



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, May 4, 2023

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: Chris Bronczyk, Sr. Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Katy Stark, Planner, Planning and Building Division
Roger Pelham, Sr. Planner, Planning and Building Division
Courtney Weiche, Sr. Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, 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

There was no response to the request for public comment.

6. Approval of the May 4, 2023 Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of May 4, 2023. Member Pierce seconded the motion which carried unanimously.

7. Approval of the April 6, 2023 Draft Minutes

Member Pierce moved to approve the minutes of April 6, 2023 as written. Member Christensen seconded the motion which carried unanimously.

8. Public Hearing Items

A. Amendment of Conditions Case Number WAC23-0002 (Black Rock 360) – For hearing, discussion, and possible action to approve an amendment of conditions for Case Number WSUP21-0012, in order to amend the approved site plan and to extend the expiration date of the special use permit for an additional 3-years to meet the conditions from Washoe County Health District and NDEP, concerning water and wastewater management.

- Applicant: Burning Man Project
- Location: 550 State Route 34
- APN: 071-150-01
- Parcel Size: 360 acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: High Desert
- Development Code: Authorized in 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
- Email: jolander@washoecounty.gov

Planner Olander gave a presentation. Applicant representative Mike Railey was available for questions.

Member Stanley asked if a three-year extension is an average extension length? Did that time seem reasonable to address the shortfall of finishing the earlier tasks? Ms. Olander said it's up to the applicant in this situation; they've done more investigation on the property and, through that process, realized the things they need to accomplish. They are anticipating that three years should be sufficient.

Member Christensen said I noticed that there were no responses to the notices that went out to neighboring properties, which has become typical of these things. My problem is, what happens when the novelty or cachet of Burning Man becomes a thing of the past, and we have this infrastructure. They own 360 acres out there. That's bigger than the town of Gerlach. And we've granted another two years. To me, it looks like we're hedging their bets. If it folds up, and we have all this infrastructure out there. What's to become of it? The good people of Gerlach will have to reclaim this. And I say that with full knowledge that Blackrock 360 has done an exemplary job in the yearly cleanup. I don't know what's the deal with the three years. I don't quite understand. And talking about grading on something that's essentially flat anyway, that kind of bothers me. Ms.

Olander said the health district and the NDEP have looked at these plans and they have certain criteria the applicant needs to meet that can't be done in a year. The timeframe is two years. So they can't make that deadline because of the requirements. Some of these other departments have stricter criteria, or their criteria will take longer because of various needs and requirements on their part. So the applicant is asking for those three years. I don't think that is exceptional. I would think six years might be exceptional. But if the applicant wants to respond, they might have a better response.

Mr. Railey said to address the concern, the reason for this extension is to essentially address conditions are replaced on the map regarding water and wastewater. They require review not only by the health department but by NDEP, and to give an example, we've been working on that process for well over a year. We still have a long way to go with NDEP. It's a very remote area; there's no infrastructure there. So essentially, we're starting from scratch to create those systems. And so the three years would give us enough time to have a comfort level to get through that state review process and then get the construction done. That's why we're asking for three years. To address Member Christensen's concern, the long-range plan for this property is much more than just support for the Burning Man event. Burning Man is one of the largest owners of property in Gerlach. They have long-term plans for the Fly Ranch. For example, this is just to the north, even if the event were to stop, their presence would not go away in the town. Other uses are being contemplated for that property that will come back before the board with future phases. But this is the initial phase to at least get the infrastructure put in.

Member Stanley asked how was greywater handled before? Mr. Railey said it's part of the conditions that were on the original permit. We had to establish a commercial structure. So that needs well and septic. There's no well and septic on the property now and that's what's triggering this.

Member Christensen said I'll reiterate what I said earlier. It's inconceivable to me that an entity such as Blackrock 360 have an infrastructure, despite the long term plans, it's something that they will never own. In other words, the actual site on the playa which brings what 75,000 people a year or more. And this 30 acres, ultimately lovely infrastructure, but I just can't see anybody doing that in support of something that they will never own. And that's all this is, it's a support for the Burning Man festival. Is there a benefit to the rest of the community? I suppose that's up to the good folks of Gerlach and we don't hear them addressing this. I would love to hear from them. I'm just suspicious. I just don't quite understand it. But I don't support this. Maybe for a couple of years. But for three more years, on top of two that have already gone on. Something is just not right. I'm looking at it from my economics hat. I'm not trying to persuade anybody, but I think I'm going to be the lone voice that says that I don't like this.

Member Stanley asked if there was any bonding that would help address member Christensen's concerns? Mr. Railey said I'm going to defer this to Secretary Lloyd. I believe that bonding is required in the conditions that are written now. Secretary Lloyd said yes, there was a condition with the original special use permit that required bonding for the grading; for restoration of the site and possible revegetation but that was the extent of the bonding. Member Stanley asked if that is the traditional \$2,000 an acre? Secretary Lloyd said that's correct. Member Stanley said and how many acres again?

Mr. Railey said 16 acres. Member Stanley said that would be \$32,000 of bonding.

Public Comment:

There was no response to the request for public comment.

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 Amendment of Conditions Case Number WAC23-0002 for Burning Man Project, 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 High Desert 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 an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use 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, Member Christensen opposed. The motion passed 4 to 1.

B. Administrative Permit Case Number WADMIN23-0004 (Eagle Place DAS) – For hearing, discussion, and possible action to approve an administrative permit for a 4,000 square foot detached accessory structure that is larger than the residence on the same parcel of land. The residence on the parcel is 3,000 square feet.

- Applicant/Owner: Nevada B Story and Marilyn J Story
- Location: 5204 Eagle Place, approximately 500 feet east of its intersection with Broken Spur Road
- APN: 077-560-13
- Parcel Size: ± 2.5 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Warm Springs
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3622
- Email: rpelham@washoecounty.gov

Sr. Planner Pelham gave a presentation. Applicant, Nevada Story was available for questions.

Member Julian asked the height of the existing building. Mr. Pelham said I've been out there, but I want to say that it's a two-story building dwelling. I prefer to defer that to the applicant.

Applicant, Nevada Story, introduced himself. I've been out there almost 30 years, and my home is 30 feet high. It's a two-story home.

Public Comment:

Martin Jay Reeves (Chambers) said, "I'm a neighbor of Nevada's, and he's a real asset to the community. He helps everyone out all the time and is just a real blessing to the community. And there is lots of buildings bigger than what he wants to put up in the neighborhood. I know he's going to abide by the paint colors they want out there and all the other stuff. He's just a wonderful person."

Member Stanley said it's a straight forward application and being put forward by someone who understands the business.

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 WADMIN23-0004 for Nevada B. Story and Marilyn J. Story, 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 Warm 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 a large 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 Pierce seconded the motion which carried unanimously.

C. Administrative Permit Case Number WADMIN23-0005 (Gambler's Run Music Festival)

– For hearing, discussion, and possible action to approve an administrative permit for an outdoor community event business license for the Gambler's Run Music Festival. The event will be held at Crystal Bay Casino, 14 State Route 28, and approximately 800 people will be in attendance on each day of the festival. The dates of the festival are July 14-16, 2023, with outdoor activities being held from noon to 8:00 p.m.

- Applicant: Crystal Bay Casino
- Property Owner: Miracle Investments LLC
- Location: 14 State Route 28
- APN: 123-042-15
- Parcel Size: 2.923 acres
- Master Plan: Tahoe – Crystal Bay Tourist
- Regulatory Zone: Tahoe – Crystal Bay Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Katy Stark, Planner
Washoe County Community Services Department

- Phone: Planning and Building
775.328.3618
- Email: krstark@washoecounty.gov

Planner Stark gave a presentation. Applicant Representative Eric Roe was available for questions.

Member Julian asked if there were any responses from the community members. Ms. Stark said she did not receive a response.

Mr. Christensen asked if this is the inaugural event. Ms. Stark said I believe so that these come through business license first. When I looked through the business license portion of the application, it looks like they had held many indoor events and are familiar with that. But I believe this is the first outdoor event.

Mr. Roe introduced himself as general manager at Crystal Bay Casino. He said I've been at Crystal Bay since 2008. This is not new to us. Entertainment is kind of our bread and butter. With the assistance of my production manager, Sam Sheer, we've done well over 600 shows in my time there. This is our inaugural event outdoors. We have done some smaller events outside but nothing to this caliber. We anticipate about 800 people daily, a total of 2400 people. We feel this is going to be a great addition to our community and anticipate about 1400 room nights. This is going to be mutually beneficial for us and the rest of the community. Typically, about 36% of our ticket sales are from non-residents, people outside of 50 miles. We do plan on having this as an annual event. It's something that we hope to grow, it'll be beneficial to both us and the community as a whole.

Chair Thomas said I noticed when it talks about parking. You have 300 spaces there at the casino property. Mr. Roe said that's correct. Chair Thomas said those 300 spaces are not reserved for this event. They're reserved for any customer that comes on-site. Mr. Roe said that is correct. Chair Thomas said you have overflow parking a block away; is that sufficient since we estimate 800 people a day? Mr. Roe said typically, I'll refer back to the multiple shows we've done as a team. We do around 60 a year. We didn't do quite as many in 2020 and 2021. We have a capacity of 750 for those shows. Our parking has always been sufficient. We've never run out of parking. There's no guarantees that it wouldn't happen this go around. With the additional anticipated attendees of 50, I would not anticipate that being an issue. The overflow parking is about 25 spots. As planner Stark had mentioned, I have returned our parking plan and the additional conditions that the Engineering department had put forth for our parking plan, and it seemed to meet the standards.

Chair Thomas said your overflow parking is about a block away; will they have to cross any major road? Mr. Roe said if you look at that site plan back where our security station is, right next to North Tahoe fire station 15, it's back there. So they'll just have to cross CalNeva Drive, a residential road. Part of the conditions that engineering asked for was parking attendants. While we're not required to have one back in that area, we do have one stationed there in our plan just to be friendly to our neighbors so people aren't walking and parking in their area as well.

Member Julian said in the best case, you will have more people. Where could people park outside that area? Or what public transport is available? Mr. Roe said we have a good relationship with TART Connect. We've also reached out to you, EKN, the developer of the Biltmore property, and we will be utilizing some of their parking spaces for the tour buses so that we don't jam up any of our existing parking for staff and talent. So that is definitely an avenue I will approach with EKN prior to the event. If we run out of parking, we could utilize that.

Member Julian said there's hope to have construction started at the Biltmore property. Do you anticipate this will create some challenges? Mr. Roe said looking at their plan, the community might not agree on the traffic scenarios during their grading and demolition. I do not see that being much of an issue. We have a very good relationship with Abby and Mike, the development team over there. I believe wholeheartedly they're going to do everything they can to minimize the impacts of traffic. I do not see how it would affect us. We also have a meeting with the group who just recently bought the Cal Neva scheduled for next Wednesday. That parking would be ideal because then they wouldn't have to cross a major highway.

Public Comment:

Andy Chapman (Zoom) said, "I'm the President/CEO of Travel North Tahoe, Nevada, the official destination management organization for the Washoe Tahoe region. I support the gamblers' run Music Festival and the Crystal Bay Club's permanent application. This event is a great addition to the region's summer event schedule. And amongst many benefits, it helps drive the extended length of stay, which is a core strategy of our organization. This event is located in the Crystal Bay tourist regulatory zone. It expands on the Crystal Bay Club's core business function and further solidifies it as the region's premier music vendor. I would like to address the parking question, and I know Mr. Roe brought up TART Connect. TART Connect is a community, locally funded, on-demand service running from 8 a.m. to midnight in zone three, the Crystal Bay/Incline zone. And that also connects into the zone of four, the Kings Beach zone, which many of the Crystal Bay club's patrons use. Travel North Tahoe Nevada supports General Manager Eric Roe and the Crystal Bay Club's team and encourages the Board of Adjustment to approve. Thank you."

There was no further public comment.

Member Julian said it looks like a straightforward project. And I have no problem with it.

Member Stanley said this is more of a statement than a question. But I was expecting our chairman to add the numbers and discuss both security and parking to meet his high standards. And you did. That was my only concern and it was well addressed.

Chair Thomas said I'd like to just say something here real quick. I think it's a good project. I think it has a future. But saying that, my concern is the parking, with 300 spots for the whole casino and only 25 for the overflow. There is a potential that it could be a problem. But we don't know that until the event happens, and if this is going to be an annual event, we'll know next year whether that could handle it or not, or what steps need to be taken to address it in the future. I'm in favor of it. But like I said, I will see next year what may transpire if we need to make necessary adjustments. It's a sad commentary that we have a music festival that will serve the community, and we have to spend a lot of documentation on the security features that will go into such a nice event. And I guess that's just today's society. It's just too bad that we've managed to get there at this time. But I do appreciate the dedication to detail. Hopefully, it will not be needed, and it will be a non-issue. But we appreciate you at least anticipating and preparing for it should something like that happen. So thank you very much for putting that together.

Motion: Member Julian 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 WADMIN23-0005 for Crystal Bay Casino, 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 Tahoe 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 three-day outdoor community event 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.

D. Special Use Permit Case Number WSUP23-0009 (449 Lakeshore Blvd) – For hearing, discussion, and possible action to approve a special use permit to allow for a driveway to traverse a slope of thirty (30) percent or greater; to construct a permanent earthen structure greater than 4.5 feet in height within the required front yard setback; excavation of 1,000 cubic yards on slopes greater than 15%; and grading of one-half (0.5) acre (21,780 sf) or more on parcels less than six acres in size. The proposal is also requesting to vary standards found in Washoe County Code (WCC) Section 110.438.45(a) to allow slopes in excess of, or steeper than, three horizontal to one vertical (3:1); WCC Section 110.438.45(d) to allow retaining walls taller than four and one-half (4.5) feet within the front yard setback; and WCC Section 110.438.45(c) to allow finished grading to vary from the natural slope by more than ten (10) feet in elevation.

- Applicant / Owner: Myers Family Trust
- Location: 449 Lakeshore Blvd
- APN: 123-250-08
- Parcel Size: 1.32 acres
- Master Plan: Crystal Bay (CB)
- Regulatory Zone: Tahoe_Crystal Bay (TA_CB)
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Sr. Planner Bronczyk gave a presentation. Applicant representative Mike Railey was available for questions.

Member Stanley asked for the background on why the first application missed its deadline and the refiling? Were there extenuating circumstances that you're aware of?

Mr. Bronczyk said I don't have the full background. In 2021 they did submit for grading permits to start this process relatively quickly. But I don't know where the disconnect is.

Member Julian said I had an extensive conversation with Chris yesterday on this matter and raised the issue of the construction on Saturday allowed under this. And I was wondering and just clarified with you that the NDOT does not allow for construction on Saturday. Correct?

Mr. Bronczyk said, based on the permit I read and sent to you, three conditions discussed hours of operation with NDOT. One of the conditions I read showed that no work would be allowed on Saturdays. It is up to the board to provide a condition such as no work on Saturdays. I did reach out to the applicant related to that. The applicant was open to adhering to that standard of no work on Saturdays.

Member Pierce said if you don't want them to work on Saturday, I would assume you don't want them to work on Sunday, either. Mr. Bronczyk said Sundays aren't allowed to be worked on within our code already.

Applicant Representative, Mike Railey said to address Member Stanley's question. The applicant submitted their grading plans which were in process, and then there were some changes architecturally to the house being constructed, resulting in a delay. It was the applicants understanding that since he had filed for the grading permits, that kept the special use permit alive. However, the changes in the architectural plans and the house's new design were fairly minor to accommodate some ADA things for a family member who didn't realize that the use permit had expired. That's the reason why we're back. But this is the same permit that this board approved previously unanimously. As Chris mentioned, we did not have a neighborhood meeting. However, the last time this went to the Incline Village/Crystal Bay CAB, it was also approved unanimously by that board.

Member Christensen said I'm fascinated by this change in the fire department's requirement for a heated driveway. How's that accomplished? So electric or solar. Mr. Railey said It's electric. Some coils are put into the pavement. That was planned anyway, so we have no objection to that. Obviously, the wintertime makes it easier for plowing and access in and out. Also, we fully agree with no construction on Saturdays. The NDOT permit is approved. But our engineers are working with NDOT right now because NDOT will be doing some reconstruction on State Route Route 28. So we will try to coordinate when we're doing our construction at the same time they are so there are no additional traffic delays over the summer.

Public Comment:

Joe Floyd (Zoom) said, "I am the owner of 453 Lakeshore, which is just two lots over from the proposed site. I just had a question about the disruption that will cause to traffic over the summer. So I am aware that NDOT is planning some roadwork. And every time that happens, I get 30-to-60-minute backups every time I have to leave and enter my house. And I just wanted to find out how long this project is going on and their plan for using the roadway and blocking one or both lanes of traffic. Just wanted to understand it better." Chair Thomas said this isn't open for discussion. And all we're doing is taking input from you. I would probably direct you toward NDOT to see if you can get clarification on that question or if they can address that.

Member Julian said I would follow up on that query and ask the applicant's representative to address that issue because when I called Chris, that was my major concern about the possible disruption. I have the data from NDOT on that stretch of highway at Pinion and 28. They measure it. And on any given July, Saturday weekend, it's 20,000 cars coming through there, 10,000 going north, 10,000 going south. So that is a major issue. And that is why I am very pleased that you will not be doing construction on weekends. So that would be great.

Mr. Railey said, as I mentioned, we anticipate that the work we need to do will probably take between 10 to 15 days to complete. However, like I said, if we coordinate that with NDOT, the

goal is that we will be doing that work simultaneously while they're they had the road closed during their road closures. We'll coordinate our traffic control plan so that there wouldn't be any additional road closures above and beyond what NDOT already has planned for the summer.

Chair Thomas said thank you. I hope that helps Mr. Floyd with getting his question answered.

Member Julian said I'd like to also thank the applicant and staff for the heated driveway requirements. That was the other issue I raised. Because my concern is in winter, when you are plowing that driveway, you have minimal plowing of that driveway because any plowing of that driveway will impact SR 28 in the considerable traffic between Crystal Bay and Incline Village. Thank you.

Chair Thomas said on that same subject to the heated driveway—just a point of clarification. The board is probably already aware of this. But if you look within the packet itself, it does not indicate that the heater driveway is required. That was a subsequent document that was delivered to us via email. That changed to have a heated driveway as part of the conditions.

Mr. Bronczyk said that is correct. If a motion is made, you will make the motion with amended condition 3.C.

Member Julian said I would support this with a motion to require an addition of the condition of both the heated driveway and no work on Saturday.

Member Stanley asked about the requirement or the condition of the heated driveway. Mr. Bronczyk said it was not included in the NDOT permit. I reached out for clarification to the fire marshal about that condition. It is condition 3.C., under North Lake Tahoe Fire Protection District. The condition was wrongly worded in the original packet you received. But the document and the amended request were submitted yesterday afternoon to you.

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 WSUP23-0009 for Myers Family Trust, with the conditions included as Exhibit A to this matter, and amend item 3.C. to require a heated driveway and no work to be done on Saturday/Sunday, having made all five findings in accordance with Washoe County Code Section 110.810.30 as listed below, and approve the applicant's request to vary the development code standards set forth in WCC 110.438.45(a), WCC 110.438.45(d) and WCC 110.438.45(c) as set forth in the staff report.

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 major grading, 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.

E. Special Use Permit Case Number WSUP22-0033 (Mason Family Trust) – For hearing, discussion, and possible action to approve a special use permit to allow a ±584 sq. ft. detached accessory dwelling unit on a parcel with the regulatory zoning of medium density suburban (MDS) as required by Washoe County Code 110.306.25.

- Applicant / Property Owner: Robert and Shari Mason Family Trust
- Location: 7295 Lingfield Drive
- APN: 051-561-08
- Parcel Size: 15,158 square feet
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Southeast Truckee Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Andriola
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Sr. Planner Weiche gave a presentation. Applicant representative Susan Pansky was available for questions.

Public Comment:

Lee Wilson (Chambers) said, "I live 7285 Lingfield Drive, right next to the Masons. I move you approve it right away without any stipulations whatsoever. They've been great neighbors; they're allowing their young son to live on his own instead of having to live in this house. Our time to move out and have a little peace and quiet. So as a neighbor, I said, build it."

There was no further public comment.

Member Pierce said it sounds like a pretty straightforward project. I'm in favor of it.

Member Julian said I also support the project with just one minor adjustment to the conditions, and it's the usual, 'any construction machinery activity or noise should be from 7 a.m. to 7 p.m. So no mobilization before the 7 a.m. time.'

Secretary Llyod said we apologize, we didn't catch that one. But we've made that the standard condition with all projects moving forward.

Member Stanley said I agree that it's a very clean project. As always, I appreciate neighbors coming in and putting in a good word. That saves us a lot of trouble on two of our findings and typically makes it a lot easier. So thank you for that. Also, I appreciate the planner and the applicant paying attention to the Hidden Valley modifiers. Well done there. And looks like a nice straightforward, clean project for a good cause.

Chair Thomas said I concur.

Motion: 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 WSUP22-0033 for Mason Family Trust, 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 Southeast Truckee Meadows 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 dwelling, 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.

F. Special Use Permit Case Number WSUP23-0010 (Amos Residence) – For hearing, discussion, and possible action to approve a special use permit for major grading of 2,630 cubic yards of cut material and 2,350 cubic yards of fill material on slopes of 15% or greater, disturbing a total of 85,787 square feet (1.97 acres) to provide for driveway access and building pads for a single-family dwelling and accessory structures. The applicant is also seeking to vary the following standards from Article 438: Section 110.438.45(c).

- Applicant / Property Owner: Amos Living Trust
- Location: 0 Andrew Lane
- APN: 017-350-54
- Parcel Size: 5.64 acres
- Master Plan: Suburban Residential and Rural
- Regulatory Zone: Low Density Suburban 18% and General Rual 82%
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Sr. Planner Weiche gave a presentation. Applicant representatives Michael Vicks and Scott Aimes were available for questions.

Member Stanley said on page five of 13. The property line seems to go across so many improvements on the adjoining property. And if so, does that have an implication for this application? Ms. Weiche said there are no proposed improvements on any other parcel besides the property owner's parcel. If you're looking at page five, which is the aerial image. What that is,

that isn't actually the way the parcel is. That is the parcel line. Maybe the applicant can provide some background on why it kind of cuts over like that, but it does go to the east. Member Stanley said I was talking about what appears to be the property line that seems to go through at least photographically through what appears to be some improvements on the adjoining property. And even if that's the case, for example, does that impact the application?

Ms. Weiche said the applicant indicated they would be able to address that.

Member Stanley said Big Ditch; Is that strictly irrigation? Or does it also serve as a water runoff? Ms. Weiche said I'd defer to the applicant because I don't know the exact purpose of the Big Ditch. Member Stanley said did I understand that it is now going to be piped in and filled over? Ms. Weiche said that's correct. The applicant has a presentation and likely will go into more detail. And we did receive a letter of approval from the Big Ditch company. Member Stanley asked about the size of the pipe? Ms. Weiche said that's included in here, but the applicant can provide that.

Chair Thomas said the last item on Exhibit D is from the Big Ditch company. And the last paragraph, the last sentence, Big Ditch company will require you to maintain all culverts, including this new 48-inch on your property, to ensure that no debris will decrease block or impede water flow through the Big Ditch. With that, if you go to page three of four, under your exhibit A, under conditions. Does that need to be clarified, or is that covered under item D on page three of four, drainage county code? The Big Ditch says they're responsible for maintaining it. And I don't see anything from the Big Ditch specific within your conditions.

Ms. Weiche said that it is more of a private matter. I'm not sure that it would be appropriate for the county to reflect out as conditions of approval because the county would be responsible for requiring it. However, it is on record from both the Big Ditch company, and they will require that condition.

Secretary Lloyd said Courtney was dead on with her response. The Big Ditch is not a reviewing agency. They're a private company. And it would become more of a civil matter between the two parties to adhere to this requirement.

The applicant representative, Mr. Vicks, provided a PowerPoint slideshow.

Member Stanley said thanks for explaining the boundary or the BLA. What's your anticipated timing for that?

Scott Amos, property owner said, there is no anticipated timeline as part of the sale agreement. When I sold it to them, I drew the utility easement and this boundary line adjustment on there. And we both signed that we would do it at a future date. But there is a timeframe on it, but it is a signed agreement that we will do the BLA at a future date. Member Stanley asked if there's an agreement with the Big Ditch that doesn't represent a problem to you. Mr. Amos said no, it doesn't. They've been very good to work with. I've been on Andrew Lane for over ten years. I've put culverts on that existing property and worked with the Big Ditch on those ones. And now we're reconsidering piping the whole ditch.

Public Comment:

There was no response to the request for public comment.

Member Stanley said it seems like they've creatively solved some other challenges. And it looks like a very clean and worthwhile project. It benefits the neighbors to the better ditch as well.

Member Pierce said it's a straightforward project, and I support it.

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 WSUP23-0010 for Amos Living Trust, 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 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 major grading, 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.**

SV.2.16 The approval of all Special Use Permits and administrative permits must include a finding that the community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

SV.18.3 The granting of special use permits in the South Valleys planning area must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

Member Stanley seconded the motion which carried unanimously.

9. Chair and Board Items

A. Future Agenda Items –

Secretary Lloyd noted he would have the Neighborhood Meeting process and Agency Comments discussion at the next meeting, pending the length of the agenda.

Member Stanley asked if this board can do anything that can be used or would aid the implementation of an enhanced Citizens Advisory Board System like we had in the past. I say that because, in my time here, we rely so heavily, particularly for issues such as site suitability and non-detrimental on citizen and community input. It's so difficult for them to do that. You have to jump through so many hoops to have your voice heard. And in the old CAB days, that was less of a problem. So I don't know if there's any way that in your position, for an example, something like that could be put forward to be reconsidered or to be in support of reconsideration if it does happen.

DDA Large said first of all, this hasn't been noticed, but I'll answer the question quickly. Ultimately, that's a policy decision for the Board of County Commissioners. And it's in their purview whether or not they will want to reinstate the CAB and whether or not they'll have jurisdiction over development agreements, and to what extent. The decision that was made was that they would essentially do away with the development component of the CABs. And that was made a couple of years ago.

B. Requests for Information from Staff

Member Pierce requested water be provided at the meetings.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items –

Secretary Lloyd reported that at the April 11 County Commission meeting, the County Commission overturned the BOA's approval of the Ormat exploration wells. They did so with a three to two vote.

B. Legal Information and Updates - None

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 3:09 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on June 1, 2023

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment