



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Kristina Hill, Chair
Clay Thomas, Vice Chair
Lee Lawrence
Rob Pierce
Brad Stanley
Trevor Lloyd, Secretary

Thursday, April 1, 2021

1:30 p.m.

Zoom Teleconference Meeting Only

No members of the public will be allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting will be held by teleconference only.

The meeting will be televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

The Washoe County Board of Adjustment met in regular session on Thursday, April 1 2021, via Zoom.

1. Determination of Quorum [Non-action item]

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

Members Present: Kristina Hill, Chair
Clay Thomas, Vice-Chair
Rob Pierce
Brad Stanley

Members Absent: Lee Lawrence

Staff Present: Dan Cahalane, Planner, Planning and Building Division
Jennifer Gustafson, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division
Lacey Kerfoot, Office Support Specialist, Planning and Building Division

2. Pledge of Allegiance [Non-action item]

Member Thomas led the pledge of allegiance.

3. Ethics Law Announcement [Non-action item]

Deputy District Attorney Gustafson presented the Ethics Law standards.

4. Appeal Procedure [Non-action item]

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

5. Public Comment [Non-action item]

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

6. Approval of the Agenda [For possible action]

In accordance with the Open Meeting Law, Member Pierce moved to approve the agenda of April 1, 2021. Member Thomas seconded the motion which carried unanimously.

7. Approval of the March 4, 2021 Draft Minutes [For possible action]

Chair Hill noted she had some changes to the minutes. She stated on page 3, “existing building encounter 1936” doesn’t make sense. Allows cottage to have a slightly larger sleeping space as maintaining as maintaining,’ remove the repeating words. At the end of page is says ‘Chair Hill said it would go through the ‘State Historical Office,’ it should be Historic not Historical. On page 5, the third paragraph says ‘The County of Crossbow road ends at the terminus’ doesn’t makes sense. Chair Hill said she was not sure what was said but asked that the above items be reviewed and the corrections made. Member Pierce moved to approve the minutes of March 4, 2021 as amended. Member Thomas seconded the motion which carried unanimously.

8. Public Hearing Items [For possible action]

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

A. Special Use Permit Case Number WSUP20-0011 (Summit Church Tower) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for the construction of wireless cellular facility consisting of nine ground-mounted antennas and antenna equipment within a 75ft tall faux water tower in a public and semi-public facilities regulatory zones, and a request to vary landscaping standards by waiving all formal landscaping requirements due to irrigation concerns.

- Applicant: Epic Wireless for Verizon Wireless
- Property Owner: Summit Christian Church
- Location: East of the intersection of Pyramid Way and Golden View Dr.
- APN: 083-730-13
- Parcel Size: 36.7 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Public and Semi-Public facilities
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 324 and 810
- Commission District: 5 Commissioner Herman
- Staff: Dan Cahalane, Planner
Washoe County Community Service Department
Planning and Building
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

Member Pierce disclosed he knows the applicant of the Summit Christian Church, who is the property owner. DDA Gustafson asked Member Pierce to explain his relationship and if it would impact his decision. Member Pierce noted he has had coffee with the property owner but did not discuss this project. He is the property owner, not the applicant. Member Pierce did not recuse himself.

Dan Cahalane, Washoe County Planner, provided a staff report presentation.

Buzz Lynn, the applicant representative with Epic Wireless, was available for questions.

Member Stanley noted this application has come before us before and the CAB had endorsed it. He asked if there have been any changes since then. Mr. Lynn stated the design was changed at the request of Mr. Winslow based on the fact that a 16 ft rock was not a good fit. He stated they went through several iterations. The original design was for the water tower and they resisted because we felt AT&T had a fake rock that we could do. The height of the rock didn't work well and materials weren't appropriate for the location based on AT&T's existing rock so they went back to the original design. Member Stanley asked if the change of design was the reason for the CAB chair's comment about the design of the water tower being an eye sore. Mr. Lynn stated he couldn't speculate the CAB Chair's comment. He said there was a change in design and location because the water tower structure wasn't appropriate in the rock location. Mr. Cahalane stated this didn't go to the CAB for the hearing as it was postponed at the request of the applicant prior to tentatively coming before this Board in August. Member Thomas inquired about the current rock that is being used by another company. He asked if the rock dimensions would be similar to the existing rock. Mr. Lynn said the Verizon rock would have been much taller to get the necessary signal and coverage. Member Thomas said if you went with the original rock, you would not have the amount of coverage that the map reflects in the packet. Mr. Lynn confirmed the map in the packet is accurate. Member Thomas asked why the rock was proposed in the first place. Mr. Lynn noted it was proposed to be consistent with the existing rocks. He said after looking at it, it probably wasn't an appropriate placement and design and color. He added the original proposal was the 16 ft rock. The rock size would have needed to be increased because 16 feet wasn't adequate and would have needed to go to 20 ft but the radio engineer stated it wouldn't have worked for them. He said Mr. Winslow agreed. It is too big of a rock and it was unattractive. Mr. Winslow said the reason for making the change was the existing rock is smaller and less intrusive. He said he didn't want the antennas to take over. He thanked Buzz for helping them with the aesthetics. Mr. Winslow said the rocks were not attractive. He said they looked at the water tower at Arrowcreek and Redhawk. He said they believe that is a nice aesthetic and location and is not an eyesore.

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

Member Pierce said he supports improved coverage for the people of Washoe County. He said he has seen these water towers, but has not seen this design, but thinks this will look good. He said if it is modeled after the one at Redhawk, it will look good. He said he supports this.

Member Thomas said after reviewing the coverage map, it is advantageous for the entire community. He said he likes that there is improved coverage. He said his concern after going through photo sims, he said he does not like that the tower stands above the horizon. It does break the horizon. He said we have attempted to avoid that in the past and avoid items that detract from the area. He said that is his concern. He said it is 5 feet above the items in the area.

Member Stanley agreed. He appreciates the applicant's point of view and the improved coverage. He said the photos show it breaks the ridgeline. He said his concern is the Chair of the CAB did not support it. He said with the changes, the CAB chair does not support it. He is concerned about the height and impact on the horizon. Chair Hill asked if the tower can be shorter. Mr. Lynn said the short answer is maybe. He said the tower was designed with additional height to accommodate co-location carriers at the County's desire. If the County wants a lower height, the ability to co-locate would go away and they could reduce the height if the co-location requirement is willing to be overlooked to accommodate the aesthetic of the height. He said we did design with co-location in mind. He said the CAB Chair's comment was that it is ugly, it was mentioned the color was the outstanding feature.

Mr. Cahalane explained co-location is the ability to have a second array from another wireless provide on the same tower.

Member Stanley asked if the other design had the ability to have co-location. Mr. Lynn noted no, the other companies were already up there in the cross. Sprint will have to relocate. He said it is

Sprint, T-Mobile, and AT&T. Verizon is not on the hill and that is why we included the ability to co-locate for someone to join us on that tower. Chair Hill said she thinks that better than having another tower.

Member Pierce said he has driven by the location and Pyramid Highway is a lot lower. He stated he thinks the pictures we are looking at might be a different illusion. He said he is assuming if you get closer to the water tower that it might look nicer.

Member Thomas asked about the nine ground mounted antennas at that location. Mr. Cahalane noted that is a typo. There are no ground towers. We are only addressing 75 ft tower. Member Thomas asked the minimal height possible. Mr. Lynn said there is a gradient of signal degradation with the reduction of height. He said he does not have an exact answer. He said without the stealth, they would be able to go 65 ft which should not present a problem. If the Board prefers 55 ft, it would be possible, but co-location would go away. Mr. Lynn said inside industry information, Sprint and T-Mobile have merged and one of those antenna arrays would go away. He wasn't sure which one it will be but would guess the T-Mobile would be the remaining carrier.

Member Stanley asked how high the rock height was. Mr. Lynn said the height of the rock design was 24 ft. He said the coverage would be similar. Member Stanley said at that configuration it achieved similar results. Mr. Lynn spoke about the two designs and differing locations. A taller structure of a water tank should be moved back where the other water tanks are and change the color to white to match the other tanks. He said they would be fine with that. Member Stanley spoke about breaking of the ridgeline. Mr. Lynn wished they could have presented to the CAB but unfortunately could not, due to lack of a quorum.

Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions 1) Special Use Permit Case Number WSUP20-0011 for Verizon Wireless and 2) the request to vary standards with the conditions within Exhibit A, having made all five findings in accordance with Washoe County Code Section 110.810.30 and Section 110.324.75:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs;
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 cellular facilities 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.

Member Thomas asked if that was with any reduction in height. Member Pierce stated it is as stated to preserve the improved coverage. Chair Hill seconded the motion. Member Thomas and Member Stanley denied the motion. The motion did not pass due to a tie.

Mr. Lloyd asked if there were any other motions and he asked if the applicant's representative would be willing to compromise. Mr. Lynn said yes. He said the motion could be restated with 55 ft. height. He said we could meet that condition of approval.

Member Stanley said when this happened before, the Board asked the applicant to go through the CAB process. He said changes were made for good reason. He asked what the process or appetite of the Board was to postpone so they could go back through the CAB. Mr. Lloyd stated it was

scheduled for the CAB, and at no fault of the applicant, the CAB did not have a quorum. He said he doesn't know if the applicant should be punished because the CAB didn't make a quorum. He said a postponement would need authorization from applicant. They are on a state mandated to hold a hearing. The applicant needs an approval or denial. Postponement is not an option.

Member Thomas thanked Mr. Lynn for his information and willingness to adjust the height of the tower. He said coverage is important out there. He said he is concerned with visual impacts. He said a reduction of 20 feet with the same coverage, he would support it. Mr. Lynn thanked him. Mr. Cahalane said the regulatory height requirement is 65 feet by right. DDA Gustafson said by-right of the development code, the applicant has the right to have a structure that is 65 feet. Chair Hill said they are willing to come down 20 feet. DDA Gustafson asked if the applicant is willing to stipulate they are willing to have a tower 55 feet and it still meets their needs and they are willing to amend the application for 55 feet. She said to Dan's point, the development code allows for 65 feet as of right. The question is if this Board can mandate 55 ft given that the development code allows for 65 ft.

Member Stanley asked if they could amend their right to have 65 feet allowable by development code. DDA Gustafson stated if the applicant wants a 55 ft structure, the applicant can do that. They do not have to build to the maximum height as stated in the development code. Mr. Lynn stated they came into this with the request of 75 feet which is allowed under the development code also allowed at 65 feet with no stealthy required; however, under the circumstances, understanding the height is the critical issue here in the discussion, Verizon has the ability to go to 55 feet. We would be accepting of this in the case, otherwise we would simply be asking for the right that is allowed in the code and we would be compliant with that. If 55 feet is the only way to get this site approved, we would abide by that. He said they do appreciate staff pointed out 65 ft is allowed. It is the Board's decision to go with 75, 65, or 55 feet.

Member Thomas reiterated Mr. Lynn's statement. He said there are options and by law it could go up to 65-75 feet. He asked if they could work with 55 feet and if that would be sufficient with approval of this project. Mr. Lynn said yes. Member Stanley and Thomas said they appreciate that.

Chair Hill asked Member Pierce if he wished to amend his motion.

Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions 1) a 55 ft. maximum height tower 2) Special Use Permit Case Number WSUP20-0011 for Verizon Wireless and 3) the request to vary standards with the conditions within Exhibit A, having made all five findings in accordance with Washoe County Code Section 110.810.30 and Section 110.324.75. Member Thomas seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs;
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 cellular facilities 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.

Mr. Lynn thanked the Board, staff, and Mr. Winslow.

B. Special Use Permit Case Number WSUP21-0003 (Cooper Grading) [For possible action]

– For hearing, discussion and possible action to approve a special use permit for major grading on a parcel with a slope of 15% or more and is more than 6 acres; on an area of approximately ±46,000 sq. ft. with ±3,900 cubic yards of cuts and ±2,900 cubic yards of fill; and a driveway that traverses a 30% slope to facilitate the construction of a new single family residence and detached garage.

- Applicant/Property Owner: Jimmy & Marianna Cooper Family Trust
- Location: 1,100 feet from the intersection of El Molino & La Mancha Dr.
- APN: 076-381-64
- Parcel Size: 10 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Trevor Lloyd, Planning Manager, provided a staff report presentation in Julee Olander’s absence.

Member Stanley asked how close the nearest residence is. Mr. Lloyd noted they are surrounded by existing residences. He showed a graph. It is a rural residential development. Member Stanley noted we have been eliminating or modifying weekend hours of construction, in residential areas. Mr. Lloyd stated sound does carry, therefore, there is a condition that would limit hours of construction Monday - Saturday, 7:00 a.m. – 7:00 p.m.

Chair Hill lost connection. Member Thomas chaired the meeting until she re-joined the meeting. He said according to the documents, the garage will be larger than the residence. He said its listed at 4,000 sq. ft. He asked since the garage is bigger, does it require another special use permit. Mr. Lloyd noted it may require an administrative permit. He noted they look at the footprint, not just the habitable space. If that is in fact smaller, it will require an administrative permit. He noted the applicant is on the line to answer that question. Member Thomas asked about the 30% grade for the driveway. He asked if Truckee Meadows Fire Protection District (TMFPD) had any comment on the project. He said he thought given slopes, there were criteria to make the road wide enough to get the fire trucks up the road and there must be a turn-around for the trucks. He said in the past, when there were steep slopes, the TMFPD has made comments about the road width. Mr. Lloyd noted with any residential driveway, a certain grade cannot be exceeded. He said he does not believe the grade is 30%, rather they are traversing current natural slope.

Ryan Switzer, the applicant’s representative, and civil engineer was available to answer questions. He referenced the slope labels on the parcel map. He said Mr. Lloyd is correct. The driveway itself is 9.6% downhill. He said the maximum to have an unpaved driveway, according to the fire department, is 10%. He said they are below that threshold. He showed the hammerhead design of the driveway incorporated into the design. He said they were careful to adhere to the code. Member Thomas thanked him.

Member Stanley said that is good news about the information of the driveway. He asked the width. Mr. Switzer noted its 20 feet wide and that falls into the International Fire Code. He showed the driveway and setbacks and other restrictions for why they limited it to 20 feet.

Mr. Switzer noted staff presented everything adequately. He noted this is the preliminary request, but they are willing to adjust grading plans, so the export remains on-site and feathered into the site. He showed that the northside of grading is fill slopes 3:1. He said if we feathered them out to 4:1-5:1, the fill could be dispersed without needing to export off-site.

Member Thomas asked if the garage is larger than the house. Mr. Switzer stated Jimmy Cooper, the applicant, may be on to answer that question, but he said the house is currently 3,500 sq. ft and the garage is proposed to be 3,000 sq. ft. so the garage is smaller. They will not be applying for an administrative permit. Mr. Cooper confirmed the garage is smaller than the house.

Chair Hill returned to the Zoom meeting.

Public Comment

Robert Long, a neighbor, asked the distance from garage to the house. Mr. Lloyd noted its public comment, not time for question and answer.

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

Member Stanley asked the approximate distance from residence to garage. Mr. Lloyd shared his screen and showed the grading map; he said approximately 300-400 feet. Mr. Cooper agreed. Chair Hill asked if there are two garages. Mr. Cooper noted there is a garage on the residence, the other garage is storage for recreational vehicles. Chair Hill asked the slope. Mr. Cooper said 9%. Chair Hill asked about the feathering of grading on-site. She asked if they need to get a revision to the application instead of exporting. Mr. Lloyd asked the applicant to clarify. Mr. Switzer said the grading plan, in the application states, 1000 cy will be removed and taken elsewhere. The applicant would not like to pay for that. They have 10 acres of land and would like to use that material on-site. He said the steepest they could have is 3:1, and they could lessen the slopes 4:1-5:1. He said they would not have to come back for increased area of disturbance because they already crossed that threshold. We would not trigger any other requirements by fanning out the grading. We could contain it on-site. Chair Hill asked how it will be stabilized. She asked if it will be revegetated to prevent erosion. Mr. Switzer said all disturbed areas need the approved seed mix. He had discussed this with applicant, there is natural rock and crushed rock might be more cost effective and a more economical solutions. Rock would fit into the natural landscaping. It is pretty rocky terrain. He said rock might be a better route than seeding. Mr. Lloyd noted they encourage reduced slopes from 3:1 down to 4 or 5:1. Revegetation is better with a lesser slope. Chair Hill asked about the gravel versus seed. Is that an acceptable method. Mr. Lloyd said he will review conditions and believes revegetation versus bare dirt. Mr. Switzer said 8 inch minus riprap will be installed. Mr. Lloyd said we do not allow riprap. Mr. Switzer said there is a lot of rock. Mr. Lloyd stated riprap is not prohibited for slope stabilization. He said we allow for boulders and rock mulch. He said certain areas prohibit a certain size of riprap. He said he can get clarification.

Member Stanley asked if that applies for drainage and waterways. Mr. Lloyd said no, those are exempted. Those can allow riprap. Member Stanley asked about drainage in the area. Mr. Switzer said there is a large drainage traversing east to west through the site. Member Stanley wondered if the drainage area would allow for on-site material and meet code without revegetation which could be seen as a fire issue. Mr. Switzer said providing excess material in drainage is not allowed. It can trigger other permitting with Army Corp of Engineers. Member Stanley withdrew his questions. Mr. Switzer said he found in section 10.438.50 of the development code, riprap is prohibited on cut slopes, but not prohibited in fill slopes. There is no restriction on fill slopes. He said they define 6–36-inch diameter rock, according to code. We only want to use it on fill slopes. Mr. Lloyd asked that the Board require the applicant to meet code when submitting the grading plans in addition to conditions. Chair Hill asked about the revegetation condition. Chair Hill read the Washoe County Conservation District

requirements for 3:1 slopes. Mr. Lloyd said where riprap may be allowed by code, there could be a combination of both so they are meeting revegetation condition.

Member Thomas said he agrees with Mr. Lloyd that if we make a motion stating the applicant meets the county code that should cover all areas whether riprap or revegetation. We aren't making any special adjustments. It would stand on its own merit if it is allowed or not.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve, with amended conditions to include adjustments to allow grading materials to remain on-site in compliance with Washoe County code, Special Use Permit Case Number WSUP21-0003 for Jimmy and Marianna Cooper Family Trust, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

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

9. Chair and Board Items [Non-action item]

A. Future Agenda Items

None

B. Requests for Information from Staff

Chair Hill asked when we can meet in-person. Mr. Lloyd noted we are status quo for the next few months. He hopes the Board can meet in chambers at some point in the summer.

10. Director's and Legal Counsel's Items [Non-action item]

A. Report on Previous Board of Adjustment Items

Mr. Lloyd noted the revocation request for the De La Luz operation that came before the Board was approved by the Board of County Commissioners on March 23rd.

B. Legal Information and Updates

None

11. Public Comment [Non-action item]

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

Mr. Lloyd introduced Lacey Kerfoot, newest administrative staff team member.

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

12. Adjournment [Non-action item]

The meeting adjourned at 3:04 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on May 6, 2021

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment