



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Clay Thomas, Chair
Rob Pierce, Vice Chair
Don Christensen
Kathie Julian
Brad Stanley

Thursday, November 3, 2022

1:30 p.m.

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

Secretary

Trevor Lloyd

and available via
Zoom Webinar

1. Determination of Quorum

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

Members Present: Clay Thomas, Chair
Rob Pierce, Vice-Chair
Don Christensen
Kathie Julian
Brad Stanley

Members Absent: None

Staff Present: Mitch Markey, Planner, Planning and Building Division
Kat Oakley, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Roger Pelham, Sr. Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building Division
Adriana Albarran, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Member Thomas led the pledge of allegiance.

3. Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

4. Appeal Procedure

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

5. Public Comment

Laura Hill Temmerman (Zoom) said, "the reason I'm speaking today is because I oppose moving forward with the Terracotta Well Sites and issuing the permit. I am part of the Callahan neighborhood. I'll briefly outline my concerns. NRS 278.020 in the *Counties Regulations and Decisions*, "must take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment," and NRS 278.250 states that zoning regulations and decisions by the county must be "designed to preserve the quality of air and water resources to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment." These are part of your responsibilities and commitments to uphold to us, the citizens of Washoe County. I fear your legacy to the future generations of Washoe County, our children and grandchildren is going to be your failure to protect us and preserve the wellbeing of our communities, our land, and our resources. The basis for the planning and development decisions is outdated. Since 2006 we've seen catastrophic fires such as the Dixie, Caldor, and Caughlin fires, to name only a few. The recent fires are hotter and move faster, risking the lives of our communities and first responders. We have seen a failure of the Colorado River Basin and the Great Salt Lake. We have diminishing groundwater and surface water. Our water source is not immune to the fact that all water sources are decreasing. In July of this year, the nonprofit Climate Center announced that Reno's summertime temperatures are averaging 10 degrees warmer than they were in 1970. This makes Reno the fastest warming city in the United States. What exacerbates this? More cement more asphalt and less open land. The world has lost 60% of its biodiversity. Reno is not exempt for this. Even without further developments, we have seen a greater impact on traffic and infrastructure in the Mt. Rose highway and the Callahan Ranch area than was previously anticipated. We have diminishing snowpack, both in terms of presence only at higher elevations and not lasting as long anymore. You are planning for more, while the resources are diminishing. The acceleration of these decreases isn't being factored into the data modelling that researchers and experts are showing us to be our reality. You have a duty to protect the welfare and wellbeing of our community. The increasing number of developments is using what few precious resources we have less such that we will soon be left with nothing. Is this what you want your legacy to be? That will be next on the list for being without water are no longer sustainable. Now is the time to pause, stop and course correct. I therefore oppose the moving forward with the permitting for the Terracotta Well Sites."

6. Approval of the November 3, 2022 Agenda

In accordance with the Open Meeting Law, Member Pierce moved to approve the agenda of November 3, 2022. Member Stanley seconded the motion which carried unanimously.

7. Approval of the October 6, 2022 Draft Minutes

Member Stanley moved to approve the minutes of October 6, 2022 with corrections made to page 9 and page 11. Member Pierce seconded the motion which carried unanimously.

8. Public Hearing Items

A. Variance Case Number WPVAR22-0004 (Rushing Variance) – For hearing, discussion, and possible action to approve a variance for a 14' encroachment into the 15' front yard setback for an addition to an existing single-family dwelling.

- Applicant: GilanFarr Architecture
- Property Owner: Heath & Amanda Rushing
- Location: 27 Somers Loop
- APN: 123-031-04
- Parcel Size: 0.102 acres (± 4,459 sf)

- Master Plan: Stateline Point
- Regulatory Zone: Stateline Point
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Oakley informed the Board that the applicant had requested a two-month continuance. Applicant representative, Philip GilanFarr was available via Zoom. Mr. GilanFarr said it had been a complicated variance because they were trying to maintain a historic structure in Crystal Bay. They have been working with Staff. They are requesting a two-month continue so they can explore an administrative review permit. If that doesn't work for this application, they would like to bring it back if necessary.

There was no response to the request for public comment for this item.

B. Administrative Permit Case Number WADMIN22-0021 (May-Doyle Garage) – For hearing, discussion, and possible action to approve an administrative permit for a 2,400 SF detached accessory structure that is larger than the existing 1,558 SF main residence.

- Applicant/ Property Owner: Rebecca J. May-Doyle
- Location: 165 Monica Court
- APN: 530-173-11
- Parcel Size: 0.338 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 306, Accessory Uses and Structures; and Article 808, Administrative Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander provided a presentation. Applicant, Mike Doyle, was present and available for questions.

Member Julian said Planner Olander mentioned that there was no emails or letters received, but a public comment letter was attached in the staff report as an exhibit, and it is critical of the project. Secondly, Staff mentioned that the structure will be painted the same color of the house, but that was not in the conditions. Member Julian asked if that could be included the conditions? Planner Olander said it could be.

Member Julian said that she finds it helpful if she reads it in the staff report that it is going to happen, it would be good to have that then in the conditions, she noted it was also something mentioned by the Conservation District. The Conservation District also mentioned landscaping,

but in the application from the property owner, only existing large trees that will cover the shop are referenced. Member Julian asked, will there or will there not be any landscaping added to this project? Planner Olander said there is no code requirement that requires a resident to add landscaping, if that's something that is appropriate, then the Board can ask for it. It is a residential property that has landscaping already on it to some degree. Staff does not have landscaping work requirement for residential properties.

Member Julian said, but under staff comment, it says the structure will be painted to match the main residence and landscaping will be added around structure. And the application says it will be used for six to 10 vehicles. Should there be any commercial use of this property, they would need to get another license or some other clearance for that? If they were to be using it for storage, paid storage or something like that, they would need to get some sort of approval? Planner Olander said they cannot store vehicles on their property that are not registered to them.

Mr. Doyle said he did not have a presentation. He said "I'm building this because I spend between nine to \$10,000 a year in storage facilities between my motorhome and boats. And when it qualifies as nine vehicles, we're talking about side-by-sides and motorcycles. I'm an avid car collector. I have a shop here in town building cars for me. I just need a place to store them. So currently, it's not cost-effective to keep giving \$10,000 away without utilizing my own property."

Chair Thomas referenced Exhibit D, page 24 of the staff report, a schematic of what this gentleman would like to do on the property. When Chair Thomas looked at the building and its size, it appears that the apex of the roof for this facility is set at 24 feet. Is that correct? Mr. Doyle said, yes. Chair Thomas asked if the applicant could show where this will be: a two-car or four-car garage? Mr. Doyle explained the design and layout and said it's going to be for RV, boat access, and then side by sides in the front and the access will be on the west side, with one access door. There'll be a few windows here as per plan. On the east side, there'll be three windows for sunlight. On the north side, I'll have no windows. And then through the breezeway there will be what's commonly called a patio window. Mr. Doyle said they're just using this is a patio cover to go back and forth from garage to the house. Chair Thomas said according to the plan, the narrowest point will be about 20 feet six inches from the fence to the corner of the of the garage there. So, there will be about 22 feet to move the trailers and everything in and out.

Mr. Doyle said if his wife does landscape architecture. They purchased the home two years ago. Unfortunately, COVID took the cost of the shops through the roof, so they concentrated on the front of the property. They plan on tying the front of the landscaping to their home. And the additional space behind the garage is going to be a greenhouse. Mr. Doyle's wife is an avid gardener, so it will be really nice.

Chair Thomas asked if Mr. Doyle contacted his neighbors around the property or anywhere in the area and discussed building the garage with them.

Mr. Doyle responded, yes. The applicant is fortunate to live in a court. And their particular part of the court is kind of unusual, it has an odd little curlicue. It is hard to see their house because of the trees. But they have young children and a lot of educators in the neighborhood. They were all friendly and talked. A few people, even from maybe a block away, have come and said to the applicant, 'Hey, Mike, I see you're going to put a shop in your backyard,' Mr. Doyle then brings them through the back and shows them how it's going to be. He has a great neighborhood.

Public Comment:

Becky May-Doyle (Chambers), no longer wished to make public comment.

Michael Doyle (Chambers), no longer wished to make public comment.

Bill Hecht (Chambers) said, "I'm not an adjacent neighbor. I can see the property from my front door. This is basically a two-story building. I estimate to be about eight feet taller than the existing house in surrounding houses which are all single-story. There are six neighboring properties that touch on this property, including mine, and several with backyard patios facing the proposed

structure. It would dominate the skyline and the view. The structure would then fill a backyard, as you can see, and the plan indicates a paved driveway surrounding it extending to the property line. Stormwater runoff has to be an issue for the neighbors and only the word swale is used on the architectural drawing with no detail as to what that amounts to or what it does, no gutters or drains are shown, and I cannot tell what the grade is. The drawing calls for seven lighting fixtures around the structure. This is an issue for immediate neighbors and the neighborhood, which was originally constructed with minimal lighting to preserve the dark sky. I think the structure is inappropriate and out of place for the property and the community. It's kind of a massive building. It's designated as storage in the eagle Canyon subdivision. These are generally backyard sheds. It is difficult to describe how this building might look and function, but it feels like a backyard commercial warehouse. I ask that the application be rejected, being a nuisance to neighbors and incompatible with the character of the subdivision. I really don't want to be here today. But I wrote the letter."

Member Christensen said Mr. Hecht's comment and his written letter indicated a carbon copy to an HOA. Member Christensen said asked if the project was conditioned by CC&Rs or bylaws of the Eagle Canyon?

Mr. Doyle said part of the process before he moves forward with the building or landscaping was to get approval from his HOA and that coincided with color matching and all. As a preliminary architectural design, he delivered that to his HOA, there was a three-month process to get approval, then they moved forward with the architectural design and engineering.

Member Christensen wanted to know who the community manager was, and the company for the HOA? Mr. Doyle apologized as he did not have an answer. They do have a letter of approval from the HOA, however.

Member Julian said she sympathized with Mr. Hecht's comments. And as such, is wondering if she may ask Staff again about the lights. Is it typical to have these many lights on a structure or a garage? And is that something that could have been conditioned to have perhaps fewer lights? Or is there a rationale for the seven lights that are there?

Planner Olander said they don't regulate how many lights the residents have to have. They have to be down shielded, and the light can't cross property lines. So that's the extent of what residential properties require.

Member Julian said going back again to the Conservation District's comment and she realizes they're not a regulatory agency but was wondering if Staff could address the recommendation of a three-to-four-inch rock in the flow line of the swale to minimize transporting sediment. Is there any discussion on that? Was that considered, is that part of it?

Planner Olander said that would be something that their engineering department would address. She didn't believe that they have anything that addressed that. From Staff's perspective, that was not necessary. Also, there is no way to enforce the items from the Conservation District, unless there is a code that enforces some of the things they are requesting.

Member Julian asked whether Planner Olander ever investigates those items. Does anyone mention that to the engineering department to see what they think about those comment? Planner Olander said she did not have that exact conversation with them.

Member Julian said she would support conditions that explicitly state, the color the roof and perhaps even a non-reflective roof and then also the color the building and some landscaping to be added, as was suggested would be done in the staff report.

Member Stanley said regarding lighting, hasn't Staff addressed that in the past, typically by saying that lighting must be dark sky compliant, downward?

Member Olander said that could be stated. However, this is residential, that's primarily something seen in more commercial buildings. If the Board wanted to limit the lighting on this property,

they're more than welcome to condition it. Staff doesn't feel like what is already in code must be reinstated. But if the Board wanted to say something exceptional, that they're limiting lighting to four fixtures or something like that, that's something that the Board has the ability to do.

Member Stanley said that dark sky compliant is usually what is used for commercial. And this sounds stricter, in terms of the light being confined to the property line, and so forth, then even dark-sky compliant.

Planner Olander said that is required for all development. However, it's in some of the area plans. Staff sometimes highlight that. However, she can't speak to that being in the Spanish Springs plan.

Sr. Planner Pelham said Article 414 of the Washoe County Development Code noise and lighting requires that any lighting within 100 feet of a residential zone be not greater than 12 feet in height, and there can't be any spillover at the property line. If the Board feels it is absolutely necessary in this case, this would be a little out of the ordinary, but the Board could add a condition of approval that requires a photometric study. And what that is, is something drawn up by an engineer that uses those various light fixtures and shows how far away that goes. But in all cases, the light has to go downward only, and no lenses are allowed to show up under that. So generally speaking, it shouldn't be necessary. And those are standard code requirements.

Chair Thomas said he read Mr. Hecht's letter that was sent to the Board. And yesterday, did a site visit. Part of his concern is the height of the building at 24 feet. And he's used this before as a visual indicator but from where he sits to the top of the ceiling is 17 feet. It would be beyond that. He knows there was also a reference made that there are no other buildings of such size or anything like that in the development. And that is partially true. He did travel through the neighborhood, down numerous streets, and did notice that there are in fact, single-car garages that have been added and double-car garages that have been added behind the property. He did not see any at that height, however; the HOA has already approved this project. Planner Olander sent out 79 notices to property owners in the area, and the Board didn't see any comments other than Mr. Hecht's, which is against the project. None of six property owners that abut up to this property, expressed a concern, either. Chair Thomas was leaning in favor. He didn't like the height. He didn't know if anything could be done about that. Or about reducing the height because it is equivalent to a two-story building. However, the neighbor to say north, just northeast of the applicant on the next street over, had to add a blueish-looking house and put something like that, too, so it's not unique to the neighborhood. There have been other things that have been approved.

Member Julian had a question on whether there's a policy on including the letters from HOAs when there is clearance because it would have been helpful to have that as a foundation document, the prior approval of the HOA would be helpful to have in a staff packet going forward?

Secretary Lloyd said he can address that, there is a requirement when building plans go to the building department if there is an active architectural committee or HOA, they do require approval or sign-off from search committees. He doesn't know if they've submitted plans yet or not. Typically, they come to the Board of Adjustment before they submit the building plans to the building department. But that will be a requirement with the building department. Member Julian said the applicant has said that the approval from the HOA is already there. Mr. Doyle confirmed.

Member Christensen said he lives not far from this area. He's not a part of this HOA. He has seen other structure, garages that the Board has approved probably most before his time on this Board. But he has seen a lot of second-guessing after the structure has already been built. And it's not fair to the gentleman who's gone to the trouble of getting this administrative permit and building his structure. He feels a little heartburn about Item Six on his application. It says in the applicant's writing, the building will not be seen from the street. Member Christensen thought that's optimistic. It's a 24-footer. It's going to be seen. Member Christensen was really torn on this. He loves people to have structures like this, he would love to have a 2400 square foot building on his property,

and he's zoned for it. He just doesn't have the neighbors that have an appetite for it. And he can't blame them. Therefore, he's not in support of this measure. He'd like to see it come down and not be so tall. And he knows that's an imposition, but that's why there are administrative permits and variances on the size of these structures. It exceeds the size of the home. He wasn't comfortable with this one. Member Pierce said he think the gentleman has done a great job. The HOA has approved it. So, he's in favor of the project.

Member Stanley said he assumes the driver for 24 feet is so the applicant can fit something that's 22 feet or something tall that could fit into that. Mr. Doyle said part of the structure of the building is in the rafters or trusses. There'll be storage in that. And Reno truss designed an area for storage above the vehicles.

Member Stanley brought up that the application said that the structure couldn't be seen from the street. What was Mr. Doyle's thinking there? Mr. Doyle said if he were standing out in the street in front of his home, between the trees and the grade, and the top of his roof, it's going to match and look like the same roofline as his existing roofline. One might see a foot and a half of it because the court in the front and then all the vegetation around the front of the house, one won't be able to see it and he lives in that particular part of the court where people enter. It's almost like one doesn't even see their house before they see the court. He provided photos of the front of the house.

MOTION: Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN22-0021 for Rebecca J May-Doyle, with the added condition that the structure will be painted to match the existing residence and one tree will be installed and 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:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs Area Plan;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for detached accessory structure and for the intensity of such a development;
- (d) **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;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Member Stanley seconded the motion. Members Christensen and Member Julian were in opposition to the motion. The motion passed with three in favor and two opposed.

C. Administrative Permit Case Number WADMIN22-0022 (Talarico – Care of the Infirm) – For hearing, discussion, and possible action to approve an administrative permit for a recreational vehicle to be temporarily used for the care of an infirmed resident.

- Applicant/Property Owner: Jennifer & Luigi Talarico
- Location: 16270 Mount Rose Hwy
- APN: 049-080-22
- Parcel Size: 1.5 acres

- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Oakley provided a presentation. Applicant, Lori Fasbinder, was present and available for questions.

Member Stanley mentioned one of the letters received was about emphasizing the temporary nature of this application. He noticed that the medical certificates suggested a two-year period, which wouldn't apply to the code. Would Staff clarify the idea of temporary and how that applies or doesn't?

Planner Oakley said the permit is issued temporarily. The permit is issued for a year and requires yearly renewal. The issue can be revisited every year to discuss any problems for surrounding property owners, if they feel there are problems that could be addressed via conditions or via change in the status of the permit.

Chair Thomas asked if there are any restrictions to the number of infirm that can be on a property at one time?

Secretary Lloyd said ironically, he did not know that that question has ever come up. He took a moment to refer to the code. He also stated that the County does not want to see an RV farm on a property.

Chair Thomas said it just struck him now that the Board has approved a couple of these. But was wondering, what if a parcel had five or six or seven people on it, would a care-of-infirm be allowable for that many people?

Applicant, Lori Fasbinder said her husband is terminally ill. She doesn't know if she'll be back next year to request a renewal. The neighbor who wrote that comment was just being maybe not so kind in writing that.

Public Comment:

Harold Schambach (Chambers) said, "I live basically right next door with an open lot in between and I have absolutely no problems with this being approved. And I think a lot of these things should be done in the light of the way people are being outcasts and I just think it's ridiculous. They're nice people. They're social, and pleasant. I have no problems with it."

Chair Thomas said the only issue he has, and he knows DDA Large is aware of it, is that the Nevada Revised Statute states a signature is required by a licensed physician. What is currently presented on the documentation is a signature from a physician's assistant. Chair Thomas didn't want to say that makes this null and void. Chair Thomas was asking if the Board can add a condition, that this will be, if the Board decides to approve the application, that they could predicate that upon the signature from a physician?

DDA Large said yes, the Board can condition it on a licensed physician. DDA Large knows this Board has faced this question in the past, the intended purpose of the NRS and Washoe County code in this regard is to allow these facilities for care of the infirmed and most people have a difficult time getting to see a physician versus a physician's assistant who is also licensed by the

state of Nevada. The intended purpose of the Nevada Revised Statute is to allow these having a medical professional. DDA Large was not going to quibble with the law, it says what it says, but it is somewhat antiquated regarding the medical who needs to provide that. But this Board is clearly within its scope to condition any further on having an affidavit submitted from a physician.

Chair Thomas replied, but in doing so, with the spirit of the intent of the law, would be to go ahead and accept.

DDA Large said based on the history of what this Board has done in the past, and the underlying intent of the law, he was in agreement with that.

Member Stanley said he agreed with this, particularly with the neighbor's comment and his rationale on why the Board may be seeing more of these applications, and how it's the right thing to do. As DDA Large pointed out, the Board has precedent, having done these two or three times recently. Medical professional licensed by the state of Nevada has passed scrutiny a couple of times.

Secretary Lloyd said after a quick glance at the code, "under temporary occupancy of the care of the infirm, it does mention one, self-contained travel trailer or recreational vehicle may be temporarily occupied as a legal use," and it goes on. So, there is a limit to one RV per property for this purpose.

MOTION: 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 Administrative Permit Case Number WADMIN22-0022 for Jennifer and Luigi Talarico, 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:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for temporary use of a recreational vehicle for the care of an infirmed resident, and for the intensity of such a development;
- (d) **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;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Member Pierce seconded the motion which carried unanimously in favor.

D. Administrative Permit Case Number WADMIN22-0023 (Codd Detached Garage) – For hearing, discussion, and possible action to approve an administrative permit for a 3,200 square foot detached accessory structure larger than the primary residence. The primary residence on the parcel is 1,442 square feet with a 576 square foot detached garage.

- Applicant/Property Owner: Ruthvern Living Trust
- Location: 705 Oro Loma Road in Washoe Valley
- APN: 050-232-08
- Parcel Size: 1.02 Acres
- Master Plan: Suburban Residential (SR)

- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Senior Planner Pelham provided a presentation. Applicant representative, Michael Vicks, was present, provided a presentation, and was available for questions.

There was no response to the request for public comment.

Member Stanley said Sr. Planner Roger may have addressed this but the Washoe County Conservation District suggesting evergreen versus deciduous ratio. If the Board wanted to nod toward that suggestion, would that be handled as a condition? Member Stanley saw a suggestion by the conservation group that additional trees be added to a certain type. Was that addressed in what Staff presented?

Sr. Planner Pelham said yes, there will be three additional evergreen trees conditioned to be planted.

Chair Thomas said there's a little shed or outback building against the west property line. Was that going to be removed? Chair Thomas saw the property and noted a little red tractor. Mr. Vicks said it's his understanding that this will take the place of the shed, and the tractors and the boat and the vehicles you see out there will be stored within it. That's kind of the goal.

Member Christensen asked what material is proposed to be used in this extra driveway?

Mr. Vicks said it's going to be unpaved. It'll be gravel of some sort with just a concrete apron at the structure.

Member Christensen said actual concrete driveway into the existing structure? This indicated continuation of that driveway, but it's not the same material. Mr. Vicks said No. It's specified in the site plan, which is a little bit different. Mr. Vicks said they're going to extend the driveway, like he said, with a gravel on paved surface beyond the existing driveway. Then, once they get to the garage, it's pretty standard to have a small concrete apron there and so they're going to do a five-foot concrete apron right after structure. And that's detailed on the site plan.

Member Julian said she had a query on page 11 of the staff report. She believed there was a typo, where it stated the approval of the location, she read the typo out loud "and size of size of the garage until a full review is completed by WCHD." What would that review be? And can Staff elaborate on the document?

Sr. Planner Pelham said that's Washoe County Health Department. All that's really saying is that when the building permits come in for review, Health Department is one of the agencies that it will be routed to, and it will have to meet all their codes when that occurs.

Member Stanley said he's inclined to be favorable to this application. And he was pleased to see that it's consistent with the area plan.

MOTION: Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN22-0023 for Ruthvern Living Trust, 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:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for a detached accessory structure., and for the intensity of such a development;
- (d) **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;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Member Julian seconded the motion which carried unanimously in favor.

The Board took a brief recess.

E. Special Use Permit Case Number WSUP22-0024 (St. Peter Canisius Catholic Church Addition) - For hearing, discussion, and possible action to approve a special use permit to construct an addition of 5,081 square feet to an existing 6,064 square foot existing church at 255 E. 5th Ave.

- Applicant/Property Owner: St. Peter Canisius Real Property LLC
- Location: 255 E .5th Ave.
- APN: 085-252-02
- Parcel Size: 4.47 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: 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
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander provided a presentation. Consultant, Gregory Erny, was present and available to answer any questions.

There was no response to the request for public comment.

There was no discussion among the members.

MOTION: Member Christensen 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 WSUP22-0024 for St. Peter Canisius Real Property LLC, 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:

- (a) **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;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for religious assembly and for the intensity of such a development;
- (d) **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;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Member Julian seconded the motion which carried unanimously in favor.

F. Special Use Permit Case Number WSUP22-0025 (5 Ridges Grading) - For hearing, discussion, and possible action to approve a special use permit to allow for a utility service use for two 12-inch underground waterlines and to approve major grading for an emergency access road resulting in a disturbance of up to ±2.0 acres of the site with a net increase of fill greater than 5,000 cubic yards; and for a modification of standards for 110.438.45(a), (c), (g), and (h) to minimize the grading footprint and 110.438.50(a) to allow the use of riprap.

- Applicant: 5 Ridges Development Company Inc.
- Property Owner: Highland Ranch HOA
- Location: East of terminus of Cezanne, Rembrandt & Rodin Courts
- APN: 508-460-01
- Parcel Size: 26.02 acres
- Master Plan: Open Space (OS)
- Regulatory Zone: Open Space (OS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 438, Grading Standards and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander provided a presentation. Representative, Eric Hasty, was present and provided a presentation. Mr. Hasty along with applicant, Blake Smith and consultant, Andy Durling were available to answer questions.

Member Stanley requested to see the aerial view image. He asked where the culverts were in the image?

Mr. Hasty showed the slide and where the culverts will be located.

Member Stanley asked if there are any catchment basins for this project or for any potential water going through? Mr. Hasty replied it'll perpetuate the flows by allowing the flows to continue through the property. It's not going to be catch basins or anything like that. Member Stanley asked for the 24-inch, where might the water go after going through the culverts?

Mr. Hasty showed where it comes in through. He said it'll go through the culvert and then continue down. He doesn't know where it gets picked up in the back but then goes into storm drain.

Ashley Varley, Wood Rogers Engineer stated, as Eric mentioned, there's several drainage areas on the site, and natural channels that are kind of going around. The one that Eric was pointing to comes down and then kind of loops back around. Ms. Varley showed where the second culvert is located. They're still in the preliminary design process. Mr. Hasty mentioned that there were three but, the more that their team has looked into it, they are probably going to eliminate one of them. So, they're only the two culverts. But they're still in that design process.

Member Stanley said if he's saying this correctly, that the water flow won't go into developed areas.

Ms. Varley said no, we're just perpetuating existing flows and making sure that they can get under the roadway.

Chair Thomas said with the addition of the pipeline that you're requesting to go in, is it already connected to this? Will it connect to the City of Sparks? Do they already have a line there on the border?

Mr. Hasty said there is currently one waterline that is in Cezanne Court. This is for the Sun Valley General Improvement district as well. He was not exactly sure if that's connected to its own system or not. The applicant was present and knew a little bit more about the waterline and would be able to answer.

Chair Thomas asked if someone could clarify, because the applicant is going to be putting a pipeline, and it's going to be heading east on air, and it's going to get to the border, where were the boundary lines? Was there already a connection from the City of Sparks right there? Or are they going in there until the city of Sparks puts their water lines in.

Mr. Hasty said it's going to go into the Five Ridges development to the east, and then go down into Highlands Ranch and then move back into the system.

Blake Smith said he's the managing partner of Five Ridges development. The line that is in the City of Sparks, and the line that they're looking to approve will be built concurrently. There are not two separate ones, this is just the continuation of the same line. This line is critical to come in from SVGID, they'll deliver all the water to the project. And this is the looping line that goes in, they have to have the water loop in the system. They already have the first one built that the Board saw. That one's in and operational. This is the looping one. The second one that comes in so that SVGID has two sources of water into the loop, as they call it.

Chair Thomas said City of Sparks will still need to have their second line. So, you'll have a complete loop. Is that right? Mr. Smith said we'll actually develop it; we'll build the line.

Chair Thomas said what he was asking about is the cul-de-sac, heading east, the developers are going to put a road in and they're going to put these lines in front. From the border, the eastern border, Chair Thomas knows there is not a paved road in there already. He's been out to the site. The developer is going to put a paved road in, and it's just going to stop? When is the City of Sparks going to continue and put a paved road in to meet that. Mr. Smith said his team will develop

the road on both sides, both in the county and within the city and they'll build it all at one time. It's going to be concurrent.

Chair Thomas said his only other question was, where the road is scheduled, and where it goes to the two to one. It's coming out of the cul-de-sac and moving a little north of the cul-de-sac. What would prevent it from being the road coming down south a little bit out of the cul-de-sac and foregoing the steepness right in that area? Is that a possibility or not?

Mr. Smith said this is the results of the engineers working with the HOA. The HOA board approved this, and these are the boundaries the HOA wanted to have. The developers are designing within that agreement that they have with the HOA. It's a recorded easement right now. They're just developing inside that easement.

Chair Thomas said that tends to answer his question. He just didn't know why that route was chosen, if there was a flatter area where they didn't have to request an SUP for a 2:1 gradient if the road came down further south. However, if that was the HOA's decision and all that is okay with them, the Board will work within those guidelines.

Public Comment:

John Gavin (Chambers) said, "I live on Cezanne near the intersection of Donatello. Sorry, I'm late to the parade here but I was out of town in August, and I don't have technology or skills to run technology. And I didn't see your report until just a little while ago. Several things came to mind. But first of all, I need to know how far up they need to go to tie into water lines. Are they going to tear up Cezanne Court? Also, on the view that you have on your screen right now. You can see where they tie in at the end of Cezanne. If you come up to the beginning of Cezanne, and then just a little to the upper left, outside that black line, there's another street there, that's actually the back road of behind the new middle school. And directly across from that is the future extension of Sun Valley Boulevard that eventually is supposed to end up going out to like Eagle Canyon. And it's wide enough. It's like 130 foot right of way through there wide enough for a 10-lane road. And I wish I had come earlier to this game because that would have been the best place to tie in. I've been in construction for 50 years; when you have a utility put in, and you have an access road put in between two neighborhoods, you know what happens? They fill in and eventually that's going to be a travel lane. If you take your measurements, Cezanne is like 33 feet wide. And if you have a car parked on each side, that leaves you 16 or 18 foot in the middle for two-way traffic. In addition, Thursday's garbage day recycle day and you've got big trucks on and basically you just shut down two-way traffic. It'd be much more accessible through the one that I just pointed out. The bottom of the picture that goes up to the middle school. And the middle school collects all water from the other side of the school and brings it all down through two, 48-inch round culverts if you want that single digit back."

Member Stanley said Mr. Gavin mentioned a couple of 48-inch culverts at the middle school. Some of the members have some previous experience with school complexes that made catchment basins that were roughly half as large as needed. And the next winter that was made fairly obvious. Would Mr. Gavin be kind enough to show the Board where their culverts are and how that water channels down to the 48-inch culverts he mentioned.

Mr. Gavin showed on the slideshow. He said "you can see where they propose this. I think that's just the dirt road. I don't think this is detailed enough that you can see it. But basically, it comes up behind these houses. And then someplace right in here, I'm guessing it might be up further, but it's along this edge. And there's a cement header. And then there's two like 48-inch round culverts. I live right there. I have been in construction for 50 years. We used to walk around the school. All the way up on the opposite side of the school. There's almost like a little canyon up there and the water comes down through there. And there's a collection system all up on what would be the northwest side of the school and all that funnels under. I didn't see any other piping. I'm guessing that all funnels under and then comes out in that area."

Member Stanley asked where the water flow is, where the 24-inch culverts are, and how they relate to the 48-inch culverts and where the water goes?

Mr. Gavin showed on the slide show. He said "I don't know if they are putting in three 24s. But that's the big drainage point right there. And it comes from right behind these houses. And someplace up along this side of that road. There's a downhill slope right here, it might even be further down, it might be right in here. You can walk around this house, which is a two-story house, I'll give you an example of 23 foot high for how far down that is to the peak of the road. And I can't remember if you can see it from this back corner or drive your car up this road. And on the right side of the road is a hill."

DDA Large told Chair Thomas, he would highly recommend that this Board listen to the engineers and the planners and direct questions to them. Regarding this, there's a lot of speculation that's going on in terms of public comment, and from someone who is used up his time from public comment.

Chair Thomas thanked DDA Large for his input. He agreed that the engineers have probably done a thorough job of designing the project. He just wanted to make sure that Mr. Stanley, as best he could, get an answer for his question and the gentleman's time to speak.

Mr. Gavin asked if he would find out how far up Cezanne the project is coming? Was he going to have trouble getting out of his garage?

Chair Thomas asked Mr. Gavin to take that up with the applicant after the discussion was concluded.

Member Julian said she would like clarification as to what points specifically are being raised that need to be addressed. She said, suppose the point about the school and the 24-inch culvert.

Member Christensen said he thinks he can hopefully clarify that. If the Board looks at the scope of what this application is. And the brief summary of the request is to allow major grading for emergency access road and water lines. The discussion was getting a little far afield. With all due respect to his colleagues, Member Christensen thought they had completed that discussion. He was interested at a later date of these ancillary concerns, at present he thought they've covered the waterfront. Member Pierce agreed.

Chair Thomas said he supported Mr. Christensen's position on this, that this is kind of outside the scope. But if that was needed to help Member Julian make a decision, the Board can attempt to address.

Member Julian said she was concerned this was creating a situation that was going to be somehow averse to the community. And Mr. Gavin was raising that point. Member Julian was unclear on that. She did not understand where the pointer was and all this. That was her simple clarification of Staff. They could opine on something but if the engineering staff was not present then, that's not a problem.

Secretary Lloyd said what Staff is talking about, and he needed to be careful because he didn't want to cross into the area of being an expert in engineering at all; Staff doesn't have their in-house experts, unfortunately, none of them were present, but they do have conditions that address this matter. In fact, condition 2.h. requires a detailed hydrologic report that will address the conveyance of the water and ensure that the adequate culverts are sized adequately to accommodate that stormwater runoff.

MOTION: Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0025 for 5 Ridges Development Company Inc., 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:

- (a) **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;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for grading and a waterline and for the intensity of such a development;
- (d) **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;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Member Christensen seconded the motion which carried unanimously in favor.

G. Special Use Permit Case Number WSUP22-0026 (Terracotta Well Site) – For hearing, discussion, and possible action to approve a special use permit for the construction of two well houses and associated infrastructure on a portion of APN 047-141-12. The well sites will meet the water needs of new development on the parcel and will supplement the regional water system. The well sites are included in the Truckee Meadows Water Authority (TMWA) 2021-2025 Capital Improvement Plan. Following construction, TMWA is planning to accept ownership and operate the wells.

- Applicant: QS LLC
- Property Owner: Paul Tanguay, Robert A. Winkel
- Location: 0 Joy Lake Road
- APN: 047-141-12
- Parcel Size: ± 85.233 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Development Code: Authorized in Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Mitch Markey, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.2722
- E-mail: mmarkey@washoecounty.gov

Planner Markey provided a presentation. Applicant, Karen Downs provided a presentation and was available for questions along with the applicant representative, John Enlow.

Member Julian said there was a reference on page 17 of the staff report, to fencing. Is that condition referring to trees. Was that part of the conditioning and is the color of the building part of the conditioning? Just to be consistent with the staff report.

Planner Markey said fencing is required for utility buildings. In terms of color, that can be conditioned. There was a recommendation by Washoe-Storey Conservation to replace the deciduous trees with evergreen trees. The current proposed landscaping meets Staff's code. Staff

had no issues with the current landscaping that was proposed. But if the Board does desire to add that as a condition, it can be done.

Member Julian said the other conditions that the Conservation District mentioned required a fence around part of the project, and that the fencing will be natural desert color.

Planner Markey said there is fencing as far as this project, and it will be a similar tan color to the buildings.

Member Julian said she would suggest going forward that be considered in the motion.

Secretary Lloyd said the letter that was received from Washoe-Storey Conservation District are suggestions; they're not recommendations. Staff does not recognize them as an agency with the power to enforce conditions. Planner Markey was correct that there is fencing being proposed, and it does meet code. Staff doesn't condition it, but it's part of the application.

Member Julian said just for clarification about consistency. When she reads something in a staff report that says something will be done, but then doesn't see that it is a condition, then it makes her wonder, well, the staff report says it will be done, but will it be done? If it's not a condition.

Secretary Lloyd said Member Julian would find some plans that are submitted at the time of the building permit have to be substantially conformed with the plans that are submitted and approved by this Board. So even though they're not necessarily conditioned, they have to be in substantial conformance with what they're providing to support.

Member Stanley said to piggyback along that line of questioning, was there a landscape plan, a visual that could be shown?

Planner Markey said it should be in the application packet. He didn't include it in the presentation.

Member Stanley asked what it looked like. In the past, the Board could add the conditions recommended by the Storey County conservancy that would cut to the question asked earlier. He would be in favor of that if the applicant was.

Chair Thomas referenced Exhibit E, page 32 of the staff report, the application request. Under the project description and justification, in the second paragraph. On almost last line, it says what will be fenced, screen, and landscaped in accordance with Washoe County DC section 110.412.4.

Member Stanley said thank you, that was mentioned by the planner earlier. But Member Stanley was wondering what specs were, and what they looked like. He was asking further, particularly after looking at the visuals of the environment with evergreen trees, if the Board could add a condition along the lines of what was suggested by the conservancy group.

Chair Thomas said yes, a motion could be made to include the desires of this Board within the confines of what they have the privilege to recommend and enforce.

Member Stanley said when adding a condition, as he was suggesting, just make it clear. Doesn't the Board usually ask the applicant if they would be comfortable with that condition?

Secretary Lloyd said that's typically the practice. He doesn't know that it's a requirement. Member Stanley said it's goodwill, and he would be asking the applicant.

DDA Large said he recommended hearing from the applicant and letting them do their presentation before making requests regarding a specific condition of approval.

Member Pierce said he didn't see if the project was going to have a generator. Ms. Downs said that's correct. The generator will be outside the building. It will also have a noise attenuation surrounding, but outside the building. There's the landscape plan. It's that pad on this picture to the bottom left.

Member Pierce asked if there were any homes around the project currently. Ms. Downs said currently, it's all undeveloped. It's an approved residential development. So, there will be homes.

It meets the required setbacks. She was looking at that site for how far it would be from any adjacent structure.

Chair Thomas said there would be 500 gallons of water treatment chemicals stored at each location and that will also be 550 gallons of secondary spill containment provided. What does that mean?

Ms. Downs said that would be in case of any spill that will provide containment for said spill. To accommodate for as much as the chemicals that are there.

In response to Member Stanley's question, Ms. Downs said we have no issues with adding all evergreen trees.

Public Comment:

Felicia Cavanagh (Chambers) said, "I am the property owner of 1630 Callahan Road. I request that the special use permit be denied based on the following facts. Those wellheads reside in the Mt. Rose/Galena fan well mitigation program area that's already in place. And it was put in place around 2011 due to the unreasonable and adverse impacts to private and domestic wells, related to the pumping of municipal wells in the Mt. Rose highway and Callahan area. The special use permit will further the advancement of these well sites, to not only pump to the new development on that 85-acre parcel but also to supplement the regional water supply. Let's be clear, these are production wells. They're not domestic wells; they've been drilled and have never been pumped yet. So, when that mitigation agreement was put into place in 2011, these wells were in place, but they'd never been used. So obviously, at least a new mitigation agreement needs to happen. Moreover, TMWA states two things in this special use permit. Number one, it will not further impact the wells in the vicinity. Of course, all the supporting documents are not easily available for me to reference. And also, 'there'll be four monitoring wells,'" they're not part of this application. They are not required until the residential subdivision is approved. So potentially, this concerning language could result in TMWA to begin pumping and supplementing our regional water supply, with no one monitoring wells in place. As I said, our property is located at 1630 Callahan Road, directly adjacent to this parcel. Our well is 275 yards from this commercial production well site. It's considerably deeper, at least four times deeper than any domestic well in the area. Simple water infiltration will dictate that our well will be negatively impacted. The approval of this special use permit will ultimately cause an undue financial hardship on the bordering property owners, as well as potential loss of water, which is a basic human need, and as such, supported and addressed by the Nevada State statutes. At a minimum, I'm asking you to put contingencies in place and not just hang your head on this is only a building because this is more than a building. Don't kick the can down the road. Put some contingencies in place that will protect these property owners. Number one, contingency, the monitoring wells must be in place before any water is pumped. Those four monitoring wells must be in place before there's any water pumped. Number two - all the property owners that reside in the Mt. Rose/Galena fan well mitigation area must be contacted by TMWA prior to any water being pumped, and a new mitigation agreement needs to be reached because the circumstances have changed. Thank you for your time."

Colin Cavanagh (Chambers) said, "I'm Kevin and Felicia's son. I live at 16205 Callahan Road different address. I, too, am concerned over this special use permit especially the language referenced in the special use permit in the official notice, which reads the well houses will meet the needs of new development on the parcel and will supplement the regional water system. So, to me, this is not simply putting up two buildings. This is setting up the foundation for pumping out water which is what well house would be for. So, I'd implore you to all deny this special use permit due to the fact that there is no substantial evidence provided to the public to support that the Mt. Rose/Galena fan watershed has enough water to support a new development or supplement the regional water system. In 2022 July in a dispute between St. James village and TMWA regarding St. James village desire to create only 24 New lots. TMWA's lawyer states reports from 2002 indicate that based on existing data water levels in Mt. Rose/Galena fan were already falling and that demand for future development could not be met with existing groundwater supplies. This

plan for the special use permit, page 17, is designed for 210 homes. Additionally, my home, among hundreds of others as part of the existing water mitigation program established by TMWA in order to 'reduce long-term average annual pumping in the Mt. Rose/Galena fan area and limit municipal groundwater pumping', approval of the special use permit, which would 'support a new development and supplement the regional water system, would be obviously against the best interests of the existing community, relying on an already sparse and declining groundwater supply, and has the potential to cause substantial financial damage to your constituents.' Additionally, I believe the special use permit should be denied based upon an inadequate amount of supporting information to make an informed decision. In the staff report it states that the wells were previously approved, but it should be noted that the wells in question were drilled 16 years ago, in 2006, to support the development for that plan referenced as the Bertus plan, which has received over a half a dozen extension since its initial approval in 2008. The staff report also claims TMWA provided information about a study showing information that the subject will not impact existing domestic wells. However, nowhere in the staff report can I find that the study is named or cited, nor is it readily available to the public. If there's one thing that we can all agree on, it's that a lot has changed in Washoe County in 16 years, we've experienced prolonged and unprecedented drought, unprecedented growth and greater wildfire potential. I believe it would be irresponsible to move forward with a plan originated in 2006. Utilizing the information that's over a decade old, which does not take into account the regional growth factors which have occurred. I implore you to deny the permit based on the fact that there are no studies or figures provided which are readily available to the public that can prove the water system is robust enough to place such a burden as this on it. Thanks for your time."

Kevin Cavanagh (Chambers) said, "16370 Callahan, I'm not going to waste your time. My son and my wife's comments say most of it. I think this Board does have room to make some requirements such as easements, to allow us for future hookups if we have problems with our well. I think that would be prudent. I also believe this is completely against what my son said about the Mt. Rose/Galena fan domestic well mitigation program that established this rule. That is to reduce long-term average annual pumping, and it says municipal wells, and these are municipal well buildings, and I do believe you should deny it based on that fact. But again, this is just kicking the can down the road. These wells were drilled 16 years ago, and a lot has changed. Again, most of what I have to say is what they've already said. So, I'm not going to waste your time. But thank you for your time"

Karen Malarkey (Chambers) said, "I live at 6390 Galena Canyon Trail and close by this project. I don't have any thing that I can say or add to it or not too much what they said, but I know that a couple of our neighbors in the neighborhood are all concerned about the water, about decreasing water levels, we all rely on the same amount of water right there and I think Asante was just approved with over 200 homes probably drawing from the same water source and now this way another 200 homes. It's just concerning where the water is coming from. One of the neighbors told me that that TMWA had said that they're getting that they are hopefully getting the water for this development from Whites Creek which was quite a way away. It's on the other side of Mt. Rose Hwy and we all are relying on water from Galena Creek. This is right next to Galena Creek. So, I just have some questions about what that means, or where the water is coming from. It might be I just haven't read enough about where water for these two wells sites and four potential wells is going to come from, so my own questions as a neighbor. Thank you."

Jeffrey Bagley (Zoom) said, "I am a resident also living at 16355 Callahan Road. My property also directly borders the property in question here, where the well sites will be constructed. I'm also a professor of biology at the University of Nevada and an ecologist studying ecological function. My concerns are in line with what the Cavanagh's have presented regarding groundwater demand in this area. I also want to bring to the table scientific publications that document decreased groundwater resources throughout the western US. A paper published by Rhode et al. in 2001 using some really high-level modeling efforts to account for satellite data, climate data, and groundwater measurements throughout the state of California, finding dramatically reduced

groundwater levels within that state. Those same methods were used by colleagues locally to model groundwater predictions, groundwater use, and groundwater loss in the state of Nevada, from 1985 to 2021. And in this entire area around Reno, Sparks, Carson City, Lake Tahoe, this entire western slope of this area, we see decreased groundwater resources from 1985 to 2021. I'd like to point out that in 2006, the population of Reno was 212,000 people. To date, in 2022, the population of Reno is 523,000 people. This is more than double the population just within the City of Reno. And again, as stated by the Cavanagh's, these well sites are not for the sole purpose of providing water to 200 new homes if this said develop future development just across the street from where I'm sitting. Again, if the Board approves these well sites, you're approving not only pumping of groundwater from 1000 feet out of these wellheads. These wells are at 1000 feet. Most of the domestic wells in this area are 200 feet, maybe 300 feet. There are a couple of people who have had to redrill their wells already because their wells dried up some neighbors just to the north of me. Before they bought the house, the well was re-drilled because it was so shallow that they were starting to run out of water. So again, this is going to draw down water in this region. It's going to result in hundreds of residents in this Callahan area being without water and being forced to spend more money than they've already spent to drill new wells, drill deeper, or spend money to tie into the municipal water supply. So, I oppose this, and hope the Board opposes it as well."

Chair Thomas said he had a point of clarification. His question was is if this SUP is approved, which is the construction of the two well houses, is that the final step? Once that's done it will be possible to actually pump water, or are there secondary steps after that, that need approval or authorization?

John Enlow, Director of Natural Resources for Truckee Meadows Water Authority for the record, stated; this special use permit allows for the construction of the well buildings and equipping other wells and so forth. But there are substantial other improvements related to the subdivision development that the applicant would have to undertake before these wells would be connected to the system. Mr. Enlow believed this is just one of many conditions of approval on the tentative map required for them to obtain a final map and start development. So, this one action will not be connected to the system based upon your approval of this particular action.

Chair Thomas asked for clarification that approval of the building of the well houses would not indicate the start to pumping water from these wells?

Mr. Enlow said that's correct. It'd be related more to the timing of the development construction because they would need power, water lines to connect to Callahan, natural gas for heating and so forth.

Member Stanley asked, if there was another permitting process required to start pumping water?

Mr. Enlow said once the wells are constructed, they go through a process with the state, NDEP, both Division of Water Rights, and the drinking water branch, where they approve this as a new source of supply to our water system. So, for TMWA's perspective, those are the only other approvals that would be needed, and they pretty much 'build the facilities according to plans and specs, check the box, then it's good to go.'

Member Julian asked, at what point will anyone be looking at if there is sufficient water in this area to justify the development of this source? And at what point would that be? When they're building the subdivisions? Will there be a lower-level analysis than this? And that analysis that was done in 2006, will it not be revisited? At what point is that big picture going to be looked at? Or is it going to be looked at?

Mr. Enlow said he's glad Member Julian asked the question, and he respects the concerns of the people on Callahan Ranch Road. So, for full disclosure, he has been a resident of Callahan Ranch since 1994 on a domestic well. His property address is 5400 Meadow Lane. He lives about 300 feet north of Galena Creek, just to the north of this project. Also, there was a comment raised about a study that was done in 2002 that identified that there were not sufficient groundwater

rates to support the development of the Mt. Rose fan. And that is an accurate statement. He actually was the engineer in charge of that study as a consultant for Washoe County at the time. And his team was the one that quantified that there is a significant problem up there with municipal well pumping and impacts to domestic wells. He thought all of the residents of Callahan Ranch were well aware that dozens of wells needed to be re-drilled and deepened because of municipal pumping in the early 2000 timeframe, even to present. That was the impetus of the domestic well mitigation program that they referred to Washoe County implemented that program, about, 2010ish timeframe. When TMWA took over the water systems from Washoe County in 2015, they also adopted that program, and it basically compensates well owners, not 100%, but a large percentage that they need to deepen their domestic wells or connect to the municipal water system. He knows it's a long answer, but he wanted to get there to alleviate his neighbors' concerns. So TMWA is what took over this system in 2015. He and his team knew there was a big problem up there, which was one of the reasons for the merger. One of the benefits of the merger was TMWA could bring other resources to try to mitigate the problems up there with the groundwater pumping that Washoe County independently could not do. So, in mid-2015, we implemented new water rights dedication requirements. One of the commenters referred to Whites Creek, and I'll get to that in a minute. But we do require additional dedication of Whites Creek surface water. In 2016, a letter was sent out to 8500 residents of the Mt. Rose fan, including STMGID, so it was basically from Montreux, St. James Village, Callahan, all the way down to around Raley's and so forth. We notified 8500 people. Okay, we've got a big problem up here. Here is what TMWA was planning, and what they're going to do over the next several years to try to mitigate this problem. And so that was the start of an effort that we've been undertaking for the last six years and is still ongoing. They recently completed the construction of the Mt. Rose water treatment plant, which is on the north side of Mt. Rose highway along Callahan Ranch Road, it takes water out of Whites Creek, treats that water and puts it into the distribution system, which serves that entire area. So physically, even though that water is on the other side of the highway, we've got a piping network that can distribute that water all over the amount Mt. Rose Fan from the top of Arrow Creek into St. James village. So, our plan is to, just like the commenter stated, we want to minimize groundwater pumping up there to the extent practicable to recover groundwater levels. Since we have taken over the system in 2015, groundwater pumping has been reduced by approximately 40% from when it was just a county system and that was all they had to rely on. We've seen regional water levels recover anywhere from 10 to 30 feet. TMWA has a groundwater recharge program as well. Something we've been doing since 1993 down in the valley here. We've equipped three wells up on the Mt. Rose fan for recharge, so this time of year in the winter, when demands are down, and the wells are typically shut off. We take water from Whites Creek and or Truckee River water. We also have the ability now to pump Truckee River water all the way up into that system. Shut the wells off, recharge the wells to help bring the Water Table back. I sympathize 110% with my neighbors on Callahan Road. No one in the area wants to see that property development. But that being said, with my Truckee Meadows Water Authority hat on, I can confidently say that the water supply situation is being addressed. We've invested \$40 million in improvements to mitigate that situation. Is it back to where it was 20 years ago? No. It's going to take time to recover the water levels up there, but we are doing everything that we can do to minimize groundwater pumping, rely on surface water when it's available, recover groundwater levels, and be very cognizant of the domestic well owners in the area to minimize any disruptions to them. For the record, and for the neighbors in the back. Mr. Enlow would be happy to meet with them personally, anytime they can come to TMWA's office. They've got one of the premier groundwater models, modelers in the state of Nevada, and they can share all the information that is available to them. From a water supply standpoint, that's not an issue that's going to really be a negative association with this project with all the investment and resources that TMWA was applying to this effort.

Chair Thomas thanked Mr. Enlow for his input. Chair Thomas wanted to give Mr. Enlow a little bit more time to talk on this. Bear in mind the Board was there to look at and vote upon approving two well structure houses and facilities. That's the Board's responsibility, but by affording Mr.

Enlow additional time to go ahead and at least clarify some of that, or at least offer up some clarification as to the actual water issues up there. The Board appreciated that.

Member Stanley said to kind of underscore what was said, the Board's brief is to rule on seeing whether the findings have been met with any additional conditions, on building two wellhouses. All other issues occur downstream.

Chair Thomas said the issues of water itself is beyond their purview. The Board is there to confront what was in front of them, and that is the construction of two wellhouses and the associated infrastructure that goes with that. That is what needed a decision.

Member Christensen thanked Mr. Enlow for his thorough analysis. But there were four very articulate, and well-read members of the community who had very compelling arguments against the project. He empathized; however, he was going to have to go with the established rules. This project has gone a long time. It's met the approval standards. It's not careless. For the record, he did hear the concerns. And was really torn on this. But told his colleagues, he thought to approve this project based on its merits.

Member Julian said she would agree with what her colleague said. She would also ask perhaps for Staff in the future, when there are projects like this that reference TMWA studies that have shown will not adversely affect surrounding properties that it would be helpful to have more information on that. More elaboration on some citations, something along those lines, would be helpful from the community's perspective so that they could see what is behind that statement. Member Julian thought that would be useful. And then, on the issue of the monitoring wells, was there any thought on when those monitoring wells are going to be done? And what is the significance of having those monitoring wells?

Mr. Enlow said that is a requirement that the state engineer and himself believe do need to be in place prior to pumping those wells.

Chair Thomas said he concurred with members of the Board. He was also concerned with, of course, the water and the growth of the area. He did know that TMWA has made efforts to replenish the aquifers. He knew back in 2016, TMWA came before this Board to redirect water out of Whites Creek and Thomas Creek to refill the aquifer because of the well situation. So at least to that extent, they've been proactive, and are evaluating things that are happening. Growth is inevitable. He doesn't have the answers to that and doesn't know where the water will come from in the future.

Member Stanley said he wanted to underscore and appreciate Mr. Enlow's offer to meet with his neighbors and discuss this issue further. That is not often seen.

MOTION: Chair 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 WSUP22-0026 for QC LLC, with (added conditions that the landscaping include all evergreen trees and the exterior paint be a natural color to blend with the surroundings) the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;**
- (b) 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;**
- (c) Site Suitability. That the site is physically suitable for a wellhouse and an infiltration basin and for the intensity of such a development;**

- (d) **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;
- (e) **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Member Stanley seconded the motion which carried unanimously in favor.

9. Chair and Board Items

A. Future Agenda Items - None

B. Requests for Information from Staff – Chair Thomas said on behalf of Board, they've really appreciated Ms. Kerfoot for all she has done. It was a pleasure working with her. And they wished her all the best of luck in her new job that she's decided to take on.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items - None

B. Legal Information and Updates – Member Stanley said the Board had asked for stats on reversal rates. DDA Large said they haven't been able to compile that at this point. But will get that on the future agenda. Member Stanley asked how many of those that were overturned were represented by counsel. DDA Large said they could endeavor to find that information, but that will be difficult. Secretary Lloyd asked for a timeframe. Member Stanley said he's piggybacking off a request from at least a year ago that that Chair Thomas made. The Board noticed that when they denied something, it was often overturned by the BCC, about 82%. Had those stats changed and could this Board be better. Was there something else afoot? Chair Thomas said two years of past data would be sufficient, as far as he was concerned, and then maybe in the future, at the end of every year, the Board could also get an update for the end of that year. Member Julian requested clarification. Is part of the question would be denials when the staff recommended approval or denials when the staff denied, the Board denied, and then overturned? Chair Thomas said he was looking at it not so much from what staff recommended, the direction that the Board took, what he was looking at is if this Board made a denial, and it was then appealed to the Board of County Commissioners, and what was the results of that? Did they overturn the Board's position? That's what he would like to see. He thought that would give a better idea of how the Board is collectively doing and whether maybe a future meeting needs to happen with the Chairman of the Board of County Commissioners for further clarification on issues. Member Stanley said he agreed with the suggestion that the Board sees if they've gone along with the guidance of planning, and it's overturned versus if they have taken a different direction and it's overturned. It will help them do their job better. Secretary Lloyd said something could be put together. Chair Thomas said he would like to go on record saying Staff makes a recommendation the Board then makes their own decision; it is up to the Board to independently decide whether things are met or not. So, it really isn't the Board supporting Staff because Staff has not made a hard decision. Staff is there to provide their input as to why they think it should be approved or denied. The Board of Adjustment is an independent board, who must make the decision. However, if that decision gets appealed to the Board of County Commissioners, they will also either support or overturn it. Those are more hard and fast decisions. DDA Large said he and Secretary Lloyd would work together to put together that list of appeals. This is an independent board. And this Board should not be influenced one way or the other in what is potentially going to happen with the Board of County Commissioners. It's this Board's duty to make an independent decision, not to rely on what will happen down the road. And DDA Large would also comment that while denials may be appealed, approvals are rarely appealed to the Board of County Commissioners.

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 4:29 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on December 1, 2022

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment