



WASHOE COUNTY BOARD OF ADJUSTMENT Notice of Meeting and Agenda

Board of Adjustment Members

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

Thursday, February 4, 2021

1:30 p.m.

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

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>

PUBLIC HEARING ITEMS

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

- **Mommies & Daddies Daycare Appeal**
- **Special Use Permit Case Number WSUP20-0025 (Ormat Temp Aggregate)**
- **Special Use Permit Case Number WSUP20-0023 (Burns Family Grading)**
- **Special Use Permit Case Number WSUP20-0027 (Copart Sublot)**
- **Special Use Permit Case Number WSUP20-0026 (Bowl Incline)**
- **Special Use Permit Case Number WSUP20-0022 (449 Lakeshore Grading)**
- **Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Event Revocation)**

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. Public comments are welcomed during the public comment periods at the beginning and end of the meeting and during public hearing and project review items and are limited to three (3) minutes per person. Persons may not allocate unused time to other speakers.

In accordance with the Governor of Nevada's Declaration of Emergency Directive 006 Section 2, members of the public may submit public comment by teleconference by logging into the ZOOM webinar at the following link and utilizing the "Raise Hand" feature during any public comment period: <https://us02web.zoom.us/j/89747998222> NOTE: This option will require a computer with audio and video capabilities. Additionally, public comment can be submitted via email to washoe311@washoecounty.us or by leaving a voice message at: (775) 954-4664. Voice messages received will either be broadcast into the Commission Chamber during the meeting or transcribed for entry into the record. The County will make reasonable efforts to include all comments received for public comment by email and voicemail into the record. Please try to provide comments by 4:00 p.m. on February 3, 2021.

During the general public comment periods at the beginning and end of the meeting, speakers may address any matter either on or off the agenda, including items heard on the consent section of the agenda. For the

remainder of the agenda, public comment will only be heard during public hearing and project review items and should be about the specific item being considered by the Board at that time. If an item is continued, then public comment will not be heard for that item until the date of the continued hearing.

Presentations and public comment for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair. All comments are to be directed to the Board as a whole and not to one individual. Emails will be included in the record but will only be read aloud during the meeting subject to the chair's discretion and if time permits.

Public Participation. 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.

Responses to Public Comments. The Board of Adjustment may deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. The Open Meeting Law does not expressly prohibit responses to public comments by the Board. However, responses from Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. To avoid this situation and to ensure that the public has notice of all matters the Board will consider, members may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action, or to ask that a matter be listed on a future agenda.

Forum Restrictions and Orderly Conduct of Business. The Board of Adjustment conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

Posting of Agenda; Location of Website. Pursuant to NRS 241.020, the Agenda for the Board of Adjustment has been electronically posted at https://www.washoecounty.us/csd/planning_and_development/board_commission/board_of_adjustment/index.php and <https://notice.nv.gov>. Pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 3, the requirement that public notice agendas be posted at physical locations within the State of Nevada has been suspended.

How to Get Copies of Agenda and Support Material. Copies of this agenda and supporting materials for the items on the agenda provided to the Board of Adjustment may be obtained on the Planning and Building Division's website at (http://www.washoecounty.us/csd/planning_and_development/board_commission/board_of_adjustment/index.php) or at the Planning and Building Division Office (contact Donna Fagan, 1001 E. Ninth Street, Building A, Room A275, phone 775.328.3616 or e-mail dfagan@washoecounty.us). If you make a request, we can provide you with a link to a website, send you the material by email or prepare paper copies for you at no charge. Support material is available to the public at the same time they are available to Board members. If material is distributed at a meeting, it is available within one business day after 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 775.328.6100. You will be informed of the appeal procedure, and application fee. Appeals must be in writing and must be delivered to the Planning and Building Division within 10 calendar days from the date that the decision being appealed is signed by the Secretary of the Board of Adjustment and mailed to the original applicant in the proceeding being appealed, in accordance with Washoe County Code.

AGENDA

1:30 p.m.

1. **Determination of Quorum** [Non-action item]
2. **Pledge of Allegiance** [Non-action item]

3. Ethics Law Announcement [Non-action item]

4. Appeal Procedure [Non-action item]

5. Public Comment [Non-action item]

Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the agenda. However, 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. Comments are to be made to the Board of Adjustment as a whole.

6. Approval of the Agenda [For possible action]

7. Approval of the [December 3, 2020 Draft Minutes](#) [For possible action]

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. [Mommies & Daddies Daycare Appeal](#) [For possible action] – For possible action, hearing, and discussion on an appeal of the Community Services Department’s requirement to impose required roadway improvements to Deli Street per Section 110.436.20 and 110.436.60 of the Washoe County Code.

- Appellant/Owner: Nikole Jacob-Jones,
Mommies and Daddies PreSchool, LLC
- Location: 100 Deli Street
- APN: 080-191-06
- Parcel Size: .045 acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 302, Article 304, Article 810
- Commission District: 5 – Commissioner Herman
- Staff: Trevor Lloyd, Planning Manager
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3617
- Email: tlloyd@washoecounty.us

B. [Special Use Permit Case Number WSUP20-0025 \(Ormat Temp Aggregate\)](#) [For possible action] – For possible action, hearing, and discussion to approve a special use permit to allow: 1) a 9-acre restricted market temporary aggregate facility to serve as an aggregate facility for WSUP20-0013, and 2) a request to vary paved parking and maneuvering standards and all landscaping standards.

- Applicant: ORNI 36, LLC
- Property Owner: Kosmos Company
- Location: Approximately 6.4 miles southwest of the intersection of Highway 447 and Rodeo Creek Rd.

- APN: 071-070-09
- Parcel Size: 155.9 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire
- Development Code: Authorized in Article 332, 810
- Commission District: 5 – Commissioner Herman
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

C. Special Use Permit Case Number WSUP20-0023 (Burns Family Grading) [For possible action] – For possible action, hearing, and discussion to approve a special use permit to allow major grading, including previous unpermitted grading and earthwork totaling approximately 1,500 cubic yards of excavation, and disturbance of a total area of approximately 187,308 square feet (approximately 4.3 acres). Grading of more than one acre on a parcel that is less than six acres in size is Major Grading in accordance with the Washoe County Development Code at 110.438.35(a)(1)(i)(A).

- Applicant/Property Owner: Burns Living Trust
- Location: 3160 Clark Drive, approximately 750 feet southeast of its intersection with Magpie Way, in Washoe Valley
- APN: 050-550-10
- Parcel Size: ± 5.90 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 438, Grading
- Commission District: 2 – Commissioner Lucey
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

D. Special Use Permit Case Number WSUP20-0027 (Copart Sublot) [For possible action] – For possible action, hearing, and discussion to approve a special use permit for Inoperable Vehicle Storage Use Type and to approve Major Grading in the amount of approximately 6,465 cubic yards and a disturbance of approximately 9.3 acres (approximately 405,336 square feet) and to eliminate all required landscaping in accordance with Article 412, Landscaping, and to eliminate all required pavement in accordance with Article 410, Parking and Loading on two parcels of land.

- Applicant: Copart of Arizona, Inc
- Property Owner: White Lake Properties, LLC
- Location: 19905 Reno Park Boulevard, approximately ½ mile southwest of its intersection with North Virginia Street

- APN: 081-131-35 and 081-131-34
- Parcel Size: ± 10.268 and ± .057 acres
- Master Plan: Industrial
- Regulatory Zone: Industrial
- Area Plan: Cold Springs
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 302, Allowed Uses and Article 438 Grading
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

E. Special Use Permit Case Number WSUP20-0026 (Bowl Incline) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for an outdoor amusement use type and to expand an amusements and recreation services use type. These use types require a Special Use Permit per the Incline Village Commercial Community Plan.

- Applicant/Property Owner: Steven and Tracy Tomkovicz
- Location: 920 Southwood Boulevard
- APN: 132-232-08
- Parcel Size: 1.18 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.us

F. Special Use Permit Case Number WSUP20-0022 (449 Lakeshore Grading) [For possible action] – For possible action, hearing, and discussion to approve a special use permit for major grading to allow for a driveway to traverse a slope of thirty (30) percent or greater; to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; to excavate 1,398 cubic yards on slopes greater than 15%; and grade 28,380 sf (0.65 acres) on a parcel less than six acres in size. The proposal is also requesting to vary WCC Section 110.438.45 (d) to allow retaining walls taller than and one-half (4.5) feet within the front yard setback.

- Applicant/Property Owner: Myers Family Trust
- Location: 449 Lakeshore Blvd.
- APN: 123-250-08
- Parcel Size: 1.32 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe

- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.us

G. Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Event Revocation)

[For possible action] – For possible action, hearing, and discussion to revoke Special Use Permit Case Number SB13-008 (De La Luz Horse Racing Events) for cause, specifically non-compliance with one or more conditions of approval, in accordance with Section 110.810.70(b)(2) and (3) of the Washoe County Code.

- Applicant: Washoe County
- Property Owner: Hilaria De La Luz
- Location: 6205 Grass Valley Road, Warm Springs Valley
- APN: 076-340-13
- Parcel Size: +40.13 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural Agriculture (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs
- Development Code: Authorized in 302, Allowed Uses; and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.us

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

- A. Future Agenda Items
- B. Requests for Information from Staff

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

- A. Report on Previous Board of Adjustment Items
- B. Legal Information and Updates

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.

12. Adjournment [Non-action item]