



WASHOE COUNTY BOARD OF ADJUSTMENT Draft Minutes

Thursday, July 1, 2021
1:30 pm.

Board of Adjustment Members

Kristina Hill, Chair
Clay Thomas, Vice-Chair
Don Christensen
Rob Pierce
Brad Stanley
Secretary
Trevor Lloyd

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street, Building A
Reno, NV 89512

and available via

Zoom Teleconference

The Washoe County Board of Adjustment met in regular session on Thursday, July 1, 2021, in Washoe County Commission Chambers and via Zoom.

1. Determination of Quorum [Non-action item]

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

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

Members Absent: None

Staff Present in Chambers: Roger Pelham, Senior Planner, Planning and Building Division
Trevor Lloyd, Planning Manager, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division
Lacey Kerfoot, Recording Secretary, Planning and Building Division

Staff Present via Zoom: Julee Olander, Planner, Planning and Building Division
Katy Stark, Planner Trainee, Planning and Building Division

2. Pledge of Allegiance [Non-action item]

Member Christensen led the pledge of allegiance.

3. Ethics Law Announcement [Non-action item]

Michael Large recited 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 requests for public comment, Chair Hill closed public comment.

6. Approval of the Agenda [For possible action]

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

7. Approval of the June 3, 2021 Draft Minutes [For possible action]

Member Thomas moved to approve the minutes of July 3, 2021, as written. Member Pierce seconded the motion which carried unanimously.

8. Possible Action to Approve a Resolution of Appreciation of Service for Lee Lawrence and to Authorize the Chair to Sign the Resolution on Behalf of the Board of Adjustment [For possible action]

Chair Hill read and presented a resolution for appreciation of service to Lee Lawrence.

9. 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.

***** 1:41 pm – 2:01 pm – Technical Sound Issues with Zoom Continued Through Item 9A**

A. Administrative Permit Case Number WADMIN21-0007 (Community Pancake Breakfast) [For possible action] – For hearing, discussion, and possible action to approve an administrative permit and outdoor community event business license, with conditions, for the Community Pancake Breakfast, to be held at the North Lake Tahoe Fire Protection District Station in Incline Village on Saturday, July 2nd. The proposed outdoor community event will be held between the hours of 8 am to 10 am. The event organizer estimates a maximum of 750 people will attend the event.

- Applicant Property Owner: North Lake Tahoe Fire Protection District
- Location: 875 Tanager
- APN: 132-223-14
- Parcel Size: 37,284 SF
- Master Plan: Tourist/Mix Use
- Regulatory Zone: Incline Village Commercial
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Julee Olander, Washoe County Planner, was available on zoom. There were technical difficulties, so she did not make a presentation.

Chair Hill complimented the event and the applicant representative, Tia Rancourt, on the telephone.

Member Thomas stated in the staff report and exhibit, July 2nd is a Friday, not a Saturday. There are conflicting dates. Tia Rancourt, NLTFPD Public Information Officer, stated the event is Saturday, July 3rd.

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

Member Stanley asked if it's the 40th year. Chair Hill confirmed and stated it has been a successful community event.

Member Thomas moved 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 Number WADMIN21-0007 for North Lake Tahoe Fire Protection District, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. 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 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 pancake breakfast within the North Lak Tahoe Fire Station and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

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.

***** 2:01 pm – 2:21 pm – Recess to Determine and Resolve Technical Sound Issues with Zoom or Reschedule Meeting**

***** 2:21 pm – Meeting Resumed with Full Zoom Audio**

B. Special Use Permit Case Number WSUP21-0019 (Catholic Charities) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for the use of religious assembly, to permit the addition of a 1,440 sq. ft. modular building for a food pantry and resource hub services at 225 East 5th Ave on the site of an existing church facility. The proposal also requests varying the landscaping requirements by reducing all required landscaping and parking for the additional building.

- Applicant: Catholic Charities
- Property Owner: St Peter Canisius Real Property LLC
- Location: 225 East 5th Ave.
- APN: 085-252-02
- Parcel Size: 4.469 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 302, Allowed Uses & Article 810, Special Use Permits
- Commission District: 3- Commissioner Jung

- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

DDA Large announced, since the meeting has been noticed via zoom and in-person, he advised a quick recess to troubleshoot the technical issues. The Board took a brief recess to troubleshoot technical issues.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Jeremy Summers, the applicant representative, was present to answer questions.

Member Stanley asked if the reduced landscaping is for the new building. Ms. Olander confirmed they have landscaping around the building and street. Because they don't have water for the modular building, they are asking for the requirement to be waived.

Member Thomas stated the application states it's open three days a week but doesn't indicate a set schedule. He asked if they would identify a set schedule. Ms. Olander said it depends on their volunteers and staff at this point.

Member Stanley asked about the entire facility operating schedule. Ms. Olander stated the church is open on Sunday but wasn't aware if it's open during the week.

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

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP21-0019 for Catholic Charities, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Pierce 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 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 Religious Assembly, 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.

C. Special Use Permit Case Number WSUP21-0016 (125 Boron Lane Grading) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for Major Grading, including approximately 200 cubic yards of cut and 1350 cubic yards of fill and the related importation of approximately 1980 cubic yards of aggregate base material for driveway construction. The driveway traverses slopes in excess of 30%.

- Applicant: Graham Quinn

- Property Owner: 125 Boron Series, a Separate Series of Jupiter Gulch LLC
- Location: Eastern terminus of Boron Road, approximately one mile east of its intersection with American Flat Road
- APN: 079-430-11
- Parcel Size: ± 80.52 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in 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

Roger Pelham, Senior Planner, provided a staff report presentation.

Graham Quinn, the owner/applicant, was available to answer questions. He noted Roger's presentation covered the project.

Member Thomas asked how long he has been the owner. Mr. Quinn stated since last October. Member Thomas asked the approximate distance of the driveway. Michael Smith, Robinson Engineering, stated its 800 feet. He noted it's an existing road to an existing pad that will be put back into use. He noted it's relatively flat. He spoke about its grade changes from the cul-de-sac to the pad. Member Christensen inquired about the requirement of Washoe-Storey Conservation District with re-planting junipers. He stated the Fire District isn't happy about the junipers. He asked about the re-planting. Mr. Quinn spoke about the new tree location. He said the new trees will provide screening and will be an adequate distance from the house. Mr. Smith noted it's within a juniper forest. Member Christensen stated he spoke with the fire marshal and their concern is with the distance to the road. Chair Hill read the vegetation condition that the plants must be consistent with the surrounding vegetation. It doesn't have to be juniper, and maybe they can use something else. Member Christensen noted the Conservation District stated juniper in their conditions. Mr. Lloyd stated it's a recommendation, not a condition of approval.

Member Pierce stated this is on top of a hill with sage brush, rocks, and juniper. Mr. Smith said the cul-de-sac is 2/3rds of the way up the hill. It's 1,500 feet more to the top. Member Pierce stated he spoke with the neighbor who is in support of this project. Mr. Quinn shared a picture of the proposed project. He said it's tucked into the mountain, but it's not at the top. He said they are working with what is there. He said they are using materials to blend into the landscape.

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

Member Thomas stated TMFPD was noticed and provided no conditions. He said it's an 800-foot driveway. He said in the past, the boiler-plate language does talk about fire access; however, they didn't make any recommendations for this.

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 Special Use Permit Case Number WSUP21-0016 for Graham Quinn, with the conditions included as Exhibit A to this matter, 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 North Valleys Area Plan;

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

3. Site Suitability. That the site is physically suitable for Major Grading, and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

D. Special Use Permit Case Number WSUP21-0017 (Silver Strike Concrete Batch Plant – Lockwood) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for a ready mix, concrete batch plant (Aggregate Facilities Use Type). The proposed concrete batch plant would be located and operated completely within a pre-existing and operating materials and aggregate mine.

- Applicant: Silver Strike Concrete, Inc.
- Property Owner: Granite Construction Company
- Location: I-80: Exit 22, Canyon Way, Lockwood, NV
- APN: 084-060-37
- Parcel Size: 542.790 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Katy Stark, Planner Trainee
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3618
- Email: krstark@washoecounty.us

Katy Stark, Washoe County Planner Trainee, provided a staff report presentation.

Member Stanley asked how long the aggregate pit had been in operation. Ms. Stark stated it's been operating for several decades under an SUP. Mr. Lloyd stated he believes it's been operating for a long time.

Josh Neff, applicant representation, stated he is the Operations Manager for Silver Strike Concrete Batch Plant. He introduced Rick Masciovecchio. He spoke about how they came to operate in that market and their relationship with Granite.

Member Thomas asked how long this plant has been active. Mr. Masciovecchio said the concrete plant has been in operation since January 2021. Member Thomas asked why an SUP wasn't submitted prior to that date. Mr. Neff said when they initially engaged, he brought the topic up with

Granite when they were leasing from them, and they were confident the operation fell under the existing SUP, and they were going to make an amendment. When they got the business license, this came to light, and we were wrong to assume we could operate under Granite's SUP. We started the process to get our own SUP. There was back and forth correspondence with Granite. The Granite representative misrepresented the existing SUP to the applicants. Mr. Lloyd provided insight and confirmed that the applicants were correct in their representation of the facts involving the correspondence with Granite construction Staff caught the mistake and brought it to their attention to submit a SUP for the business license.

Member Thomas asked about operating hours and night-time lighting. Mr. Neff stated there might be an instance when a customer needs concrete at night and lighting from a safety standpoint.

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

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 conditions Special Use Permit Case Number WSUP21-0017 for Silver Strike Concrete, Inc., with the conditions included as Exhibit A to this matter, and waiving the landscaping requirements, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Pierce seconded the motion which carried unanimously.

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

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

3. Site Suitability. That the site is physically suitable for a ready mix, concrete batch plant, 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.

E. Special Use Permit Case Number WSUP21-0018 (Tailwater Ranch) [For possible action]

– For hearing, discussion, and possible action to approve a special use permit for to board up to 25 horses and training and rehabilitation. The applicant also, requests modifications of paved parking spaces to allow non-paved surface and reduction of landscape standards for a commercial use.

- Applicant: Bennett and Darcy Bauer
- Property Owner: Bennett and Darcy Bauer
- Location: 145 Ox Yoke Lane, Reno, NV 89521
- APN: 017-310-21
- Parcel Size: 10.89 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys (SV)
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner

- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Member Stanley disclosed he received three emails to his private email about this. He stated he was in touch with David Kelly, Supervisor with Health Services, with clarifications. DDA Large noted there is no need to recuse himself.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Member Hill asked Julee how she accepted this site plan that isn't to scale. Ms. Olander stated the applicant submitted an application for commercial stables. They didn't have exact details where everything would be located. There will be conditions and when they come in for a building permit, they have to meet those conditions and code. Chair Hill stated it's hard to make a decision when you don't know the scale or where the horses will be pastured so they aren't interfering with the water table. She said there were several issues she had. It's a crude site plan they submitted.

Chair Hill asked if there is a flood plain identified on this site. Ms. Olander noted there is no flood plain identified on the site, but there is a flood plain identified along Highway 395.

Chair Hill asked where everyone is going to park. Ms. Olander stated if this gets approved, they will have to show where everything will be including parking and how much parking they will need as part of the conditions to get the building permit.

Mr. Lloyd stated within the report, there is a crude site plan, which is to-scale, and shows the location of the arena, barn, and parking area. He said it might not be to the detail you were looking for. It's a difficult scale to read. Ms. Olander stated we asked them to move things on the property, so what was submitted will change.

Member Stanley asked how many of the other facilities that were mentioned are on private roads. Ms. Olander stated Annie Road is private. The others are off Rhodes Road. Member Stanley asked how many of the other facilities require BSWD in health district report. Member Stanley stated he contacted David Kelly who stated it's a safe drinking water permit. Ms. Olander stated she also spoke with David Kelly and went through his conditions and felt they were obtainable. That public water system permit from Department of Environmental Protection would be obtainable. Member Stanley asked if Mr. Kelly had mentioned a pump house or fencing off around the well head. Ms. Olander stated Mr. Kelly indicated that wells are usually private property, and the property owner is responsible to maintain those wells for any purposes. There shouldn't be any issues with wells on other properties. Member Stanley said when he spoke with Mr. Kelly about drinking water standards and testing every month, he recommended a well house over the well or fenced off so the livestock couldn't access the well. Ms. Olander stated it wasn't included in the condition, but it make sense to install a mechanism to keep the animals from the well.

Member Stanley asked the width of the private road. Ms. Olander stated it's supposed to be a 50-foot access easement, but not sure if the people have built into it or if there is landscaping impacting the width. Member Stanley said the reason he is asking is because of Fire District access. It supposed to support 80,000 lbs. of equipment. Ms. Olander stated she spoke with the Fire District and they didn't indicate if they had issues with the width of the road. Their conditions are standard conditions. They didn't have special conditions with the road.

Member Thomas asked about ten stalls, but exhibit E indicates 18 stalls. Ms. Olander noted we have gone through several renditions of this, and the site plan isn't to scale. They have made changes to the site plan and the size of the barn. Originally, they are requesting a larger barn, and now they are asking for a tent. The applicant would like a tented stall with 12 stall barns with two stalls used for tac and feed. Ms. Olander stated the original request has changed.

Member Stanley stated there is a discrepancy with the hours of operations. He asked the actual anticipated hours of operations. Ms. Olander stated she added several conditions after speaking with the neighbors. She said they came up with 7 am to 7 pm with the heat; people would like to ride earlier or in the evening. With horses, you want to ride them when it's cooler in the summer. It's going to be an outdoor arena. She said she spoke with the neighbor and decided to make the conditions operating during daylight. Member Stanley said there is a condition not to require the standard landscaping, but the Washoe-Storey Conservation District recommended landscaping. Ms. Olander stated it's a recommendation, and we look at the surrounding areas. She stated to plant trees to the recommended landscaping is more than necessary. As staff, we look at that to see if it's reasonable. She said she reviewed Washoe-Storey Conservation District's letter and felt that area is open and there aren't a lot of trees. There are trees along the fence line or homes, but this property doesn't have a lot of trees on it. She said we see if it's necessary and beneficial for screening. She said she believes screening would be appropriate for the building. Mr. Lloyd noted we have an excessive landscaping requirement for commercial property. This is a different type of use for commercial operations. He said there is existing vegetation on-site. The applicant is asking to reduce the 20% requirement.

Chair Hill asked about restrooms. Ms. Olander stated they have requested to put an office and restroom. It's a separate small building adjacent east of the barn. Chair Hill asked about a future carriage house and why it wasn't part of the original application. Ms. Olander stated in the future, they plan to have an accessory dwelling unit for a caretaker or trainer. Currently, they are not moving forward with that.

Member Stanley asked about the plans for manure removal. Ms. Olander said this is not just a barn, but a facility with horses in training, and the stalls are cleaned daily by staff. The people renting the stalls pay a premium. They won't tolerate pest or rodents. They will have weekly manure removal which is typical for these facilities. All those things will be taken care of. Manure has to be managed. Member Stanley stated when he spoke with Mr. Kelly who indicated they would request a manure plan which there is one. He recommended weekly removal or more frequent and contained in the interim in a metal-like container. Ms. Olander stated manure companies leave a dumpster and take it away and bring a new dumpster. It's typical for these types of facilities.

Member Pierce asked Ms. Olander to speak about the road coming into the property. Ms. Olander stated engineering is aware the bridge is an issue. She said she spoke with Senior Engineer Jenn Heeran from the County. They are addressing it and applied for federal grants. They are asking the neighborhood to be patient with the one-lane. Rhodes Road goes around and can be accessed. He asked for the estimated time for when that will be accomplished. Ms. Olander stated Rhodes Road can be accessed from the south. They are trying to get that resolved as soon as possible.

In response to Member Pierce's inquiry about the access, Wayne Handrock, the Washoe County Surveyor, stated it's a private access easement. The subject parcel would have access to the road. Initially, it was listed on a parcel map as an access easement. How NRS reads, unless specified otherwise, it can be assumed to be public access, but later it was amended in their map and verbiage states the 50-foot road should not have been offered for dedication for Washoe County, but designated as private road and PUE subject to 50 ft access as Public Utility Easement (PUE) on the parcel map. Member Pierce said it was offered, but was it accepted. Mr. Handrock stated it's a private access. Member Pierce asked if the applicants have permission from the owner to use it as commercial access. Mr. Handrock stated that is a touchy subject. He said there is such a thing as over taxing an easement where if you have use of private easement, but you don't have carte blanche of the easement. He said whether a 12-stall facility is over taxing, that is legal gray area. Member Pierce asked about maintenance of the road. Mr. Handrock stated he isn't aware of the maintenance agreement, but many private roads do have a private maintenance agreement, with the subject parcels that benefit the road, who decides who pays what percentage, the conditions, gravel, or asphalt. It's a matter decided by the owners of the road. Mr. Handrock said he hasn't seen the road itself. Member Thomas stated as a private easement, an owner cannot be stopped for accessing their house. He said the issue becomes whether the road allows for commercial operation. That is

where we talk about over taxing. Mr. Handrock said it's a gray issue. Member Stanley asked DDA Large about actions the Board of Adjustment can take regarding a private road. DDA Large said this Board has before it an SUP. The Board has the obligation to make findings. Every business has a requirement to have access per code. Whether or not the road is being over tax is outside the purview of this Board and should not be considered. It's being considered as a detriment under the County Code.

Member Thomas stated the members were handed a document indicating a lawsuit about this issue. He asked for clarification, even though individuals filed a lawsuit, the lawsuit does not have effect their decision on this matter. DDA Large stated that is correct there is a lawsuit filed by neighboring parcel owners and applicants. That is a dispute with owners. This Board's obligated to make the findings per code to approve or deny. Pursuit of code 110.810.20 subsection e, failure of this Board to make findings within 95 days means the application is approved automatically. We cannot table this for a resolution of a lawsuit.

John Krmpotic, the applicant's representative, introduced the project and answered questions. He spoke about the road supporting the weight of the fire trucks. He spoke about the low intensity of the operations. There will be two part-time employees for cleaning and maintenance. The hours of operation will be Monday-Saturday, 8 am -5 pm. He asked for the condition be amended to those hours and days. The 25 horses is maximum. The Bauer's have made some compromises because there were some letters brought forth by neighbors in the area. The barn has been reduced from 16 stalls to 10 stalls. The number of turn-outs has been reduced from six to four. The arena has been reduced. There were discrepancies. It has been reduced from 160 x 240 to 140 x 220 ft. He said we are in full agreement with the conditions stated in the staff report with the exception of the update of the operating hours. They also have noted the possibility of private events one to two times a year. The basic nature of this operations is private lessons and training with professionals. We are talking about a couple of vehicle trips per day. He said capacity on this private road is not an issue. He said he is not prepared to discussed limit of use on this private road with resident versus commercial use. He said its consistently requested the reduction in the landscaping condition of 20%. He noted the South Valleys Area Plan addresses horses and livestock are commonplace in the area and are a core component. There are commercial stables all over the place. He said he had an updated site plan that is closer to scale on a vicinity map basis. Ms. Olander put that up on the screen. Mr. Krmpotic showed the arena, barn, pen, and existing residence and surrounding pasture. He showed the other equestrian facilities that are larger operations.

Chair Hill noted the International Traffic Engineer's Table, a single-family dwelling generates 10 trips a day. She stated as Mr. Krmpotic noted this will only generate a couple of trips a day is not correct. Mr. Krmpotic said he said it's the sum of the residence, plus visitors, plus employees. He didn't mean to say a couple of trips. He estimated 20 trips a day. A local street has capacity of hundreds of trips a day. She said this is a commercial operation.

Member Stanley stated there will be trailers hauling animals so it's not exactly like residential traffic. He asked his opinion on horse hauling. He asked when the traffic triggers a study. Mr. Lloyd noted it's 80 peak hours that triggers a study. Member Stanley asked how many horse trailers are expected per day. Member Thomas noted the number of horse trailers would be limited after the horses are on-site. They probably aren't taking them back and forth. Member Stanley summarized the updated request. Mr. Krmpotic stated the Bauer's lost connection and are re-booting their computer but said once they are on-site, they will stay. Chair Hill asked about horses that need veterinary services. She asked if the vet would go there or will they have to trailer them out. Mr. Bauer said it would be 15-20% of the trips would be horse trailers. He stated he can't see the large horse trailers like the ones that go to the larger facilities. He said a horse shoer and vet services will come from Comstock when necessary. Owners can choose to do that when needed. It's a small exposure of traffic in and out of the area.

Member Stanley asked about small events. Mr. Bauer said they would be very small events once a year. A private event for the boarders only. The events wouldn't be amplified. It would be low-key events. He said it's very minor.

Member Thomas asked about the actual pasture size and where they turn out the horses. He asked how many acres it will be. Mr. Bauer explained the site. He said they have 10.98 acres. He said the house sits on an acre and the rest is on open pasture. If they take up one acre with turn outs, pen, and arena, there would be 7 acres of pasture. Member Thomas stated there will be 25 horses on-site. Mr. Bauer stated they came up with the 25 horses number as a maximum. He said they can work with the neighbors to see what is palatable. They are willing to go down in that number. Member Thomas asked about 10 stalls. Mr. Bauer stated 3-5 horses will be our horses for the lead horses program for disadvantaged kids. Member Thomas stated that gives five stalls for others to board their horses. Member Thomas stated he did some research and found that you should have at least one acre per horse. He asked how it works if you have 15 horses, you only have 7 acres. Mr. Bauer stated there is no other property in the area that is held to that standard of these boarding facilities. (Mr. Bauer's microphone stopped working.) Ms. Olander spoke about boarding horses. These horses aren't turned out all day long. She said they can get injured out at pasture. She explained the schedule of the turn-out of the horses. She said some people have horses that are out to pasture all day long. Typically, the boarded horses are boarded into a stall. Member Thomas even though they are brought back in, there are 15 horses and 10 stalls, so some have to stay out. Ms. Olander stated they only have 10 stalls, so they won't have 25 horses. Ms. Olander stated the large facility such as Meadow View has 16 acres and up to 35 horses. She said she assumes 25 of those horses are stalled. Mr. Krmpotic said he learned there are four turn outs with maximum of 2-3 horses. There are 10 acres. There are some horses suited to spend time in turnouts, some will be out in pasture, and some in the barn. Mr. Bauer re-joined the meeting. Mr. Bauer stated we will have lean-two shelters for the turnouts. He stated they can accommodate up to 25 which is the high-end number. Member Thomas asked if he had consulted with other boarding stables or if he has experience. Mr. Bauer stated he and his wife have grown up with horses. He stated his wife's family had racehorses. They have done research with the local facilities. He stated they have extensively researched on how to layout the site for the benefit for the owners and programs. He said they are trying to be well informed and sensitive to the horse world. Member Thomas stated there are a lot of people in the audience about this topic. He asked what conversation he had with the community to come to a solution. Mr. Bauer stated they haven't had the opportunity to do that. He said their immediate neighbor is leading the opposition. He said they had an hour conversation with that neighbor, and she was not going to agree with it. He said she recruited others in the neighborhood. He stated we didn't have a chance to discuss what would work.

Member Stanley stated the application talked about rehabbing horses. He asked how will the rehabbing the horses impact the stall and other availability. Mr. Bauer stated he doesn't know how it will. He said a rehabbing horse can be in a turn-out. They can take it as it goes. It's a family stable. They don't have the resources to build a huge facility. He said let's scale this down so people can agree to it while keeping with the character of the area which is equestrian.

Member Pierce reiterated the changes – hours of operations, 10 stalls, four turnouts, 30,000 sq. ft. arena. Mr. Krmpotic stated that is correct. He said he had the same reduction and restricted hours of operation. There will be no lighting or speaker. No outside lighting of barn or arena which is consistent with hours of operation. Member Pierce asked if there will be some lighting, but nothing that will hinder the neighbors. Member Pierce asked Julee Olander to speak to the roadway improvements. Ms. Olander stated she doesn't believe there were any roadway improvements required by engineering. Member Pierce stated Ox-Yoke is narrow and he had a hard time getting his pick-up truck through there. Mr. Krmpotic noted it meets standards. He said it's 20-foot-wide fire access roads. Mr. Krmpotic stated there are no conditions from the Fire District. Member Pierce stated it's narrow and wondered how horse trailers will go through there. Ms. Olander stated there is vegetation that could be trimmed back that might be impeding the roadway. Ms. Olander stated there have been homes built on that roadway and the road was reviewed for fire access.

Member Stanley referenced fire apparatus and the letter from fire district fit the situation on the ground there. Ms. Olander stated it's the fire district's standard language. She said this roadway has been in place. It's a private easement. There have been homes built on this road and these conditions would have been met when those houses were built. Fire Department will review the fire code requirements during building permit stage. She said fire can address any issue on the property at that time.

Member Thomas stated the application indicates this property previously was used as grass-fed beef businesses. The owners had a right to graze cattle on this 9.5 acre pasture.

Wayne Handrock, County Surveyor, clarified at the end of Ox Yoke, there is an easement dedicated for access, but it's not constructed.

The Board took a brief recess.

Chair Hill opened public comment.

Michael Cabrera, attorney at Lewis Rocca, stated he provided a letter to the Board yesterday regarding this proposal. He stated he was here to walk the Board through the letter and to show how 3 or 4 of those findings could not be made. He went through the improvements that are required and said it's pretty certain that it's not clear the access for this property. It's a legal question. Your legal counsel advised you not to consider; however, it's unclear and the applicant is not entirely certain. He said there is an easement at the end of the road with a turn around, but that doesn't provide that any commercial access is there. The applicant hasn't shown that to you. He said that alone is not enough to make that finding. He noted the sanitation, water supply, drainage, and other facilities are not clearly addressed. It's not clear what their proposal will be yet. He said the applicant talked about a potential office building, but where is that sanitation going to come from. He said none of these have been addressed. It's not a fully realized proposal and it should not be approved and the findings are not there. He said you will hear the concerns from the neighbors about ground water contamination from chemicals that will be used. There are concerns about dust. He said during the applicant's presentation, they raised more questions than they did answers. It's vague. They are saying there are 10 horses instead of 25. It's a moving target and we don't know what is going to be out there. Mr. Cabrera addressed site suitability and said the neighbors will show you pictures of flooding. It floods from this property into other neighbors' properties. There are impacts; there are already impacts from existing equestrian centers and this is close to them.

Steve Noel, resident on Cedar Lane, directly adjacent to the subject property said, this is not a 'not in my backyard' situation because we do all enjoy that area. This truly is around water quality, flood control, overgrazing of that property. He said regarding the traffic on the damaged bridge, the 'Ask Joe' segment showed the grant had been requested to repair the bridge was already denied. This bridge has been closed for one-lane for more than 18 months already. It's very tricky and dangerous. It is a definite hazard and becoming more hazardous. He said when it comes to water quality, it stated that none of the horse will be in a pasture in a flood area. He showed an image from google earth. He said you can see that the entire property is in fact a flood irrigated pasture. There is no place on this property that is not flooding or except where their house that sits above any of the area that floods. So whatever they put on that property, it's going to flood. He showed a drawing and said if we move this arena 150 feet from the property lines, it puts it dead in the center of the area, effectively creating a dam that will push the water in our property and irrigation ditches. That is already happened. He said he appreciates the fact that the staff brought up the amount of horses in area and we continue to hear about the beautiful pasture, rural pasture areas, therefore not needing landscaping. Again, an aerial photo of Google Earth from October of last year showing a couple of the properties that were highlighted, you will notice the red arrows to these turnouts. They are nothing but dry dust, that's all they are. There are too many horses in these turnouts of these places that have again, 10 acres and 25 plus horses. We have 15 horses that are going to be in the pastures. We heard the applicants talk about having shelters, yet those shelters aren't on the site plan. No place to store hay, grain, or any other product is on the site plan. No area to store shavings that they need for stalls is on the site plan. No place where they're going to store this waste material while they wait for

it to be picked up is on the site plan. If we do redirect the riding arena into the center, that would most likely cause them to redirect parking and trailer parking closer to the property lines, which would require more fencing based on Washoe County Code.

Linda Fischer, resident on Cedar Lane, said she first started living in Steamboat Valley in 1982 when she started her nursing profession in Reno. 32 years later, she and her husband's dream was to get back out there 6 1/2 years ago and we did. She said she knows that we all have dreams. She said she knows that Darcy's dream is to have an equestrian center, and many of us had dreams that may not be realistic based on the time and location. She said if this application is approved, it will destroy her dreams by creating an environment that is no longer peaceful, tolerable. She said she will not be able to walk out my doors without them being exposed to noise, dust, air pollution, flies, and odors. She said she learned are the applicant wanted to start this commercial horsing business by a notification in the mail. There has never been any conversation from our neighbor that they have wanted to do this project. There was an attempt when Darcy and Bennett got into that property, and they were talking about it. They were cutting ditches into the waterways and putting pipes in. She said she did go up to their house and introduce myself and said she would really like the opportunity to talk with you and have a conversation because she gets the tailwaters on my property in order to keep the field green. She said she was very abruptly told by Darcy that this is their property and will do what they want with it and there's nothing you can do. At that point, we knew that we would not be able to have conversations with Darcy. They did cut off tailwater to the property. She addressed Rob's question that the office hours are 8-5; however, riding is still 7-7 pm. That's what they had said. So, that was misleading to you. She said she wished that the applicants could also have their dreams come true, but we are asking for it not to happen on the backs of other people. She showed a picture on the projector. She said this is my view out the back step of my back door. And that pretty much explains the riding arena. Everything that's back there will be gone. The initial plan was 30 feet from my raised bed gardens. She showed location of the floods. She said if you altered those waterways at all, this will be happening more to us on Cedar Lane.

Janet Rafferty said she and her husband, Steve Nolan, own the home on Cedar Lane and our property adjoins the field owned by the homeowners at 145 Ox Yoke and the proposed commercial project area. She said she support the rights of homeowners; however, this commercial venture in a residential area and will have negative impacts on our quality of life, specifically in areas water quality and air quality. The horse pasture areas will not have waste removal. Any water in these fields will flow through the pastures into the irrigation, ultimately into Steamboat Creek, which is right behind our home and will adversely affect the quality of our drinking water. The overgrazing will render the pastures behind her home into dirt paddocks. Like many of the other questions, this will bring dust, powdered fecal matter directly into our home, which is a huge health hazard. We have reports from experts. The amount of acreage per horse should either be two per horse or two acres for the first horse and one acre per additional horse. The staff report states that ten horses would be in the barn and up to 15 in the pasture, and this would require the 16 acres to support 15 horses in a healthy manner. Therefore, the available acres of pasture would be less than an order of what is commercially recommended, rendering these pastures into dirt paddocks. These negative impacts and inevitable outcomes have a detrimental impact on quality of life for obvious reasons not stated in their request for commercial center. Please take all of this information into consideration and thank you for your time.

Jessica Hodges said she lives on the corner of Rhodes Road and Ox Yoke Road. She stated she realtor, broker, and owner of Harcourts and Toiyabe title company. She said the applicants do not have legal access; it's landlocked and never been recorded. The other properties have legal, recorded access. They had a temporary construction access and utility easement but this point in time, they do not have access let alone to use it commercially. The other properties have access. The owner of the easement has a right to state the manner in which it is used. They cannot expand the manner in which its used without permission. Probably not enough time to show it all the documentation we have for this. It was stated that it was not in a flood plain, but it is in a floodplain. There's a special hazard zone there, and it's a tailwater flood plain, which is easily found on the FEMA website. My

property is actually providing the easement not only on Ox Yoke, but also Rhodes Rd, so they will be traveling twice through my property to get to this commercial subdivision there. Their claims about how much access is going to happen is not true. We've been boarding horses for years. One of our kids lessons we have four or five cars there just for one lesson. Grandma, grandpa, parents, and everyone shows up to watch the lesson. She said we pick the horses up on the weekend take them out to trail ride bring the back late at night. So, access is all hours of the day and night. Sometimes you have shared ownership horses that are written multiple times a day, so that's worth noting. She said she would also ask why they're not putting the arena right next to their house. They're placing it right next to the houses for the Cedar Lane people. Arenas bring up a ton of dust, not only from the people riding, but in between riding, hey have to drag the fields so that they get all the rocks out in the clumps out. So when they're dragging those fields, it's just a big dust storm, and so our cars are covered in it and we're covered in. It's worth noting. There's going to be different vendors for each horse. They have their own shoers, their own vets, hay and oat delivery, manure removal. These are all big trucks, and furthermore they do not have the right to use our road. She proposed they prove they have the right to use our road with this access. And cows that were on the property prior do not require the same maintenance as horses.

Taylor Hodges said there should have been due diligence on this property before purchasing and understanding if it allows commercial use. It was a private road. It impacts home purchases. You know we're worried about traffic as a big issue. He said we have little kids who like to run in the yard. He said there isn't too much more to say that hasn't been said. So you know there's recorded documents with Washoe County stated it's a private use road. This Board upholds those recorded documents. Thank you.

Clyde Brown, resident on Cedar Lane, said most of my concerns have already been brought up, but we are still concerned about the traffic on Rhodes Road and the single lane bridge coming in and going out.

Jeffery Fischer, Cedar Lane resident, thanked the Board. He said he will skip a few items that have been addressed. He stated the applicant states there will be no groundwater contamination and report weekly manure pickup. A single horse produces 30 to 50 pounds of urine and feces every day. These nitrates will seep into the ground and eventually the groundwater. No urine control or mitigation has been addressed. Their statement that horses will not be pastured in a flood irrigated area is impossible. The entire field is flood irrigated, and the major flood runoff area. It will be washing excrement into Steamboat Creek and eventually the Truckee River. Groundwater contamination will occur, increasing harmful impact on adjacent properties. In their building permit for the stalls, the applicant specifically stated no plumbing. That begs the question where drainage to sewer is. Or will stalls be flushed to groundwater having an impact on the adjacent properties. Washoe County Code 110.42, regarding landscaping requirements, commercial operations adjacent to residential, this code is in place to address noxious issues noted above. The applicant is asking this code is eliminated except for any landscaping for a structure closer than 30 feet to the property line. This will cancel any protection to adjacent residence from the noxious aspect generated by those 15 horses roaming the grounds or the riding area, and allow for manure, gravel parking lots, equipment storage, along with riding activities immediately adjacent to residential properties providing zero set back for any of these issues. Another increase in harmful impact to the adjacent properties. please consider these identified harmful impacts and vote to deny.

Russel James, resident on Rhodes Road, thanked the Board for their time today on this important matter to our valley. He said he is going to skip a bunch of stuff as its been addressed already. He showed a picture on the over-head projector of Rhodes Rd looking out over the pasture towards their project a little ways in the distance, but it's not that far, on right side to me. He said this is my back property right here. He said you can see the standing water. You can see the bowl of the foothills of the mountains and it doesn't take long to see where that water is coming from. The pastures are flood irrigated. When there is excessive rain and snowmelt and flooding, everything is coming down to that corner. He said his house has been flooded 3 times. There is just no way that the ground water isn't going to get contaminated. All that horse manure that is in the paddocks will come down behind my

house. He said when he purchased his house, the well inspection measured the well of the water at 9 feet from the surface. He said it's common in this area. 9 feet is not far to go to contaminate the water. Conditions of approval, 4(b) states septic systems for commercial entities are regulated by the Nevada Department of Environmental Protection and reference commercial septic but there is no commercial septic on-site and there is not one required. They cannot possibly tie to a residential septic which is sized by bedroom capacity. They need a commercial septic before approval is considered. There are all kinds of problems with the roads. He asked how do you meet any of the requirements when this is a private road and you don't have any authority to make any improvements to the road. He said he would like to address the consistency finding. It states that it is consistent because the nature of the valley. Casinos are legal in Nevada but it doesn't mean that a casino belongs on a residential cul-de-sac any more than an commercial equestrian center on a private access road. We the people of steamboat valley are asking for your denial of this project.

Kimberly Olsen Wilson, Ox Yoke Lane, neighbor to Ben and Darcy Bauer, said she lived there for 7 years and lives there because she is an equestrian person. She said she is aware of all the facilities in the area. She said she has gone to them every year. She showed a picture of her driveway which is adjacent to their driveway. She said the 50 ft easement turn around is her driveway. She said we did a measurement, and the road is 19 feet wide. There is no obstruction from pavement to pavement. It's only 19 feet wide. She said she trailers out of our property. It's a very narrow, challenging road. There was a fire truck at the neighbors' home doing an inspection and everyone had to go around it into the dirt lot. It's not fenced it. Eventually that will be another property. She said she has always had an amicable relationship with Ben and Darcy, and shared some dinners. She said they know she is a horse person and they ask her questions when issues have come up with their horses. Back in November, we had a conversation about the boarding facility. She said she advised Darcy that she had to get approval from the county and community. Her comment back was 'I don't have to get any approval from anybody.' There is a community neighborhood advisory board and community members to provide feedback. She said she doesn't have get approval. She said she doesn't agree with this. She said she got notice in the mail as well as other neighbors to provide a public comment. She said she opposes it.

Curtis Coulter, resident on Rhodes Road, purchased 24 years ago. He said he lives 1,000 feet from subject project. He said he hasn't met them personally. He said he is going to speak about potential impacts. This is a ten-acre parcel next to a one acre parcel. There is a lot of difference. Water for the commercial operations is from a domestic well. Nevada law dictates that a residential well is for the use of culinary and household uses directly purposes related to single-family dwelling. Not for boarding, stalling, hauling, and transporting, riders, trainers. There is no water available for commercial enterprise. Even if the water is used for commercial use and there is a drawdown of the well, how will that impact the neighbors. Their wells are going to go dry due to this overload. The noise, traffic with riders, trainers, observers, and black smiths. It will cause noise and dust. Dust is a special issue. We deal with dust. If you de-vegetate a parcel, it gets dusty. You have to put a palliative on the ground like a hair spray. It breaks up and seeps down into the ground water when it rains. You have to spray water often and that would be using domestic water for commercial use. There is a water truck that would have to come in and out with back up alarms. It will become a barren dirt scape. Turnouts are where horses walk around and nibble anything that is growing. The sanitation is domestic, not for commercial use. Please don't grant this. This dream is not a right time and right place. This plan doesn't meet the requirements.

Judy Coulter, Rhodes Road resident, said a lot of the issues have been presented. She suggested looking at the flow rate that the residential well that is going to be used for commercial uses. Look at the flow rate for fire suppression. We just had a brush fire across from Steamboat valley. She asked if the well capable of suppressing a fire and how do you get 25 horses out of a private road over a one lane bridge. That is a massive number of trailers. None of the findings have been evaluated. The applicants haven't made an effort to talk to the community. The CAB was cancelled, and we didn't have the opportunity to educate ourselves about the area and environment. You cannot get the vegetation to come back. It took five years for us to get our pasture to regenerate. They haven't

provided information to the community. It's been a moving target. They don't have enough property to handle that amount of horses.

Ed Smith, Rhodes Road resident, corner of Ox Yoke, said the property is designated for private homes and a private road. The road is small and not built to support traffic for trainers, riders, manure removal, and hay delivery. He said he bought this for rural character. It was a rocky dirt road. He said he never imagine a commercial business would happen at the end of the quiet residential road.

Lori Smith, Rhodes Road resident, one of the oldest home in the valley, said we are retired and have time to enjoy the rural neighborhood. She said she enjoys reading on her porch. If this goes through, it won't be the same. Ox Yoke Lane to the end of the lane is where the project is going to be. She showed where they live on the map. The road is 20 feet across. She said two horse trailers could not pass each other at the same time. She said horse trailers would be hard to evacuate on that tiny little road. She said she doesn't think it's possible. She said she got a private road sign installed. It's not owned by Washoe County. It's for ingress/egress for the homeowners and not a commercial property. In life, there is change, but this will have negative impact on us. This road can't handle the horse trailers. We ask that you please not approve this. There is a lot of unanswered questions. This shouldn't be allowed in a community of rural residence.

Gary Garrett, Cedar Lane resident, 400 yards from the proposed site, thanked the Board for time and service. He said he appreciates they did their research. He said he is deeply offended they can present one set of rules and present a different set a rule to you. That is not how you do business. Most of these people have had time to come talk to me. He said he has been in the valley for 44 years. These applicants have had no time to come talk to their neighbors. Something is wrong with that statement. The South Valleys plan zoning involved many people and entities. It took years to compile that plan. For someone to come in and nilly willy and ask for a variance on that is not how you do business. Please reject.

Eric Brooke, Rhodes Road resident, said as neighbors, we enjoy other neighbors who walk their dogs, kids riding their bikes. If you cross that bridge, it gets dangerous. We pay attention on how to cross. With commercial traffic, there won't be the respect like we have for each other. They don't know about the safety factor. They don't know what to look for. He said it's a safety factor. It would increase the danger on that road.

Ladenna Brooke said there isn't much more to add except that she wanted to be on record that she is opposed to this. It's not what our neighborhood should have in it. The other riding stables are not next to homes. The residences aren't next to the stables. They are set back. It doesn't work there.

Jim Anderson, owner of the Reno-Tahoe equestrian center, said he lives this every day. We have 32 horses and 3,966 lessons last year. We are closed Monday and Tuesday. He said we serve 90 meals a day. He said Mr. Thomas was accurate in his question if they are competent. This is a serious job with serious responsibility. It's a serious business. He said he wanted to talk about the noise. They want to open 8-5. They will fire up the tractor at 7 am dragging the arena so it's soft for the hoses and they don't injure themselves. You have to do that. It's required. The tink-tink-tink all day long for the shoeing. You can hear that. The other noise is the trainer yelling to the rider to post or walk. That will carry across to the neighbors. We live this. He said our barn is an indoor arena so our neighbors don't hear us. Sometimes trainers use whistles. He said he is an equestrian owner. He said he was here in 2005 to get my SUP for the equestrian center. He said they don't have comprehension to run a center.

Robin Mueller, Annie Lane resident, share the property line. She said everything has been said. She said she opposes it for our community as a whole.

Rick Blake, Cedar Lane, 28-year resident. Business owner local business for 36 years. He said everything has been covered that he wanted to say. The parking – the question was asked about approved parking space and there wasn't an answer for that. There will be members, trainers, owners, and employees need a lot of space. We need to know that, so we know what is dedicated. How about handicap parking. Once they determine the parking, they can figure out the service trucks, garage

trucks, horse trailers, etc. to have turn around access on their property. He said the garbage truck on Cedar Lane doesn't have access to turn around and has to back up. He pulls down private easement and backs down the road. You can't see everything. It's dangerous. He said we have a trucking business and that is the trouble we have in this town is backing down little areas. The drivers are professionals. He said they don't have the turn around on this property. He said his delivery vans couldn't turn around here. It's not a safe situation. He said we are in a bad spot flood wise. He said we are in a low spot and have been flooded several times. Flood is a huge issue. He said he has had to sandbag the property. He said this will make our flood even worse. He said the fire is also an issue. He said there isn't room for fire suppression. Seconds matter. It's a bad situation. He said he agrees with everyone, and the Board is very well informed.

Betty Cordonoway, said she lived in Nevada for over 50 years, 15 of which were on Cedar Lane. She said she doesn't know if the Board has had the opportunity to visit the neighborhood but it's beautiful. The equestrian centers are there and what is the issue with one more. Well, there are 11 neighbors on Cedar Lane. She said it will take away from the neighbors on Cedar Lane. She said she opposes it. She said the Nevada Division of Water Resources, these people hold 0.05 acre foot portion under said permit. They don't have enough water to facilitate 25 horses. Washoe County, the original letter, 2019, stated our bridge would be fixed. These funds were denied for the bridge. So now we have to wait. We see doubles, triple trucks with rocks over that bridge. There will be more equestrian centers being requested. She asked why do we need so many equestrian center in our area. It doesn't make sense.

Jaime Bocarri, owner of two parcels on Rhodes Road and Cedar Lane, said she owns horses with 2 acres to graze on with no dust. She said she opposes Tailwater Ranch. She said she is concerned with traffic. She takes her horse to Bartley ranch four times a week. People will ask to bring in their horses to train if they get a trainer. There will be more traffic on that tiny road. She said there are no fire hydrants at all on Rhodes Road or Ox Yoke. Access to the equestrian center on Annie Lane is Paddlewheel. She said she doesn't want to repeat what has been said. The owners are not experienced. It would be a disaster if this place is approved.

Bodie Monroe said we are on the same page on this. He said he was born on Rhodes Road below Cedar Lane. The horse trailers go by our house. We don't walk our kids on our road as it is. We go to Cedar Lane to ride our bikes. He said the equestrian centers weren't there when we were kids. It's dangerous. There has been someone killed on that corner even when the bridge was fully functioning. He said he lives on Steamboat creek that go around the valley and horse facilities. It dumps in at our house. All the things on the farms and ranches get dumped into that creek. It's the most polluted creek in our state. He said we couldn't swim in that creek as a kid. The water through irrigation ditches is brown and disgusting. It's not a good idea to add more. Please deny this.

Mark Ray, attorney who filed the lawsuit. He said it was board member Stanley who asked if we should grant permission to use private road for commercial use. The answer was yes. You subsequently heard from counsel not to consider any of the issue of the lawsuit as it's beyond the scope of what you are supposed to do. You are here to consider a SUP, asking to bend the rules, to get a commercial business at the end of the private road. He had the declaration of John Rhodes, same Rhodes of Rhodes Road. He provided a declaration as part of the lawsuit. It talks about the history of why it's a private road. There were no commercial use of Ox Yoke in earlier times. No future commercial use was intended or foreseen. Ox Yoke has never been for commercial use. It was intended provide private access and public utilities for the private residences along and at the terminus of Ox Yoke Lane. Look at what it means to overburden a private easement. It means an abnormal development that actually increases burden of servient tenements. It's abnormal development, commercial development, that wasn't there before. That's abnormal and burdens the servient tenements. It's just an easement. It's private property. As board members, you can consider compatibility, consistency with community. That's nothing different than a judge will be looking at. You are authorized to decide if this commercial use overburdens this private road.

Robert Fields, Cedar Lane resident, received postcard notice. He said the issue he has is with flooding. He said they would need to add fill otherwise, they will be working in mud. It's in a flood area and a dam would re-direct water to his house and neighbors and down the lane. This is the typical condition when there has been snow and rain. He said our home was built in the 1960s. He said he would have raised it and created a retaining wall. He stated we use sandbags to protect our homes. He said if this project goes through, the developments will act as dams and flood our area. He said the project needs to be stopped in its track. He said we make our appeal to you and there were no discussions about it. There are inconsistencies in the application and the staff report. It was ill conceived and wasn't thought through. He handed out information to the Board.

Rachel K., resident on Paddock. She said she and her husband considered purchasing this property back in 2019, and we visited the site multiple times and will be scoped it out. It was a completely unusable space, and it's like a marshland for wildlife. It felt like there is no privacy because you're just butted up against all of the other neighbors. We know for a fact that this is there's only a residential septic tank for 500 gallons. She said her residence on Paddock has a 500-gallon tank. She said when they have events, they have to rent a porta potty, so the septic doesn't flood. She said Ox Yoke could not have USPS cannot drive down the street because it's a private road. Currently, the waste management picks up on a private dirt lot. If they end up developing this property, they'll have to do the same as Cedar Lane. They pull in and have to back out. She stated it's only 19 feet. She showed on the overhead where she lives in regards to Meadowview farms. She said it's about 500 feet higher in elevation than Meadowview farms. She spoke about dust and odors that come up to their property. She spoke about the size of other facilities in the area. She said Brownlee actually is 20 acres. So what Julee had up was incorrect. Golden arm has about 40 acres. They might have 34 horses, but they have a lot of land to cover it. It is not private where Ox Yoke property is nestled. She said hopefully you guys could consider all of our neighbors' concerns.

Public Comment Via Zoom:

Mike Schuler (Via Zoom), former owner of the subject property and property owner on Rhodes Road on 50 acres, introduced his wife, Elizabeth. Elizabeth Schuler stated she agreed to many comments heard today. She said to clarify; we never ran the grass-fed beef business from that property. She said we occasionally ran our cattle on that property when we did not have our grass-fed beef business. Once we lived on Rhodes Road, she said we continued running cattle over there from our property to Ox Yoke property. Secondly, it's important to note; everyone is entitled to have their dream businesses and entrepreneurs. There are too many problems with tailwater ranch. This is a retrofit. It was a private home we bought after it was built. It's a retrofit. The other equestrian centers were designed and built originally as equestrian center with adequate space. In this property, this home is nestled amongst other residences. There are residences around the property. She said you heard the concerns about the septic. She said the other issue is the traffic. She stated we are confused with the number of horses and trainers. It was stated there will be a lesson an hour and group lessons totally 18 minimum per day. She said it's more like 24 lessons a day. She said the lessons is an hour and a half. The kids get dropped off, and the parent comes back. That is at least two trips per parent for those lessons. You have to add on hay delivery. Mike Schuler said the difference between the other commercial barns in the valley and this proposed one is this is built at the lower end of the valley, and the others are higher up and don't experience the same flooding. Floods come from Virginia range. The barn and riding area will divert the water go straight west to those residences on Cedar Lane. Thank you. We oppose this commercial barn.

James Grimes stated he supports the Bauer's project. He stated he owns nine lots on Ox Yoke. He stated he is in full support. He said the Schulers' ran cattle on that land for years. He said wild horses graze in our neighborhood lawns. He said his granddaughter learned how to ride horses and experience horse life. He said he received letters from neighbors to go back to California. He said he is a native of Nevada. He knows the people who lived out here in the 1950-60s. People are allowed and have a legal right to have agribusiness on their property. He said he doesn't see anyone maintain Ox Yoke except himself. He stated he will put money towards repairing the bridge on Rhodes Road

and doesn't think the neighbors will do the same. He said Jim and Grimes family supports Tailwater ranch project.

Louann Conrad said she heard there would be repairs to the bridge. She said Rhodes Road goes through Andrew Lane. She said she lives at the curve at Andrew Lane. She said she sees families get out of the way of cars speeding down the road. Andrew lane cannot accommodate more traffic. She said she counted the cars that come down Andrew Lane when the fire detoured the traffic. She said we could not accommodate the traffic. She said she doesn't want to see this project.

There were no further requests for public comments. Chair Hill closed the public comment period.

Member Thomas thanked the public for taking time out of your weekday and sitting for hours to voice their opinions. This Board much appreciates it. It helps them make decisions when they hear both sides. He said, you don't have to be a good neighbor, but we would like to be. The neighbor could choose not to talk to the neighbors or interact or not get along. He said most individuals out in the area do care about each other and interact. Its heartwarming to see. He said the issue he struggles with is there are other facilities in the area. The South Valleys area plan says livestock is part of the community. It's identified what the applicant is looking for. The applicant has 10 acres which would accommodate some of that. He said he drove all around out there. The wild horses graze out there. He said he saw alpacas out there, which is nice to see. Setting that aside, there have been important issues that have been brought up with water resources and proximity to neighbors. He said the numbers don't work out. He stated it's hard to understand an application when there are last minute changes. He said there had been verbal changes to hours of operations and size of arena. He said water and ground water are issues there. He stated he observed the other facilities that were well run and not surrounded by residences. He stated he was surprised the amount of traffic that came up Rhodes Road. He said they have to base their decision on the five findings. He stated they don't know if they have met them or not.

Chair Hill stated she has difficulty making the findings, especially the finding' issuance not detrimental. She thanked everyone who spoke. She stated only one person was in favor. It also says a lot when the applicant isn't present at the meeting. She said she hears issues about septic, waste, traffic, road size. She stated she has issues with their trip generation estimation. It's premature. She said she doesn't think they have a good enough description and analysis on how they will mitigate the negative environmental impacts that their use is proposing. She said she struggles to make the findings such as the existing improvements are adequate - especially with the bridge only one-lane; site suitability – with the high water is concerning; issuance not detrimental – it seems it will be detrimental to the character of the neighborhood which is residential, and this is commercial on a private cul-de-sac. She said it's hard to make the findings.

Member Stanley agreed with the remarks about attendance and providing details. It's helpful to keep current. He stated he is a dad and granddad and attends these types of things. He said he is not a horse expert. He agreed that the application wasn't fully baked. He stated even if they can make the site suitability due to the South Valleys Area Plan; he said he could not make the issuance not detrimental finding. He said he wrote a list of issues that everyone commented on: dust, noise, flood, pollution, fire access. He said he couldn't check any off his list. If they cannot make all the findings, this dog won't hunt.

Member Pierce thanked the public for attending. It makes a difference. He thanked Julee Olander, and her educated decision based on the information she had been given. He said after research, he said he is having a hard time making findings, specifically the improvements and issuances not detrimental. He stated he could not support this project at this time. He stated there were inconsistencies and changes and would invite them to come back once they get it worked out or appeal the decision.

Member Christensen stated he has limited knowledge of the law and procedures; he said he would have to agree with the other Board members about the finding issuances not detrimental. He stated he is an amateur. The proposition does not uphold the issuance not detrimental and site suitability.

There are some real problems there. He said he has lived in Washoe County for 44 years. He understands the unique problems in this area. He stated he lives in Spanish Springs, and this area would have been his second choice to live in except for the flooding. He stated he could hear the concerns and pain. He agreed with the other Board members. This has not been well thought out. He leans towards voting against this proposition.

Mr. Lloyd stated he wanted to address a comment that was made about the applicants not attending in-person. He stated that was by design, staff has asked the applicants to attend and present via zoom and not be in chambers as it assists the administrative staff. It's helpful for them to Zoom in with the presentation. He stated staff encourage them to attend via Zoom when they have a presentation. He said it's for technical reasons with the Zoom environments.

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 deny Special Use Permit Case Number WSUP21-0018 for Bennett and Darcy Bauer, with the conditions included as Exhibit A to this matter, having failed to make all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

The Board could not make the following findings:

3. Site Suitability. That the site is physically suitable for commercial stables 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;

10. Chair and Board Items

A. For Possible Action and Discussion to Elect Officers, Chair, and Vice-Chair **[For possible action]**

Chair Hill moved to continue the officers as currently seated with Chair Hill to remain as Chair and Member Thomas to remain as Vice-Chair. Member Thomas seconded the motion, which carried unanimously.

B. Future Agenda Items [Non-action item]

DDA Large stated that he will be doing an Open Meeting Law review at a future meeting due to a new member.

Chair Hill asked if we were going to continue Zoom (hybrid) meetings.

Member Stanley asked why all CAB meetings had been cancelled. Secretary Lloyd indicated the Zoom hybrid meetings and future CAB meetings would be discussed at a future meeting.

C. Requests for Information from Staff [Non-action item]

None

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

A. Report on Previous Board of Adjustment Items

None

B. Legal Information and Updates

DDA Large said, regarding the Open Meeting Law, the reason the Board of Commissioners went back to all in-person meetings is due to the new law passed in the Legislation Session says if there

is an elected member on your Board, the meeting has to be in-person. Because BOA has no elected members, and these members are all appointed, there is the option to allow hybrid (in-person and Zoom) or Zoom-only meetings.

Member Thomas asked DDA Large, regarding item 9A, and seeing as how they have been doing that event for 40 years, can the Board ask that there not be a presentation every year in order to expedite the item. DDA Large said there is a procedure, at the discretion of the chairperson in how they want to manage the agenda. What he has seen done in other hearings is to have an item be called and ask if anyone would like a presentation on this item from staff. At that point, if no one requests a presentation, there doesn't need to be one. If someone requests a presentation, as a courtesy, there should be a presentation. The BOA cannot do a consent agenda as these are individual hearings, and the Board is required to make findings on each of those agenda items. But the Pancake Breakfast is a perfect example of an item of which you can ask if anyone needs a presentation. He offered to sit down with the chair ahead of the meeting to determine if there are any items that can be managed this way. Chair Hill requested having events placed at the beginning of the agenda so she can manage them in that way, if necessary.

Mr. Lloyd and DDA Large noted they would coordinate the OML training as staff at a future date. Mr. Lloyd noted staff is busy with short term rental program.

12. 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.

With no requests for public comment, Chair Hill closed public comment.

13. Adjournment [Non-action item]

The meeting adjourned at 6:28 pm.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on August 5, 2021

Trevor Lloyd
Secretary of the Board of Adjustment