall be complied with during regular working hours, if possible on the date of the request, as conditions permit. In the event a request is made to connect service at other than regular working hours, the District will endeavor so to make the connection if practicable under the circumstances, but is under no obligation to do so unless an emergency exists in the opinion of the District. A connection shall be made at other than regular working hours only if the Applicant pays an additional fee equal to 1.5 times the normal fee for the particular service connection.

D. EMERGENCY SERVICE FEES:

In the event that customer or property owner requests District personnel to inspect and/or repair sewer service and it is, upon such inspection or repair, determined by such District personnel that the cause of the need for

such inspection or repair was not the responsibility of the District (i.e., blockage on customer's private lines, etc.) then there shall be added to the monthly bill for the premises a minimum charge of **\$30.00** for such services supplied after normal District working hours. (See rule 23 as to charges over and above those noted).

V. SEWER SERVICE CONNECTION RULES, RATES, FEES AND CHARGES

A. SEPARATE SERVICES:

As to each commercial or industrial premises constructed after the effective date of this rule, a separate sewer lateral shall be required for each unit of commercial or industrial property, whether or not the same are adjacent and/or owned by one person.

B. GENERAL SEWER FACILITIES CHARGES:

1. For the availability of sewer service, the District shall charge and the Customer shall pay a fee based upon factors including, but not limited to, the District's current investment in the sewer system, system development costs and the cost of capital. This fee shall be separate and apart from the costs of construction of private yard lines and house piping upon the Customer's property, which costs of construction are the sole responsibilities of the Customer. The General Sewer Facilities Charge shall be based upon service level and water meter sizes, as stated below.

2.	<u>Water Meter Size</u>	<u>Fee</u>
	3/4 inch	\$ 6,340
	1 inch	\$ 7,982
	1-1/2 inch	\$ 10,582
	2 inch	\$ 13,482
	3 inch	\$ 20,482
	4 inch	\$ 30,482
	6 inch	\$ 55,482

C. PAYMENT:

1. All sewer fees set forth in this Section shall be paid in full to the

District prior to commencement of construction of improvements on subject property.

Provided, however, that for any improvements to real property which divides the property into four (4) parcels or less, for ¾" meter size only, the Customer may request in writing to pay the connection fee under the following agreed terms:

- a) One-third of the connection fee paid at the time of the District's approval of the parcel map;
- b) One-third of the connection fee paid at the time of commencement of construction of improvements upon the parcel, including grading and utility trenching;
- c) One-third of the connection fee paid at the completion of improvements upon the parcel or at time of the customer's request for sewer service to the parcel.

No customer may have in excess of one parcel map with payments being made under the above schedule pending completion of the payments to the District at any one time. For these purposes, "customer" includes family members of the customer and what would be, in the District's sole discretion, the customer's closely related business entities.

The District shall have a lien on the subject property for any payments due under this rule.

Right to make partial payments allowed herein shall not be transferable to a new owner without the District's prior written approval. In the event that any one or more of the up to four (4) parcels subject to this partial payment schedule shall be sold or transferred to another owner in any manner whatsoever, the balance of the partial payments unpaid at the time of transfer of such parcel(s) shall be paid in full.

2. Refund Procedure: In the event an applicant cannot develop parcel(s), any request for a refund must be approved by the board of trustees. Consideration of District bonded indebtedness obligations and the District's financial condition shall be of primary importance in decisions on such refunds. Refunds shall be considered only on a case by case basis. All requests for refund of facility fees must be submitted in writing no later than six (6) months from the date of

payment of first payment of facility fees. No refunds will be considered if map has been recorded or if taps have been installed.

D. CUSTOMER REFUSAL TO CONNECT:

In the event a customer or owner of property fails neglects or refuses to connect the Customer's property to the District's sewer system when required and within the time allowed by the District, the District shall take whatever steps are appropriate to cause such connection to be made at the earliest possible date. These steps include, but are not limited to:

1. Reference of the failure to legal counsel for the District and/or the attorney General of the State of Nevada and/or the District Attorney of Washoe County for criminal prosecution for such failure, as allowed by law.
2. Imposing a charge to the Customer or owner against the subject property, which charge shall be denominated a "standby sewer service charge." Such charge shall be in an amount equal to the monthly sewer service charge otherwise charged to the Customer had such property been properly connected to the District's sewer system, as calculated by reference to the District's records regarding the subject property and by reference to Rule 22 regarding sewer service fees and charges. Such charge shall be billed monthly commencing not earlier than the first regular billing due upon the subject property after failure to connect as required herein and, in the first billing, also shall be included the sewer connection fee for such property effective on the date of the first billing. In the event such billing is not paid within the time required in these Rules, the provisions of these Rules, including Rule 5 hereof, shall apply as to such non-payment.

E. SPARKS' INSPECTION FEES:

All properties defined under Commercial and Industrial Service classifications in Rule No. 1 shall also be assessed by the District for wastewater inspection fees charged to each separate Commercial-and/or-Industrial classified property, as such fees are charged to the District by the City of Sparks which performs such inspections of said properties. In the event such inspection fee is not paid within Sixty (60) days of its due date,

the customer from who the fee is due shall pay a sum equal to two and one-half (2 ½) times the amount of the original bill, as and for a late payment penalty. In the event such fee remains unpaid after Sixty (60) days from its due date, the District also reserves the right to:

1. Disconnect water service to the subject premises, upon written Notice as required herein, to the customer as well as the tenant and landowner and/or;
2. In situations where to disconnect water service would potentially result in undue hardship upon others, such as with multiple-tenant commercial buildings, file suit to collect the monies from the customer responsible and/or from the owner of the subject property, including enforcing the District's lien on real property for sums due the District for services supplied.

F. TAP FEE

The installation of sewer taps will be billed to the applicant at the actual cost of installation in terms of District staff time, equipment and material upon completion of work. Due to the differences in sewer main depths and soil conditions, a firm estimate of cost cannot be given. A deposit shall be paid to the District, based on District's estimate of actual job costs. When pavement removal and replacement are required, an additional deposit based on the size of the street cut will be required.

G. ADDITIONAL CHARGES

In addition to the tap fee set out above, the applicant shall also pay the actual cost to the District of any street cut permit and of pavement cutting, removing and replacement. In the event a tap is requested by the applicant to be performed outside of the District's regular working hours as set by the District, the applicant shall also pay the regular overtime wages paid by the District to its employees and agents performing said tap.

H. REFUND PROCEDURE

In the event an applicant cannot develop parcel(s) and taps have not been completed, any requests for a refund must be approved by the board of trustees. Consideration of District bonded indebtedness

obligations and the District's financial condition shall be of primary importance in decisions on such refunds. Refunds shall be considered only on a case by case basis.

I. SPECIAL CONDITIONS:

1. The User Charge System described in this Rule shall take precedence over the terms & conditions of any agreements or contracts to which the District is a party which are inconsistent with the requirement of the Water Quality Act (as amended 1986) and the applicable regulations of the U.S. EPA.
2. All street cut permits will be obtained by the District personnel, unless construction is being done by the contractor in which case the contractor or property owner will obtain the permit.

VI. IRRIGATION SERVICE

Where a Customer has meter only measuring water used for irrigation purposes on the premises, the sewer charges shall be as follows:

1. Where the premises are served only by water through a single meter, and there is no sewer service supplied to the premises by the District, for the availability of sewer service to the premises the Customer shall also pay the flat monthly fee defined in "Capitalization Fund" in Section III B 2 of this Rule No. 22.
2. Where sewer service is or will be supplied to the premises by the District and there exists or will exist one or more meters utilized to measure the charges by the District for such water and sewer services, the Customer shall pay (in addition to the charges arising from the other meters) only for the water measured in the irrigation meter, and shall not pay the flat monthly fee defined in the "Capitalization Fund" in Section III B 2 of this Rule No. 22.
3. When there is a modification of the use of the meter used for purposes of irrigation only, and the premises are to be served with both water and sewer services by the District, the Customer shall promptly notify the District as required in Rule No. 21, and at the time of such modification of use shall pay to the District the sewer Set Up Charge provided in Sections III or IV above.

RULE NO. 21

WATER SERVICE RULES, FEES, CHARGES AND RATES

I. METERED WATER RATES, FEES AND CHARGES

In addition to any fees, charges or rates established in the preceding Rules, the following shall apply as to water service:

A. AVAILABILITY OF WATER SERVICE:

Water service is available from the District to Customers for real property within the service area and legal boundaries of the Sun Valley General Improvement District, per the Rules and/or Regulations of the Sun Valley General Improvement District.

In addition to compliance with all other standards for granting applications for connections, all applicants whose property was annexed after 1990 shall be required to assign to the District water rights necessary to meet the projected water demand of the applicant's project, as required by the District's water rights policy.

B. APPLICABILITY OF WATER RULES, RATES, FEES AND CHARGES:

The rules, fees and rates established in the Rules are applicable to all customers or owners of property connected to the water system owned, operated or controlled by the District, and to all Applicants desiring or being mandated by law to become so connected.

In addition, this Rule is applicable to Truckee Meadows Water Authority or any successor entity as follows: Truckee Meadows Water Authority is required to furnish to the District in written form on a monthly basis the results of all water meter readings on all multiple family residential dwellings located within the area south of the District which is served by that sewer capacity leased by the District to the County of Washoe.

C. RATES, FEES AND CHARGES:

1. Service Charge - For properties connected to the District's water system, the minimum charge for service only shall be as follows:

<u>Service Connection</u>	<u>Per Meter - Per Month</u>
3/4"	\$22.23
1"	\$24.25
1-1/2"	\$28.27
2"	\$28.84
3"	\$35.48
4"	\$51.79

6"

\$57.61

2. Additional Consumption Charge - For each 1,000 gallons of water consumed per month, as shown by the Customer's water meter, the consumption charge shall be **\$2.34** per 1,000 gallons per month.
 3. Unit Charge, Where Applicable - For each unit in excess of one (1) unit served from a single metered service connection, the unit charge shall be **\$22.23**.
 4. Nevada law creates a Western Regional Water Commission to plan for and manage the supply and quality of water, the collection and treatment of sewage, and the drainage and alleviation of excessive surface water among other things. Pursuant to such statutes an additional fee at a rate of 1.5% percent of the amount billed only on the base rate, applicable unit charge and gallons consumed (water only is to be billed by each supplier of water to its customers within the region. As a supplier of water, the District hereby imposes this charge as well. This charge will be stated separately on the water bill and dispersed for use by such Western Regional Water Commission.
 5. Minimum Charge - The minimum monthly charge for service shall be the sum of Rate 1, Service Charge plus the applicable charges calculated in Rate 3, Unit Charge, and additional fee imposed in Rate 2 and 4.
 6. Emergency Service Fees - In the event that a Customer or property owner requests District personnel to inspect and/or repair water service and it is, upon such inspection or repair, determined by such District personnel that the cause of the need for such inspection or repair was not the responsibility of the District (i.e., frozen pipes, etc.) then there shall be added to the monthly bill for the premises a minimum charge of **\$30.00** for such services supplied after normal District working hours. (See Rule 23 as to charges over and above those noted)
- D. A Customer applying for service to an Attached Accessory Dwelling or a Detached Accessory Dwelling, as defined in Rule No. 1 shall comply with the following conditions before service is supplied:
1. The Customer must apply for and receive a "Will Serve" letter from the District.
 2. The water service line to service an Attached Accessory Dwelling shall be an extension of the service line servicing the main

residence. The water service line to service a Detached Accessory Dwelling shall be a separate service line, with a separate and independent tap into the water main, with its own water meter, and all inspections thereof shall be made and fees therefore shall be paid, as with new construction.

E. INFIRM CARE UNITS

A customer applying for service to an infirm care unit, as defined in Rule No. 1, must comply with the following conditions before service is supplied:

1. The customer must first apply for and receive a permit from Washoe County for the occupancy of such infirm care unit.
2. The customer shall then apply, on a District-provided form, for temporary occupancy of the infirm care unit in the District. Such District form shall require, and the customer, by making such application, does agree that:
 - (a) Suitable medical documentation supporting the need for the infirm care until must be supplied with the application;
 - (b) All provisions of the District Rules and/or Regulations for water service to a residential unit must be met, except for the provision of a water meter to such unit, except as discussed below. These provisions include the application of all District inspection and approval of water service lines to the unit prior to occupancy.
 - (c) The property owner must either be the caregiver for an immediate family member, or the actual infirm person;
 - (d) The infirm care unit may not be transferred to another individual and/or property.
 - (e) Any approval of such unit is automatically cancelled upon any transfer of ownership of the real property, upon which the unit is located, unless the District's approval is first obtained.
 - (f) District staff, on initial approval, and the Board of Trustees on any subsequent renewal, may make any additional conditions to approval of the unit as are required in the particular circumstances of the infirm care situation.
3. All infirm care units are strictly temporary in nature, and continued occupancy thereof is not permanent or guaranteed by the District. If approved by District staff, the initial approval expires on the date Six (6) months from the date of issuance. If renewal of the approval of the infirm care unit is desired by the customer, prior to such expiration the customer shall request to be placed on the agenda for a regular meeting of the Board of Trustees to consider such renewal. At the time of the meeting, customer shall supply a new set of

medical documentation supporting the need for the continuation of the infirm care unit. The Board of Trustees, in its sole discretion, and whether or not such medical documentation is supplied, may for any legal reason approve or disapprove the renewal of the unit for an additional period of Six (6) months from the date of expiration of the initial approval. Thereafter, the same process must be followed by customer every Six (6) months from renewal of the unit until the unit is no longer in use.

4. Customer shall pay, on a monthly basis, the following fees for each month, or part thereof, for the occupancy of such infirm care unit:
 - (a) The additional unit charge set forth in paragraph C3 of this rule, as it may be changed from time to time.
 - (b) In lieu of all other fees beside the additional unit charge above, the amount of \$25.00 per month, up to a maximum of \$2,500.00 in accumulated payments of \$25.00 per month. After such \$2,500.00 has been paid, no additional \$25.00 monthly payments need to be made.
 - (c) At the conclusion of the occupancy of the unit, there shall be no refunds sought or given for fees paid to the District under this rule.
5. The District reserves the right, at its own cost and expense, and at any time, to place a water meter of its choice at any suitable location of its choice, to read and measure the amount of water being utilized in such infirm care unit. By application for such infirm care unit, customer gives the District the right to come onto the property of customer to install, read, maintain and remove such meter.
6. It is a violation of these Rules and/or Regulations for any customer to utilize an unapproved infirm care unit or to use an infirm care unit as a rental or otherwise to produce income there from. In the event of a disapproval of the continuation of the unit by the Board, the unit must be vacated by any occupant thereof within Ten (10) days of disapproval. In the event any such occupant does not vacate the unit within that time, or in the event of a use of the unit in violation of these Rules and/or Regulations, the District may immediately thereafter, on Five (5) days written notice, take such steps as are necessary to stop the occupancy of such unit, including but not limited to, discontinuance of water service to the entire subject property of customer.

F. NON-TAXPAYING CUSTOMERS:

During any period of time that a Customer of the District is exempt, as a matter of law, from payment of ad valorem taxes, the Service

Charge in Paragraph C 1 above shall be increased by a percentage determined as follows:

Total District revenues from ad valorem property taxes shall be calculated as the numerator of a fraction, which has as its denominator total District revenues from all sources. That fraction shall be converted to a percentage. This percentage increase shall apply equally to all sizes of service connection to such exempt properties. These percentages shall be adjusted and determined from time to time as the Board of Trustees of the District may see fit.

In the event that the District determines that a non-taxpaying customer has or will provide other consideration or services to the District or its customers which consideration or service is substantially equal to or greater than the money to be derived from the foregoing percentage service charge increase, the Board of Trustees of the District may, in its sole discretion, waive the foregoing percentage increase charge set out in this paragraph.

G. SPECIAL CONDITIONS:

1. For the purposes of computing the unit charge under Paragraph 3 above, a unit is defined under Rule I "Definitions."
2. Service hereunder shall be subject to the Rules and/or Regulations applying to water service, which are incorporated herein by reference, except insofar as such Rules and/or Regulations are in conflict with this Rule, in which event the provisions of this Rule shall control.

II. WATER SERVICE CONSTRUCTION CONNECTION RULES, RATES, FEES AND CHARGES

A. AVAILABILITY OF WATER AND SERVICE CONNECTION:

Water connections are available from the District to Customers for real property within the service area and legal boundaries of the Sun Valley General Improvement District, per the Rules and/or Regulations of the Sun Valley General Improvement District.

B. APPLICABILITY OF WATER SERVICE CONSTRUCTION RULES, RATES, FEES, AND CHARGES:

The rules, rates, fees and charges for water service connections established in these rules are applicable to all persons applying for water connections to service any property falling under any service classification defined in Rule No. 1 herein.

C. FEES AND CHARGES:

1. Tap Fee

- a. Base fees: The installation of water taps will be billed to the applicant at the actual cost of installation in terms of District staff time, equipment and material, and due upon completion of work. Due to the differences in water main depths and soil conditions, a firm estimate of cost cannot be given. The District's estimate of actual job costs shall be the required deposit. When pavement removal and replacement are required, an additional deposit based on the size of the street cut will be required.

When the County Building Department requires larger than a 1" inch service line between the meter and the building served, and a single meter box is to be installed, then a service line of a size equal to that required by the County Building Department between the meter and the building served shall be installed between the main and the single meter box. When the County Building Department requires larger than a 3/4 inch service line, and a double meter box is to be installed, then a 1-1/2 inch size line shall be installed between the main and the double meter box. The base fee for connection by the District of water service pipes in excess of 1 inch in diameter shall be in an amount equal to the actual cost of installation thereof, which cost includes, but is not limited to, cost of meter, meter box, yoke, service lateral, sand, labor and all other costs incident to such installation.

- b. Additional charges: In addition to the base fee for the tap as set out above, the applicant shall also pay the actual cost to the District of any street cut permit and of pavement cutting, removing and replacement. All street cut permits will be obtained by the District unless construction is being done by a contractor approved by the District, in which case the contractor or property owner will obtain the permit.

In the event a tap is requested by the Applicant to be performed outside of the District's regular working hours as set by the District, the Applicant shall also pay the overtime wages paid by the District to its employees and agents performing said tap.

- c. Refund Procedure: In the event an applicant cannot develop parcel(s) and taps have not been completed, any request for a refund must be approved by the Board of Trustees. Consideration of District bonded indebtedness obligations and the District's financial condition shall be of primary importance in decisions on

such refunds. Refunds shall be considered only on a case by case basis.

2. GENERAL WATER FACILITIES CHARGE

- a. For the availability of water service, the District shall charge and the Customer shall pay a fee based upon factors including, but not limited to, the District's current investment in the water system, system development costs and the cost of capital. This fee shall be separate and apart from costs of construction of private yard lines and house piping upon the Customer's property, which costs of construction are the sole responsibilities of the Customer. The General Water Facilities Charge shall be **\$11,244** for any size new water connection.
- b. All water fees set forth in this Section shall be paid in full to the district prior to commencement of construction of improvements on the subject property. Provided, however, that for any improvement to real property which divides the property into four (4) parcels or less, the Customer may request in writing to pay the General Water Facilities Charge for each parcel under the following agreed terms:
 1. One-third of the charge paid at the time the District's approval of the parcel map;
 2. One-third of the charge paid at the time of commencement of construction of improvements upon the parcel, including grading and utility trenching;
 3. One-third of the charge paid at the completion of improvements upon the parcel or at time of customer's request for water service to the parcel.

No customer may have in excess of one parcel map with payments being made under the above schedule pending completion of the payments to the District at any one time. For these purposes, "customer" includes family members of the customer and what would be in the District's sole discretion, the customer's closely related business entities.

The District shall have a lien on the subject property for any payment due under this rule.

Rights to make the partial payments allowed herein shall not be transferable to a new owner without the District's prior written approval. In the event that any one or more of the up to 4 parcels subject to this partial payment schedule shall be sold or transferred to another owner in any manner

whatsoever, the balance of the partial payments unpaid at the time of transfer of such parcel(s) shall be due in full.

- c. Refund Procedure: In the event an applicant cannot develop parcel(s), any request for a refund must be approved by the Board of Trustees. Consideration of District bonded indebtedness obligations and the District's financial condition shall be of primary importance in decisions on such refunds. Refunds shall be considered only on a case by case basis. All requests for refund of a facility charge must be submitted in writing no later than six (6) months from the date of payment of first payment of the facility charge. No refunds will be considered if map has been recorded or if taps have been installed.

D. SPECIAL CONDITIONS:

1. Service hereunder shall be subject to the Rules and/or Regulations applying to water service, which are incorporated herein by reference, except insofar as such Rules and/or Regulations are in conflict with this Rule, in which event the provisions of this Rule shall control.
2. Only duly authorized employees or agents of the District will be authorized to install service connections.
3. All street cut permits will be obtained by District personnel, unless construction is being done by the contractor in which case the contractor or property owner will obtain the permit.
4. Some property in the District may be serviced by the property's own private well water supply. On those properties a water meter has been installed per the provisions of Rule No. 22 I C. In the event the owner of such property makes application to replace the private well water supply to the property with water to be supplied by the District, the hookup charge set out in Paragraph C above shall apply. However, the Applicant shall be credited toward that charge the cost to the District, at the time of purchase, of the water meter being then utilized to meter water flow from the well (if that water meter is also to be relocated to the District's water service connection point).
5. A customer may request, on a special form supplied by the District, that only Irrigation Service, as defined in Rule No. 1, be supplied to the premises of the customer. The customer shall pay, for this service, all fees, charges, and rates as specifies in the Rule No. 21.
6. Any existing customer who makes modification to his/her existing

water line size, character or extent of the equipment or operations for which the service is utilized shall immediately file with the District office a modification form.

Upon receipt of such form, the District will determine the following:

- (a) If the modifications are to such an extent that the water used on the subject property exceeds that water allocated to the property under the water allocation map defined in Rule 2, I, A (3), the customer will be required to purchase and dedicate the needed additional water rights per Rule 2.
- (b) If the modification is to a commercial or industrial property and results in an additional new and separate commercial or industrial business, all appropriate charges set out in this Rule 21 shall apply to the customer, as a new customer. It shall be presumed that if a customer receives a new business license for such additional business, these charges apply.

III. INSTALLATION FEES

A. NEW CUSTOMER SETUP FEES:

For initiation of service to a new customer, the District shall charge the Customer for either replacing or reading a meter at an existing installation, regardless of length of time service was provided, as follows:

<u>Service Connection</u>	<u>Fee</u>
3/4 inch	\$15.00
1 inch	\$15.00
If requested after 4:30 p.m. an additional	\$7.50

For any service connection in excess of 1", a charge to the Customer equal to **\$25.00** plus the actual cost of the materials and labor of the District for such replacement or reading shall be paid.

B. REINSTALLATION OF DISCONNECTED SERVICE FEES:

In the event a meter has been removed from an existing installation for non-payment of water bills, replacement of a meter at such existing installation to the same customer shall be subject to a charge to the Customer as follows:

<u>Service Connection</u>	<u>Fee</u>
3/4 inch	\$40.00
1 inch	\$40.00

If requested after 4:30 pm. and additional **\$20.00**

If payment is made after the last day for payment prior to disconnect and the service has not been disconnected but the service technician has been dispatched to perform the disconnection the customer shall pay a **\$40.00** service connection fee.

For any service connection in excess of 1", a charge to the customer equal to **\$10.00** plus the actual costs of materials and labor of the District for such replacement shall be paid.

In addition, in the event a meter has been removed for non-payment of water and/or sewer bills, prior to the replacement of such meter, the deposit required in the Rules and/or Regulations Rule 12 A shall be increased as follows:

For the first removal for such nonpayment, the deposit may be increased to 6 months estimated total water and sewer bill.

For any subsequent removals for such non-payment after the first removal, the deposit may be increased to 12 months estimated total water and sewer bill.

C. FEE ADJUSTMENT FOR TIME OR REPLACEMENT:

The fees set out in subparagraphs A and B above are based upon reconnection during regular working hours. All requests for such reconnection shall be complied with during regular working hours. If possible on the date of the request, it shall be done during regular working hours of such new working day as conditions permit. In the event a request is made to reconnect service at other than regular working hours, the District will endeavor so to make the reconnection if practicable under the circumstances, but is under no obligation to do so unless an emergency exists in the opinion of the District, and a reconnection shall be made at other than regular working hours only if the Applicant pays an additional fee equal to 1.5 times the normal fee for the particular service connection set forth in Subparagraphs A and B above.

D. SPECIAL CONDITIONS:

Services hereunder shall be subject to the Rules and/or Regulations applying to water services which are incorporated herein by reference, except insofar as such Rules and/or Regulations are in conflict with this Tariff, in which event the provisions of this Tariff shall control.

IV. IRRIGATION SERVICE

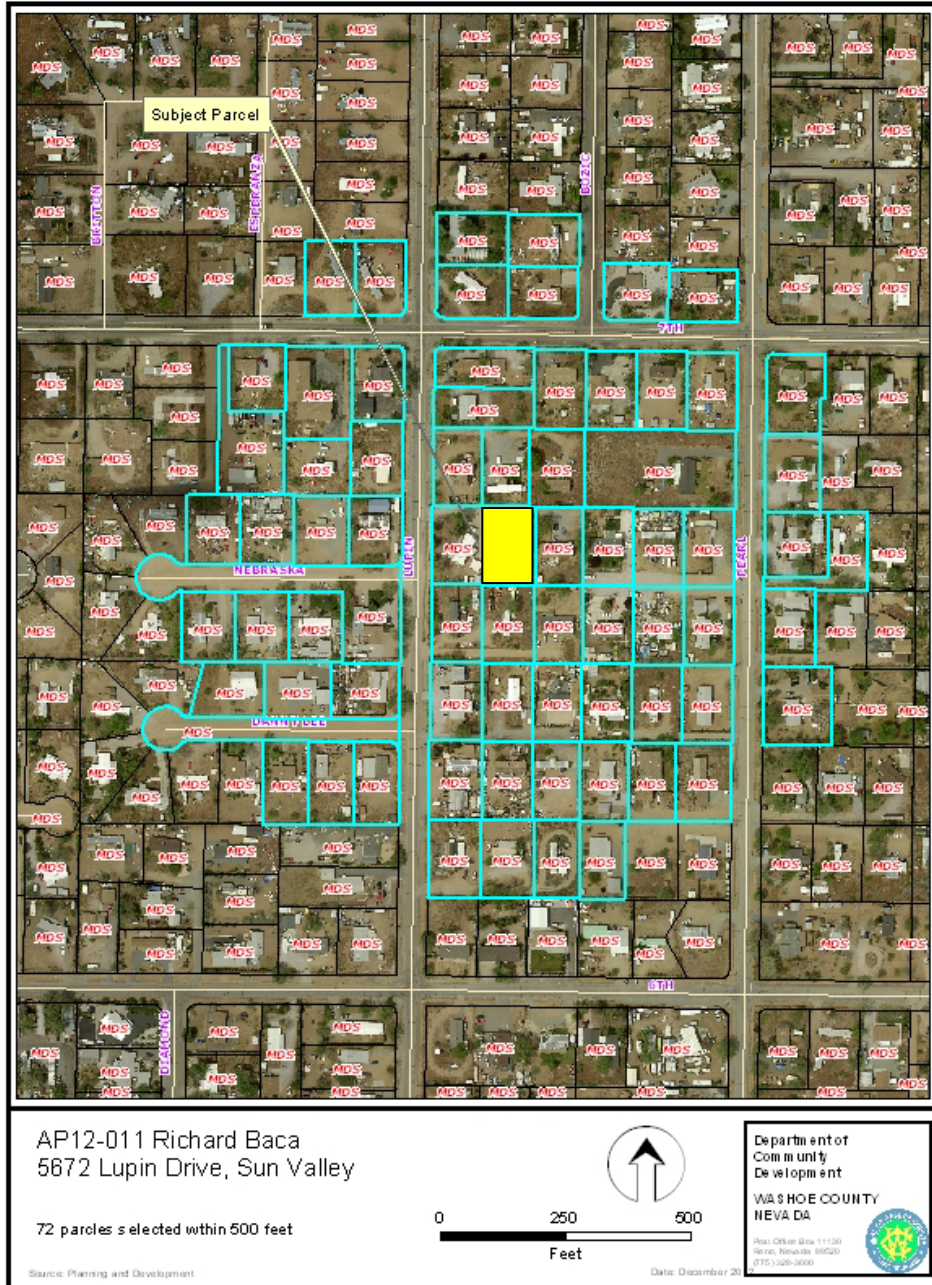
- A. Where a customer utilizes Irrigation Service as defined in Rule 1, which irrigation water is to irrigate common areas owned or administered by Homeowner's Associations, or to irrigate public property grounds such as schools, soccer fields, or for irrigation service to properties utilizing commercial or industrial service etc., a water meter shall be installed to measure such use. The following Rule determines the amount of water rights to be dedicated to the District for such Irrigation Service:
1. The customer shall submit to the district two copies of a landscape diagram/plan which shows the manner in which water will be used on the property, and the purposes of such use. The diagram/plan shall be prepared by a licensed landscape engineer or civil engineer and stamped by such engineer as his work product. The diagram/plan shall include all information necessary for the District to determine the amount of water likely to be utilized on the property during the month(s) of highest water use, including but not limited to size of water service requested, type of irrigation system to be utilized, size, and location and type of lawn, if any to be installed, size, location and type of other landscaping items such as trees and shrubs, and size and type of drinking fountain (if any) to be serviced on such items as playground areas.
 2. From this information, the District shall determine the amount of water rights to be dedicated to the District before water service may commence to be used on the property, using the following guideline: 3.41 acre feet of water for each acre of grass. Shrubs - 5 gallons size 8 gallons an hour, 2 hours a day, twice a week for 32 weeks. Trees - 15 gallon size 16 gallons an hour, 2 hours a day, twice a week for 32 weeks. The total calculated shall then be increased by the drought factor then being utilized by Truckee Meadow Water Authority. Any fraction of an acre-foot of water rights shall be rounded to the nearest 1/2-acre foot, i.e. a final calculation of 4.3 acre feet shall be rounded to 4.5 acre feet, and a calculation of 3.7 acre feet shall be rounded to 4 acre feet.
 3. After the installation of such Irrigation Service, the District shall, at the end of September of each year, determine the amount of acre feet actually used in Irrigation Service on the subject property. In the event that an amount in excess of 1/2 acre foot over that originally dedicated to the District for such Irrigation Service has been utilized, the owner of such property shall, within 6 months from the date of written demand from the District therefore, dedicate to the District the additional required acre feet of water. The District may make available to the customer water rights owned by the District, selling such rights as are required herein to the customer, at a price equal to the cost the District paid for the water rights or the fair market value of water rights, whichever is greater. In the event

the property owner does not so dedicate the additional water required within the time allowed, the District may thereafter remove the Irrigation Service water meter(s) from the subject property during the following irrigation season at such time as the customer has used, on the subject property, the amount of water that had been dedicated for the Irrigation Service to the property. The District shall provide the property owner 30 day's written advance Notice of its intention to remove such meter.

Exhibit E

Public Notice

Pursuant to Washoe County Development Code Section 110.806.15 public notification consists of notification by mail to each owner of property abutting the proposed vacation or abandonment. This proposal was noticed to 55 separate property owners within 500 feet of subject parcel.



NOTICING MAP

EXHIBIT F

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.: AP12-011	
Project Name (commercial/industrial projects only): Infirm care for Ursula Baca age 91 Permit for 42 ft 5th wheel for his caregivers			
Project Description: Parking of 42 ft 5th wheel for his caregivers to live in Permit for Infirm care for Ursula Baca			
Project Address: 5672 Lupin Dr Sun Valley NV 89433			
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:
504042-05	.37		
Section(s)/Township/Range: S17 T20N - R20E			
Indicate any previous Washoe County approvals associated with this application:			
Case Nos. PM 1462			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: George W Paine JR		Name:	
Address: 5672 Lupin Dr		Address:	
Sun Valley NV Zip: 89433		Zip:	
Phone: 775-674-2820 Fax:		Phone: Fax:	
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: George W Paine JR		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Richard & Tamera Baca		Name:	
Address: 5672 Lupin Dr		Address:	
Sun Valley NV Zip: 89433		Zip:	
Phone: 702-7394290 Fax:		Phone: Fax:	
Email: ↑		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Richard Baca		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
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:

URSULO BACA

2. Medical Condition:

Dementia
Hypertension
Hyperlipidemia
Inability to accurately dispense medication

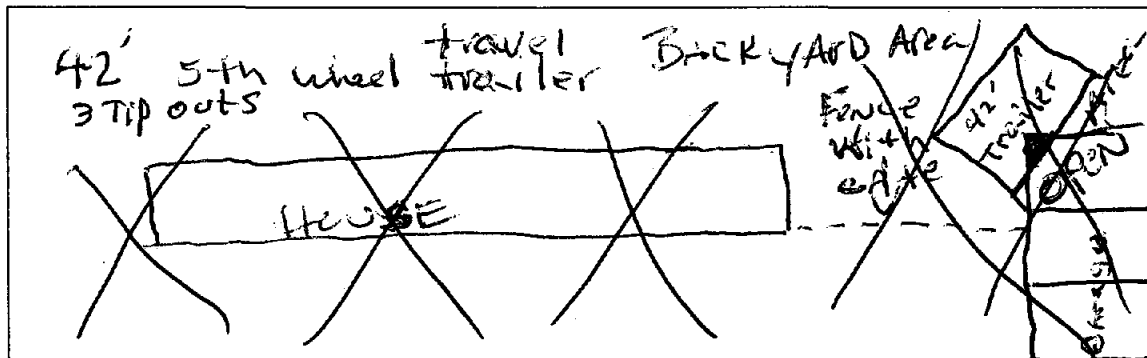
3. Name of Nevada licensed physician identifying the need for on-premise care and the physician's estimate as to the length of on-premise care required (attach physician's signed affidavit):

JW Grinsell. Indefinite time period
323-6700

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

Richard L BACA

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.)



Better MAP ON BACK OF THIS PAGE
5th wheel highlighted on BACK on MAP
of this page!

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

a. Water Service:

we use the House for all our water needs

b. Sewage (Sanitary Sewer) Service:

we use the main House for all sewage needs

c. Garbage (Solid Waste) Service:

we have our own garbage bin for the 5th wheel

d. Electricity:

Already power and connected to main box from ~~garage~~ for 5th wheel use.

e. Natural Gas:

N/A no natural gas all electric use only!

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

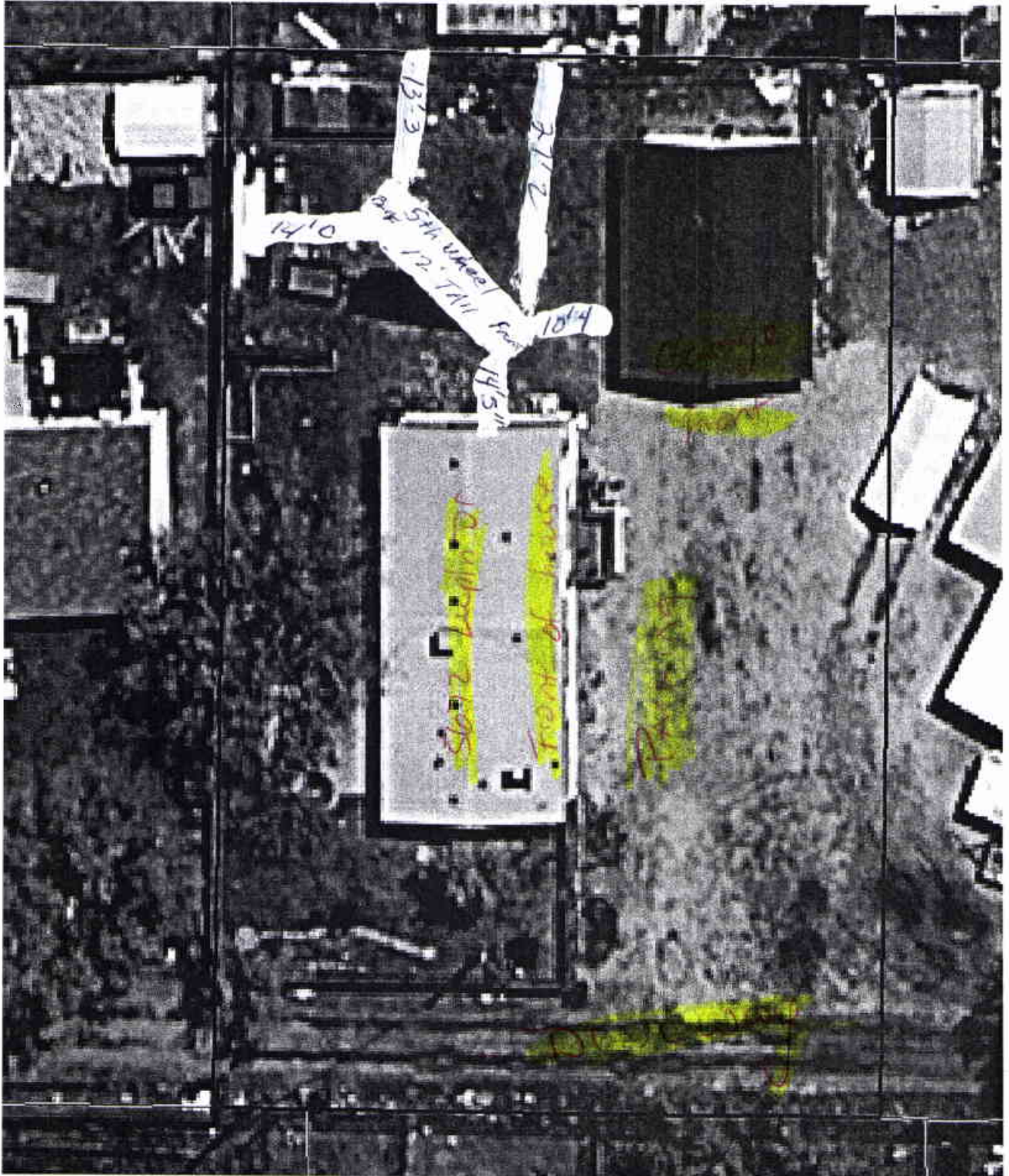
There should be no negative impact, all our neighbors know about our 5th wheel and it does not block any views from any property's around us, also we are primarily in the main house to take care of my Dad so very quite

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

None

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.)

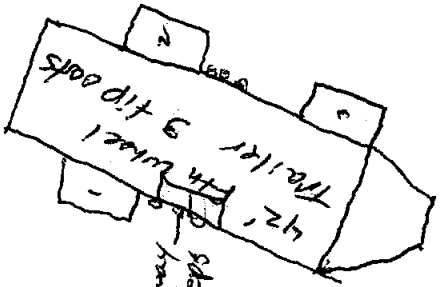
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--



12th Street

All owned
By owner

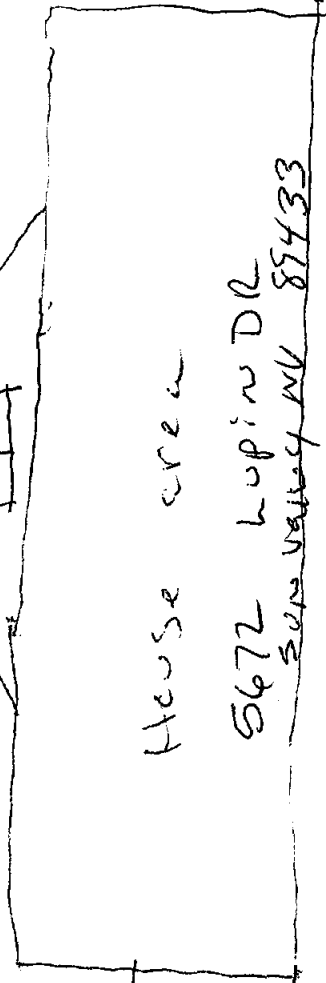
Garage Area



Parking area

Fence Gate

Property Line
All owned
By owner



House area

5672 Lupin DR
Burrville WV 25743

Parking area

Property Line

Back Yard
Gate

main road takes you
to Lupin DR

Lupin DR



Board of Adjustment Staff Report

Meeting Date: February 7, 2012

Subject: Amendment of Conditions Case No. AC12-006 for Special Use Permit Case No: SB07-019

Applicant(s): Sierra Nevada Teen Ranch

Agenda Item No. 8F

Project Summary: Extend for two years each of the phases of Special Use Permit Case No. SB07-019

Recommendation: Approval with Conditions

Prepared by: Trevor Lloyd, Senior Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Amendment of Conditions Case No. AC12-006 – Sierra Nevada Teen Ranch - To amend condition #7 of the Special Use Permit case number SB07-019 to extend the time for completion of each phase of the project by two additional years such that phase one will be extended to February 12, 2015, phase two will be extended to February 12, 2017, phase three will be extended to February 12, 2019 and phase four will be extended to February 12, 2022 as authorized in Section 110.810 of the Washoe County Development Code. The facility comprises a teen group care facility that will include housing, counseling, education and recreational opportunities for up to 40 at-risk teenagers, as authorized in Article 810 of the Washoe County Development Code. The proposed facility will include the phased construction of four 5,200-square-foot residential buildings, one 1,500-square-foot vocational building, one 4,000-square-foot multi-purpose building, one 1,000-square-foot reception area, one 1,500-square-foot barn and an obstacle course.

- Applicant/Owner: Sierra Nevada Teen Ranch, Marvin Neal
- Location: Bedell Flat, east of the Sierra Ranchos/Rancho Haven communities
- Assessor's Parcel No: 079-210-15
- Parcel Size: 29.03 acres
- Master Plan Category: General Rural (GR)
- Regulatory Zone: Rural (R)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 810
- Commission District: 5 - Commissioner Weber
- Section/Township/Range: Within Section 4, T23N, R19E, MDM

Staff Report Contents

Description 1

Amendment of Conditions 2

Vicinity Map 3

Reviewing Agencies..... 5

Motion 6

Appeal Process..... 6

Exhibits Contents

Conditions of Approval.....Exhibit A

Extension Request letter dated December 11, 2012Exhibit B

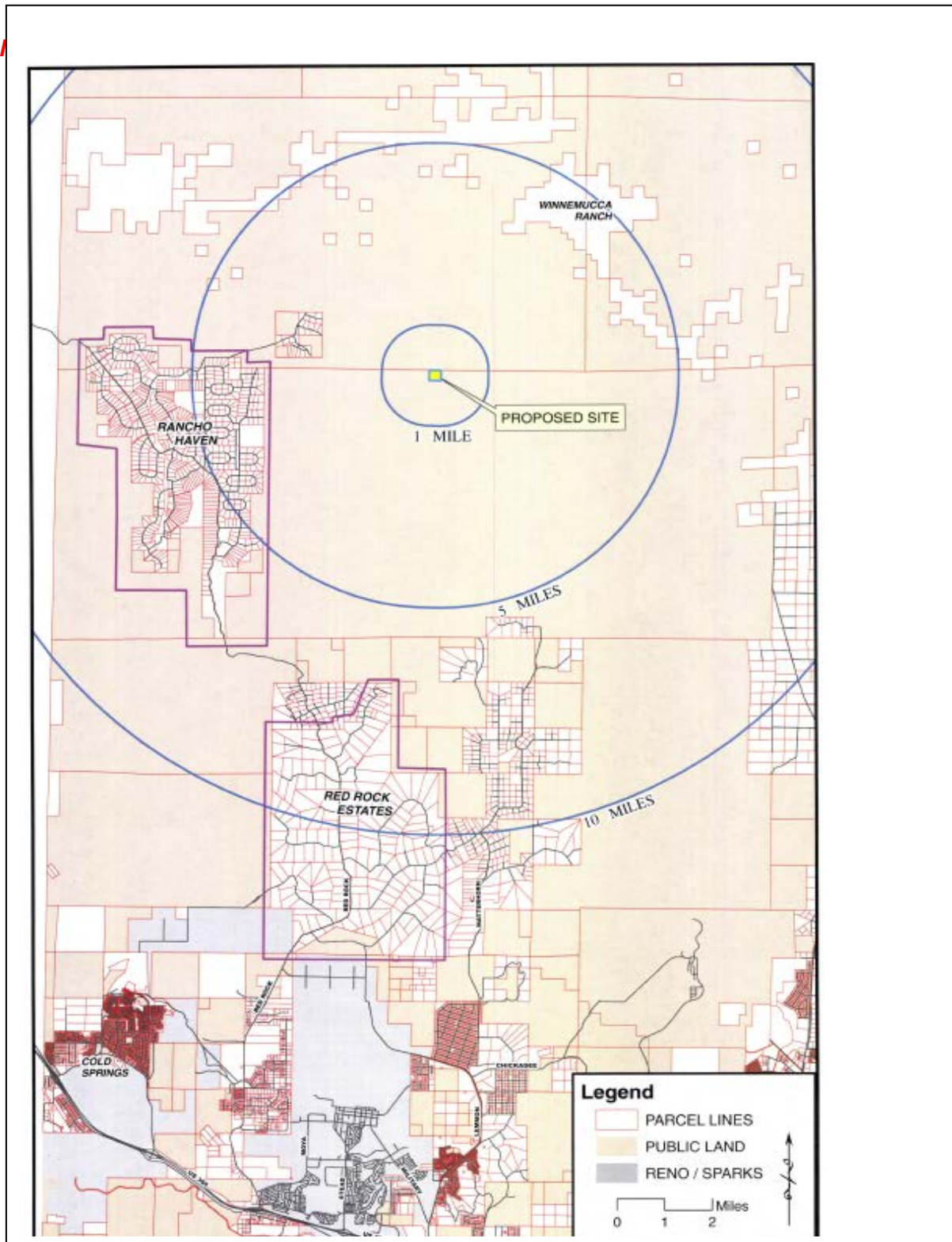
Amendment of Conditions

An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

The Conditions of Approval for Amendment of Conditions Case No. AC12-006 is attached to this staff report and will be included with the amended Action Order.



Vicinity Map

Project Evaluation

The applicants for the Sierra Nevada Teen Ranch have submitted an application to extend the life of an approved special use permit for a teen ranch facility to house up to 40 at-risk teenagers. The special use permit for this use was approved in 2007 and has been extended previously on two separate occasions by the use of amendment of condition applications. The first amendment occurred on February 1, 2010 in which the Board of Adjustment approved a one year time extension. The second amendment occurred on February 3, 2011 in which the Board of Adjustment approved a two year time extension. The applicants have indicated that the current economic recession has restricted funding for the construction of the facility and should therefore warrant justification of the time extension.

The applicants for the Sierra Nevada Teen Ranch are asking to amend condition #7 of the approved special use permit case number SB07-019 for an additional extension of the phasing of the project such that each of the four phases shall be extended by two additional years per phase. The applicants are asking that condition number 7 be amended as provided below:

7. *The development of the facility shall comply with the following phasing plan:*

Phase 1: First residential building, water and septic and first phase of water tank. Completion Date: ~~February 12, 2013~~ February 12, 2015

Phase 2: Second residential building, barn and expansion of water tank. Completion Date: ~~February 12, 2015~~ February 12, 2017

Phase 3: Third residential building, vocational building and expansion of water tank. Completion Date: ~~February 12, 2017~~ February 12, 2019

Phase 4: Fourth residential building, multipurpose building, reception center and final expansion of water tank. Completion Date: ~~February 12, 2020~~ February 12, 2022

Failure to comply with the above phasing will render that phase and subsequent phases of the Special Use Permit null and void. The Department of Community Development shall determine compliance with this condition.

The Washoe County Code does not provide explicit findings or justifications for extending the time frame for the construction of a discretionary permit. The practice of the Planning and Development Division involves a review of the original findings and a determination of whether those findings are still applicable or if changes have occurred to warrant reversing those findings. Based on a review of the original findings, staff believes that all of the original findings for the special use permit are still applicable.

Over the past few years staff has received requests to extend the life of many discretionary projects. Since 2009, Washoe County has processed 14 amendment of condition applications specifically for project extensions and four extension of time requests for map extensions. For nearly all of these applications, the primary reason for the extension request is due to a lack of funding in our current economy. Within this same two year timeframe only one of these requests was denied by Washoe County.

Since the approval of the special use permit, the applicant has had five years to commence construction of the facility. In that time, there have been several obstacles to overcome primarily concerning access to the site through BLM lands and financing issues for the facility. At the February 1, 2010 meeting, the Board of Adjustment expressed a desire to see progress be made towards the construction of the facility. To date, no construction permits have been issued through Washoe County. However, it was made explicitly clear by the former Director of Community Development, Adrian Freund, and confirmed by legal staff at that time that this request does not open up a rehearing of the entire special use permit. The original special use permit was approved by the Board of Adjustment and later by the Board of County Commission on appeal after a lengthy discussion involving the merits of the project. The Board of Adjustment is asked to determine the appropriateness of amending condition number 7 of the special use permit only.

Reviewing Agencies

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

- Washoe County Planning and Development
- Washoe County Engineering Division
- Washoe County Water Resources
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- Washoe County Regional Animal Services
- Washoe County Parks and Open Space
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Nevada Department of Transportation

Five out of the ten above listed agencies/departments provided comments in response to their evaluation of the project application. None of the responding agencies provided any negative comments or recommended conditions. The Conditions of Approval document is attached to this staff report and will be included with the Action Order..

Recommendation

Those agencies which reviewed the application recommended support for approval of the project. Therefore, after a thorough analysis and review, Amendment of Conditions Case No. AC12-006 is being recommended for approval. 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 Washoe County Board of Adjustment approve Amendment of Conditions Case No. AC12-006 for Sierra Nevada Teen Ranch, having made all five findings in accordance with Washoe County Development Code Section 110.810.30: [If a denial is recommended, of course revise the above paragraph.]

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the North Valleys area plan. The proposed teen group care facility does not conflict with any of the goals or policies of the Washoe County Comprehensive Plan or the North Valleys Area Plan;
2. Improvements. That pursuant to the conditions of approval contained herein, findings can be made 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 type of development and for the intensity of development. The General Rural (GR) designation on the property allows civic uses such as a teen group care facility. Also, there are no development constraints on the property that would prevent the development of the proposed facility;
4. Issuance Not Detrimental. That, as conditioned, 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. The subject property is located ±2.5 miles from the nearest residence and due to topographic conditions, the facility will not be visible from any neighboring privately owned properties, 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 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:/Owner Sierra Nevada Teen Ranch, Attn: Marvin Neal, PO Box 14945, Reno, NV 89507

Exhibit A

CONDITIONS

FOR

SPECIAL USE PERMIT CASE NO. SB07-019

Sierra Nevada Teen Ranch
(As Amended by the Board of Adjustment on February 3, 2011)

*****IMPORTANT—PLEASE READ*****

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. 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 THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

Exhibit A

GENERAL CONDITIONS

1. The applicant shall demonstrate conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. A copy of the Final Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the Special Use Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site or other change of operator under the Special Use Permit. Any subsequent purchaser/ operator of the site and/or the Special Use 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.
4. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license. The Department of Community Development shall determine compliance with this condition.
5. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
6. 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.
7. The development of the facility shall comply with the following phasing plan:
 - Phase 1: First residential building, water and septic and first phase of water tank. Completion Date: February 12, 2013
 - Phase 2: Second residential building, barn and expansion of water tank. Completion Date: February 12, 2015
 - Phase 3: Third residential building, vocational building and expansion of water tank. Completion Date: February 12, 2017
 - Phase 4: Fourth residential building, multipurpose building, reception center and final expansion of water tank. Completion Date: February 12, 2020Failure to comply with the above phasing will render that phase and subsequent phases of the Special Use Permit null and void. The Department of Community Development shall determine compliance with this condition.

Exhibit A

8. 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.

9. To blend with the surrounding landscape, the water tank shall be painted a dark, non-glossy color. The applicant shall provide color samples to the Department of Community Development prior to issuance of a building permit. The Department of Community Development shall determine compliance with this condition.
10. The applicant shall return to the Board of Adjustment after the first year of operation to review compliance with the conditions of approval and review the status of the facility. At that time the Board of Adjustment shall determine if more stringent conditions or revocation of the special use permit with a referral to the Board of County Commission are required. Additionally, following the first year of operation, the applicant shall return to the Board of Adjustment if more than two (2) complaints are received by and substantiated by the Washoe County Sheriff's office against the facility. The Department of Community Development shall determine compliance with this condition.
11. The applicant shall keep a snowplow (or snow plowing equipment) and a snowcat on site at all times. Staff operating the snowplow equipment will be licensed or certified if licensing or certification is offered by the Department of Motor Vehicles or other state agencies. This equipment shall be stored within an enclosed structure when not in use. The Department of Community Development shall determine compliance with this condition.
12. The applicant shall be responsible for maintaining the primary access road to the site. Failure to comply with this condition may result in revocation of the Special Use Permit.
13. The applicant shall record with the Washoe County Recorder a deed restriction that prohibits the sale of the property for residential purposes unless all structures associated with the teen group care facility are removed from the site. The Department of Community Development shall determine compliance with this condition.

LANDSCAPING AND DESIGN CONDITIONS

14. The following conditions are requirements of the Department of Community Development and it shall be responsible for determining compliance with these conditions:
- a. The applicant shall submit a landscaping design plan to the Department of Community Development for review and approval. Said plan shall address, but not be limited to: landscaping material, plant material (including type, size at time of

Exhibit A

planting, maturation size at full growth, period of time between planting and full growth), landscaping location, and the landscaping irrigation system.

- b. All landscaping shall be maintained in accordance with the provisions found in Washoe County Code Section 110.412.75, Maintenance. A three year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, prior to issuance of a building permit. The plan shall be wet-stamped.
- c. The applicant shall revegetate all disturbed areas on the subject site with native vegetation, except those areas permanently stabilized by a structure, pavement or ornamental landscaping that provides 50% or greater coverage by living plant material. Temporary irrigation shall be provided to all disturbed areas for a time period of not less than three years.
- d. Prior to the issuance of any permits by the Building and Safety Department, the applicant shall provide the Department of Community Development with a copy of an approved dust control permit issued by the Air Quality Management Division.

ENGINEERING CONDITIONS

15. The following conditions are requirements of the Engineering Division and it shall be responsible for determining compliance with these conditions:
 - 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 (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal 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 owner/developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
 - c. The owner/developer shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
 - d. A grading bond of \$1,500/acre of disturbed area shall be provided to the Engineering Division prior to any grading.
 - e. All driveway improvements necessary to serve the project shall be designed and constructed to County standards and specifications.
 - f. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the

Exhibit A

methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties.

- g. Standard reinforced concrete headwalls or other approved alternatives shall be placed on the inlet and outlet of all drainage structures and rip rap shall be used to prevent erosion at the inlets and outlets of all pipe culverts to the satisfaction of the County Engineer.
- h. Any roads disturbed or used as material haul routes shall be restored to at least preconstruction condition. The County Engineer shall determine compliance with this condition.
- i. Provide documentation of legal access from the site to a public right-of-way.
- j. Owner shall grant to Washoe County an easement, 50 feet wide, for public access, public utilities, and drainage over the existing dirt road shown as a presumed public road on the Presumed Public Roads map as published by Washoe County. If any portion of the easement is relocated to a different location, the owner shall construct that portion of the road being relocated. The County Engineer shall determine compliance with this condition.

FIRE CONDITIONS

- 16. All developments, both commercial and residential, shall provide two independent and separate means of fire apparatus access. Permanent all-weather fire apparatus access roadways shall be required, following Washoe County Standards, not less than 20 feet in width. The 2003 International Fire Code (IFC) requires that the fire apparatus access roadways extend to within 150 feet of all portions of the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building.
- 17. All approved fire apparatus access roadways used for emergency access shall have a minimum clear and unobstructed width of 20 feet as outlined in Section 503.2.1 of the 2003 IFC. Therefore, a minimum street width of 34 feet, face of curb to face of curb (ffc to ffc) is necessary in order to permit residential motor vehicle on-street parking.
- 18. The applicant shall install fire hydrants with fire flows acceptable to RFD. For fire flow information and exact locations, please contact RFD Division of Fire Prevention, Plan Review Services.
- 19. Fire sprinkler systems and fire alarm systems will be required for this project as required per 2003 International Fire Code and must be approved by RFD Plan Review Section at time building permits are obtained.
- 20. Information/details on the proposed 250, 000 gallon tank for fire uses must be approved by RFD Plan Review Section. Building the water storage tank in phases must also be approved by the RFD Plan Review Section when building permits are obtained. Not enough information in packet to approve at this time.
- 21. Defensible space is to be provided around all buildings to provide proper clearances in case of fire. Width of clearances will vary depending on locations. Defensible space

Exhibit A

provisions shall be consistent with Section 304.1.2 of the 2003 International Fire Code and Chapter 6 Section 603 of the 2003 International Wild-Urban Interface Code.

22. Prior to the issuance of a building permit and grading permit, the applicant shall meet with the Washoe County Fire Services Coordinator to develop and subsequently submit an acceptable Construction Safety Management Plan to the WC Fire Services Coordinator and the applicable fire agency. The Washoe County Fire Services Coordinator and the appropriate fire agency shall determine compliance with this condition.

DEPARTMENT OF WATER RESOURCES CONDITIONS

23. Water rights in accordance with Article 422 of the Washoe County Development code and the North Valley's Area Plan shall be dedicated to Washoe County prior to the release of the building permit. The water rights must be in good standing with the State Division of Water Resources and shall reflect the point of diversion, place of use, and manner of use satisfactory to the Department of Water Resources (DWR).

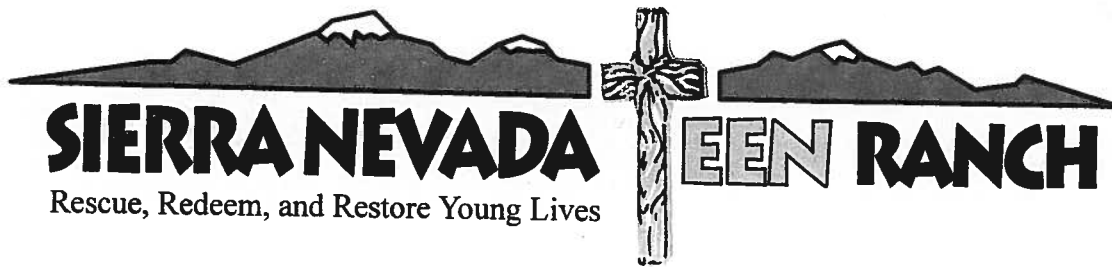
VECTOR CONDITIONS

24. The proposed directional drainage swales for drainage improvement shall be designed with 4-6 inch cobble rock placed in the bottom and side slopes of this facility. The Department of Community Development and the District Health Department shall determine compliance with this condition.
25. If turf is placed adjacent to impermeable surfaces, a minimum 18 inch no sod setback shall be required from the back face of these surfaces. A wind sensor control unit will also need to be included as part of the irrigation system.

NEW CONDITION

26. A licensed Emergency Medical Technician (EMT) shall be on-site at all times. The Department of Community Development shall determine compliance with this condition.

***** END OF CONDITIONS *****



December 11, 2012

Washoe County
Department of Community Development
1001 E. 9th Street, Bldg. A
Reno, NV 89512

To whom it may concern:

Per the submittal requirement(s) for an Amendment of Conditions application, Sierra Nevada Teen Ranch hereby request an extension of time by two (2) years to each of the phases of Special Use Permit (SUP) #SB07-019, and that the conditions of said SUP be amended to reflect the same. Applicant makes this request due to the sluggishness of the economy which has resulted in a delay of funding needed to complete development.

Respectfully,

A handwritten signature in black ink, appearing to read "Marvin Neal", is written over a horizontal line.

Marvin Neal
President





Board of Adjustment Staff Report

Meeting Date: February 7, 2013

Subject: Appeals Procedure Ordinance
Applicant: Community Development Department

Agenda Item No. 8G

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**

Note: The original staff report on this item was discussed by the Board on December 6, 2012 and the Board asked for some changes to be made and brought back to the Board. This staff report is marked (in red) to show the changes proposed.

Description

Draft Ordinance Amending Articles 912 and 914 - Following up on comments made at the December 6 meeting of the Board, review *updated and revised* 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

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. In November 2012, 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 **ministerial prehearing procedural matters, including prehearing conferences, discovery proceedings, briefing schedules, and evidence assembly and marking; however, questions regarding jurisdiction or issues to be decided by the Board or admissibility of evidence are to be decided by the Board;**

- Empowers the Board Chair to issue subpoenas (authorized by NRS 278.290.1) to compel attendance of witnesses.
- 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, Division Director

(Rev. 1-30-13)

**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

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 be 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. 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 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 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 ministerial prehearing procedural matters, including prehearing conferences, discovery proceedings, briefing schedules, evidence assembly and marking ; however, matters

- involving jurisdiction or issues to be heard by the Board, or admissibility of evidence are to be heard by the Board;
- (ii) Issue subpoenas compelling witnesses to appear before the Board; and
 - (iii) Schedule the hearing before the Board.
- (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 3. Subsection 110.912.10 (f) of Washoe County Code is hereby amended to read as follows.

Section 110.912.10 Washoe County Board of Adjustment.

(f) Powers of Board

- (1)** ~~(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. 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.

David A. Humke
Chairman

ATTEST:

Amy Harvey, County Clerk