



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Rob Pierce, Chair
Don Christensen, Vice Chair
Kathie Julian
Peter Ghishan

Thursday, November 2, 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 Pierce called the meeting to order at 1:30 p.m. The following members and staff were present:

Members Present: Rob Pierce, Chair
Don Christensen, Vice-Chair
Kathie Julian
Peter Ghishan

Members Absent: None

Staff Present: Chris Bronczyk, Senior Planner, Planning and Building Division
Tim Evans, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Courtney Weiche, Senior Planner, Planning and Building Division
Elizabeth Hickman, 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

Vice Chair Christensen led the pledge of allegiance.

3. Ethics Law Announcement and Instructions for Providing Public Comment via Zoom/Telephone

Deputy District Attorney Elizabeth Hickman recited the Ethics Law standards and instructions for providing public comment via Zoom/telephone.

4. Appeal Procedure

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

6. Approval of the November 2, 2023 Agenda

Chair Pierce announced Agenda Item 8.F. would be heard next.

Member Christensen moved to modify the November 2, 2023 agenda in the following way: Agenda Item 8.F. would be heard between Agenda Items 6 and 7. A vote was taken on the motion, which carried unanimously.

Recording secretary Brandon Roman inquired about general public comment. Chair Pierce indicated that would be heard after Agenda Item 8.F. since there would be public comment for that item.

8. Public Hearing Items

F. Special Use Permit Case Number WSUP23-0029 (Silver Circle Ranch) – For hearing, discussion, and possible action to approve a special use permit to bring an existing legal non-conforming commercial stable to board 35 horses into conformance with Washoe County Code and to allow for the construction of a 13,500 SF indoor riding arena structure. The applicant is also requesting modifications to remove the requirement for paved parking surfaces to allow non-paved surfaces (110.410.25(e)), and to waive landscape standards for commercial uses (110.412.40(a-d)).

- Applicant/Property Owner: Pro Pony LLC
- Location: 3400 Holcomb Ranch Ln.
- APN: 040-670-12
- Parcel Size: ±12.56 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: 93% High Density Rural (HDR) & 7% General Rural (GR)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 302, Allowed Uses and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Chair Pierce and Member Ghishan disclosed that they had each toured the facility.

1:38 p.m. The Board recessed to address technology issues.

1:42 p.m. The Board reconvened with all members present.

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; map; Designations; Background; Site Plan; Evaluation; Elevations; Evaluation; Parking; Traffic; NDOT Traffic Counts; Modifications (2 slides); Neighborhood Meeting; Noticing; Reviewing Agencies; Findings; and Possible motion.

Ms. Olander indicated the proposal originally called for construction of an area from which to view the horse riding lessons, but that was removed. She emphasized this special use permit (SUP) would not be for events; it would only address the license for the indoor arena. She noted the roadway was under the jurisdiction of the Nevada Department of Transportation (NDOT), and the existing traffic counts included traffic headed to Silver Circle Ranch. She said she detailed her responses to the findings in the staff report and recommended approval of the SUP.

Chair Pierce asked about the status of the current business license. Planning Manager Chad Giesinger replied there was an active business license and had been since the early 1970s, and it was issued prior to the 1993 code which required an SUP for commercial stables. He said the property changed ownership in 2020, and the new owners took over the business license. The owners had applied for the SUP before, but the application was withdrawn. During that process, the Health Department became aware of septic and water issues, and it was also determined the license did not specify a number of horses on the property. After researching the issues, he continued, it was determined that the license was still in an active, non-conforming legal status. A baseline for the nonconformance was established, because things like parking and water rights were determined by the number of horses.

Member Julian brought up a license signed by Mr. Giesinger on May 22, 2023 and a description found elsewhere and inquired about the difference between horse boarding and commercial stables. She asked for clarification about the dates for when an SUP would have been required.

Mr. Giesinger said the record referred to by Member Julian was simply the record at the time of the license, which was issued so long ago it was done by the Sheriff's Office. He clarified horse boarding and commercial stables were the same thing. Secretary Trevor Lloyd further explained commercial stables referred to boarding or raising three or more horses, so those terms were synonymous.

Member Julian asked for clarification about the operator of the stables. Mr. Giesinger responded the operators, Pair of Aces Stables (PAS), provided lessons, which was typical for training businesses. They were operating under the commercial stable use type, for which the Pro Pony LLC (PPL) business license was grandfathered. They needed a separate license for the training business that was operating under the commercial boarding facility at PPL.

Understanding that certain aspects of operation were considered during the SUP process for commercial stables, Member Julian inquired about when in the business license process that had happened in this case.

Mr. Giesinger said it occurred in the last two years, and it likely was not considered in 1973. However, based on the Health Department's discovery, water and septic issues needed to be brought into compliance for commercial stables. He pointed out other agencies contacted for review during the business license process – Truckee Meadows Fire Protection District, the Health Department, among others – needed to sign off before the license was issued. That had happened with this property.

Member Julian inquired about potential public notice for the business license process. Mr. Giesinger stated it was not a requirement for business licenses to be noticed anywhere in the county. By-rights uses such as opening a convenience store did not require an SUP, and this license did not require such a public process until it involved an SUP.

Member Ghishan asked whether the business license addressed things like events or hours of operation. Mr. Giesinger answered those issues would not be a part of the SUP. They owners had been issued outdoor community event licenses over the past two years for one-time events that did not exceed 10 days. The applicant currently operated their stables under an annual

business license. If the SUP were approved, he went on, that would not change, though there would be a noticing requirement for any event with an attendance greater than 100 people. Anything under 100 people, including the people running the event, would require a temporary sales and services license, which did not require notice. Those licenses also went through the agency review process.

Member Ghishan wondered whether the business license itself could be in jeopardy of a code violation. Mr. Giesinger said it would be if the operation was not in compliance with all local, state, and federal codes, but he understood the operation currently was.

In response to another query by Member Ghishan, Mr. Giesinger explained that failure to approve the SUP would have no bearing on the business license.

Referencing a temporary business license she observed on the property when she toured it, Member Julian sought confirmation that it was for running about 10 events. Mr. Giesinger confirmed they had approval to run a certain amount of events allowed by code.

Liz Reader, owner of PAS, conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: History of the Silver Circle Ranch; 12.58 Acres of Equine Bliss; Caliber of the facility...; Overwhelming Community Support; Indoor Arena is Designed...; Modest Indoor Arena...; Annual Events – Horse Shows; quotes; Washoe County Governors Report...; and Pro Pony has taken every measure...

Ms. Reader spoke about her credentials and the awards she received for training horses. She stated PAS was one of the only academies in Reno catering to students new to the sport, and she reviewed the farrier care received by the horses. She indicated the arena lights were only used a few nights a week during daylight savings time between 5:00 p.m. and 7:30 p.m.

Luke Busby, counsel for PPL, concluded the PowerPoint presentation by reviewing slides with the following titles: Bundle of Rights; Staff: Special Use Permit...; Why is an SUP Necessary?; Southwest Truckee Meadows Area Plan; This Small Business...; map; Engineering Points; Condition 2d – JUB Memorandum; Video Showing Arena Location; What the Opposition has Claimed...; Toxic Nimby-ism...; and What's Next.

Mr. Busby explained the covered building could increase safety, not only for the riders, but for the horses, who needed exercise. He pointed out the residents who sued PPL and PAS lived as far away as a half a mile from the academy. The applicant sought to have Washoe County approve the building permit application, not a private company, which was enshrined in County code.

Hugh Ezell, design engineer, introduced himself and said he was available for questions.

On the call for public comment, the following individuals spoke in opposition to approval of the SUP: Mr. Tom Ghidossi; Mr. Ben Volk; Mr. Chris Hsu; Ms. Jill Brandin; Mr. Rich Lorson; Ms. Rhonda Shafer; Ms. Cindy Lazetich; Ms. Nancy Flanigan; Ms. Joanne Zuppan; Ms. Sandy Scott; Mr. Pete Lazetich; Ms. Julane Wehbe; and Mr. Art O'Connor.

Reasons for their opposition include: the building's close proximity to an extremely sensitive part of the Last Chance Ditch; damage to the creek and structures near Holcomb Ranch Lane caused by flooding which would be exacerbated by a reduction of the FEMA floodplain; potential damage to the Last Chance Ditch and Dry Creek; encroachment on the floodplain, especially given the rise in significant flood events; the likelihood of arena footing material being washed into the ditch; the false assertion that the property was isolated; the inability to make the finding that there would be no detriment to neighbors; noise; fly infestations; the smell of urine and

manure; the similarity of this SUP application to when denied in 2022; the opposition of all adjacent residents; the unfair comparison of Silver Circle Ranch's original 55-acre ranch to the 12 acres owned by PPL; the unsuitability of the site for PPL's intensity of use; the size and height of the proposed building; the incompatibility of the building to the nearby residential neighborhood; the use of unshielded arena lighting, additional interior lighting, and possible extra safety lighting; violation of dark skies policies; code restrictions against commercial stable operations; the proposed increase from four to 36 horses; the change in the property's purpose from the previous owner; additional risk to neighbors; an increase in vehicular safety concerns; the inability to evacuate 35 horses in an emergency; the danger of the proposed location near a steep cliff; the possible removal of the cottonwood trees which stabilized the property; the potential for horse urine to wash into the creek; an increase in ridership resulting in more traffic on a road which would not be improved; the fact that several of the issues addressed in the SUP were not grandfathered in; failure by the applicant to have an SUP to hold commercial events; and the lack of an encroachment permit as part of this application.

Mr. O'Connor further suggested the applicant move their building to Bartley Ranch.

The following individuals spoke in support of approval of the SUP: Ms. JuliAnn Stitick; Ms. Judy Vose; Mr. Russ Earle; Mr. John Hargrove; Mr. Steve Kauffman; Dr. Julie Kauffman; Ms. Chrysann Collatos; Ms. Gayle McAmis; Ms. Jordyn Borgeson; Ms. Lita Scott; Mr. Hugh Ezell; Mr. Bruce Witmer; Ms. Landess Witmer; Ms. Liz Reader; Ms. Victoria Myer; Mr. Jerry Dugan; Mr. Buzz Harris; Ms. Amber Hart; Ms. Ellie Buck; Ms. Kathy Courtney; Mr. Fred Myer; Ms. Mikala McHardy; Ms. Bryn Klitzke; Ms. Rene Williamson Nellis (via Zoom); Ms. Leah Vengly (via Zoom); Ms. Shelby Mathis (via Zoom); Ms. Kirstin Koss (via Zoom); Ms. Ruby Tanner; Ms. Aubrey Morrison; Ms. Elle Morrison; Ms. Hannah Nelson; Ms. Amy McDougal; Ms. Kim Hodge; Ms. Maddison Hodge; and Ms. Janelle Siderius.

Reasons for their support include: the rise of mental health issues and the healing effect of interactions with animals; an opportunity for increased physical fitness; an increased sense of responsibility and purpose; essential life skills; the existence of recreational vehicle storage sheds on nearby properties; the approval of one speaker's barn in a different floodplain; misrepresentations about an increase in the number of horses allowed on the property and the height of the building; the quality of the training program; the professionalism of the applicants; the likelihood that nearby flies were caused by cows, not horses; the potential for the area to be turned into housing developments if the ranch were not approved; the false narrative about danger to cyclists; the preservation of neighbors' views; the existence of a manure abatement program; increased safety for horses and riders; the ability to train during adverse weather conditions; Landess Witmer's record of community service and volunteerism; a program for children which stressed the rural Nevada lifestyle; the accolades earned by Ms. Reader; the greater environmental impact of nearby intensive residential development; PAS's standing as the only English Hunter and Jumper training facility in central Reno; the need for a well-run facility; a lack of significant traffic issues; the presence of other indoor non-commercial arenas in the area; a lack of evidence of many of the concerns; the fact that the conditions of approval would mitigate the concerns of the J-U-B Engineers' report; the intent of the owners not to harm any neighbors; the support of many nearby residents; the approval of other indoor arenas in other properties; the prevalence of light pollution from other nearby residences; the low number of total daily trips – 27 – generated by the facility; preservation of the horse community; the responsibility of the Witmers; the difference in weather conditions between the stables' location and midtown; the comparatively large increase in traffic from the recent approval of a subdivision in the neighborhood; the mitigation efforts proposed by the applicant to lessen flooding risks; displacement of riders caused by the closure of the Rancherrah stables; the existence of 15,000 square foot homes in the area; the benefits to children who ride horses; increased safety for staff; and protection for the large investment needed to purchase horses.

Mr. Ezell further expressed concern about the conditions requiring approval by the ditch company, who he believed had a conflict of interest given their opposition to the project. Several speakers brought up threats, intimidation, and bullying they encountered by those in opposition.

Ms. Greta Mestre and Ms. Jeanette Ash were called but were not present to speak.

Chair Pierce asked how many horses PAS currently had. Ms. Olander responded 25, though she was not sure how long they had them.

Chair Pierce spoke about a site visit he took, saying he noticed the manure and fly mitigation programs. He believed the drainage issues would be addressed during the application process, and it was the Board's job to approve or deny the SUP for commercial stable use.

Chair Pierce inquired about the possible need for an encroachment permit. Ms. Olander responded the applicants likely had that permit. Senior Civil Engineer Janelle Thomas added that the condition regarding the encroachment permit would be validation of a current permit; she did not know whether any improvements were proposed along the public right-of-way. She suggested condition 2.d. be amended to read "...the developer will furnish to the Engineering Division and development review staff, written confirmation from the Ditch Company that they have reviewed and *commented on* all ditch crossings..." Staff could take control of managing those mitigation measures.

Member Ghishan asked about the standard condition regarding a property's proximity to a ditch or creek. Ms. Thomas said the relevant agency was required to obtain comments and concerns about any impacts to their facilities, a standard placed on most developments with potential impact. In the approval process, the County needed to make sure the concerns were addressed.

Mr. Lloyd said the suggested change in condition language was because the ditch company was not supportive of the item. He did not believe it was a requirement that they approve the project, but it was required that the project was sent out for comment and review. Ms. Thomas indicated approval would be needed before any functional elements could be constructed appurtenant to the ditch. Staff's concern was to ensure that the adjacent property not be developed in such a manner that would create impediment to the facility.

Member Julian noted the ditch company's concern was that construction could impact its facility. She expressed her understanding that their engineer could provide a study, and County staff would then determine if the concerns were warranted. This was confirmed by Ms. Thomas, who added the County would issue the permit and ensure proper mitigation was taking place.

Member Julian wondered whether approval would be needed to avoid potential liability. Deputy District Attorney Elizabeth Hickman responded there was nothing in code requiring approval by the ditch company. Ms. Thomas said staff was responsible for ensuring that permits conformed to all code requirements, and they would verify all comments from the ditch company before certifying compliance.

Chair Pierce brought up a comment that all trees would be removed. Ms. Olander responded the facility would be situated in such a way that very few trees would be removed, though some diseased trees and limbs would be removed.

Member Julian stated she had observed the 20 fast-growing trees referenced earlier when she was on her site visit. She asked the applicant to inform them how many trees would be removed. Mr. Ezell remarked the original plan called for wiping out most of the trees, but he advocated for keeping most of them. Dead trees that might lean over the building would be removed, as would some dead cottonwood trees, but the bulk of the trees on the property would remain. The

grove would be cleaned up for health reasons. He clarified his renderings increased the height of some trees which were still quite small.

Member Julian asked about a heating and air conditioning unit for the indoor arena and any potential noise issues. Ms. Reader responded lights and fans would be installed in the ceiling but no heat or air conditioning units.

Member Julian queried Ms. Reader about whether she might change the hours of operation stated in the staff report. Ms. Reader said she was committed to the hours of 7:00 a.m. to 9:00 p.m. with lessons starting at 8:00 or 9:00 in the morning and the final lessons ending around 7:00 p.m. Winter hours were the same, though the children did not always ride when the weather did not permit it. One reason why she believed there would be no change in traffic was because lessons were already continuing throughout poor weather.

Member Julian asked about plans for indoor competitions in the arena. Ms. Reader said there were no plans for that, and the building would actually be slightly smaller than the existing outdoor arena. Replying to a question by Member Julian, Ms. Reader said the company's policy allowed facility haul-ins of other horses, but she typically only saw about four of those a year.

Member Ghishan wanted clarification about whether commercial events were allowed in HDR zoning. Ms. Olander said commercial stables were allowed in HDR with an SUP, but temporary event licenses would be required for the applicants to hold events. Shows with a proposed attendance of 100 or more people would require Board of Adjustment (BOA) approval.

Member Ghishan asked whether County code specified an appropriate number of horses per acre. Ms. Olander said that was managed through Animal Control. Having personal livestock on your property was set by code, but these were commercial stables, hence the need for an SUP.

In response to Member Ghishan's query about building in an AE flood zone, Ms. Thomas said construction could take place in a floodplain, but not in a floodway. In this proposal, the proposed structure was not in the floodway.

Member Ghishan inquired about the adequacy of the current septic system. Ms. Olander replied that was reviewed by the Health Department, and the septic would need to be updated during the business license process to meet requirements. She understood that was already approved based on their current business license.

Member Ghishan asked about possible contamination of the groundwater supply by animal waste. Ms. Hickman cautioned the BOA that its scope was not to define the legal nonconforming use of 35 horses. Member Julian pointed out the BOA needed to approve an SUP for a commercial stable to board 35 horses, so she felt they needed to consider the number of horses. Mr. Lloyd explained the applicant had a vested right for 35 horses on the property, but it was a nonconforming use because it never went through a proper SUP process as that was not a requirement decades ago. The number of horses was based on the number of stalls in the existing barn in 2023 because staff had no record of the actual number of horses allowed with the business license issued in the 1970s.

Ms. Olander clarified temporary event licenses were required for events with attendance larger than 299 people. Events with fewer than 100 attendees were handled through administrative permits reviewed by Planning staff, and those with attendee levels between 100 and 299 were handled similarly to the smaller events just with additional authorizations. Events with 1,000 or more attendees required Board of County Commissioner approval. She stated events with more than 100 attendees were publicly noticed.

Ms. Reader commented they held a show in 2021 before they knew the rule about attendance. Since then, they capped the number of eventgoers at 99. Ms. Olander reviewed the noticing requirements for each event size.

Vice Chair Christensen brought up the denial of this application in February of 2022, noting the makeup of the BOA had changed since then. He asked for a summary of the material changes that had been made to the application since the previous denial. Ms. Hickman advised the Board that its findings must be based on the evidence presented during this item. Ms. Olander said the changes – to the size and location of the arena as well as to some grading – were minor. Regarding the Vice Chair’s concerns about traffic, she said the expected traffic counts were not great enough for NDOT to consider any sort of mitigation.

Member Julian asked about the road condition in the winter. Ms. Olander said this was a rural road without sidewalks or gutters, which experienced fewer than 2,500 daily trips. NDOT was responsible for plowing the road. Ms. Reader added PAS hired a snow removal service to allow for emergency medical access to the animals at all times. She noted the owners also invested in road base near the dumpster to provide Waste Management access to it.

Ms. Thomas reiterated the suggested modification of language to condition 2.d.

Vice Chair Christensen expressed concern about the density of the project and his belief that the property had transformed from residential to commercial. He did not feel the supporters of the plan provided justification for the findings that would need to be made, particularly consistency and site suitability. He recommended denial of the SUP.

Member Julian recognized the benefits of equestrian activities and the health of the horses, but that was not the subject at hand. She expressed concern about the expansion of use this SUP would create, especially during the winter, and wished the staff report had addressed more of these concerns. She stated she had trouble making the findings based on the presentation.

Member Ghishan opined there was nothing alarming about the proposed density of horses based on other licensed facilities with which he was familiar, nor did have an issue with the commercial aspect of the property. He believed the five findings could be made and he was in favor of approving the SUP. Chair Pierce added his support for approval

Member Ghishan moved that Special Use Permit Case Number WSUP23-0029 for Pro Pony LLC be approved with the conditions as modified and included as Exhibit A to this matter, including a change to condition 2.d. as previously outlined, having made all five findings in accordance with Washoe County Code Section 110.810.30. Chair Pierce seconded the motion, which failed to pass on a vote of 2 to 2 with Vice Chair Christensen and Member Julian voting no.

Mr. Lloyd said this was a technical denial which would not invalidate the existing business license. He recited the appeal procedure for items heard before the BOA.

5:09 p.m. The Board recessed.

5:19 p.m. The Board reconvened with all Members present.

5. Public Comment

Ms. Katie Knepper thanked the Board for denying the Safe Embrace (SE) item heard on August 3, 2023, though the item would be appealed at the November 28, 2023 Board of County Commissioners meeting. She listed a number of statements she believed to be false: that

neighbors had been informed of staff emails and the 24-hour hotline for SE; that there had not been any incidents in or around the shelter detrimental to public safety; that no deed restrictions applied to the property; the amount of livable square feet calculated by SE; and that SE had been operating as a group care facility for over 20 years. She wished SE would be held accountable and the appeal not be allowed to proceed.

Ms. Victoria Meyer was called but was not present to speak.

7. Approval of the Amended August 3, 2023 Draft Minutes

Chair Pierce indicated that on page 3, Member Thomas was referred to as Chair Thomas, which would be rectified in the amended minutes.

Member Ghishan moved to approve the amended minutes of August 3, 2023 as written. Member Julian seconded the motion, which carried unanimously.

8. A. Administrative Permit Case Number WADMIN23-0013 (Miller Garage) – For hearing, discussion, and possible action to approve an administrative permit for a ±800 sf detached accessory structure that is larger than the existing ±400 sf main residence.

- Applicant/Property Owner: Carol Miller
- Location: 5428 Lupin Dr
- APN: 085-722-12
- Parcel Size: 15,899 sq ft / .365 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Sun Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 3 – Commissioner Garcia
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Chair Pierce suggested Senior Planner Courtney Weiche could forgo the entire presentation and just focus on the five findings, though he left that up to her.

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Location; Site Plan; Public and Agency Comment; Findings; and Possible Motion. She said all design standards were met and the only comment received from the public noticing was about how that individual could do a similar project on his parcel.

There was no response to the call for public comment.

Member Julian moved that Administrative Permit Case Number WADMIN23-0013 for Carol Miller be approved 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: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Ghishan seconded the motion, which carried unanimously.

B. Administrative Permit Case Number WADMIN23-0014 (Crawford Care of the Infirm)–

For hearing, discussion, and possible action to approve an administrative permit to allow a recreational vehicle (RV) to be occupied by a caretaker for the care of two infirm residents on the property located at 5349 Sidehill Drive, Sun Valley, NV (APN 085-730-33). The infirm residents will live in the existing dwelling on the property.

- Applicant: Donald and Betty Crawford
- Property Owner: Donald and Betty Crawford, and Deborah Justus
- Location: 5349 Sidehill Drive, Sun Valley, NV 89433
- APN: 085-730-33
- Parcel Size: 0.329 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 808, Administrative Permits & Article 310, Temporary Uses and Structures
- Commission District: 3 – Commissioner Garcia
- Staff: Tim Evans, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: 5349 Sidehill Drive; Vicinity Map; Request; Site Plan; Background & Analysis (4 slides); Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Mr. Evans clarified the caretakers would live in the recreational vehicle (RV) and the two infirm residents would live in the home. He indicated an RV did not meet the definition of a structure and was therefore not subject to setback requirements. However, it would still be set back from the property boundaries to help with screening.

There was no response to the call for public comment.

Member Julian inquired about the composition of the privacy fence. Mr. Evans replied screening existed on the cyclone fencing.

Member Christensen moved that Administrative Permit Case Number WADMIN23-0014 for Donald and Betty Crawford be approved 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: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Julian seconded the motion, which carried unanimously.

C. Administrative Permit Case Number WADMIN23-0015 (Johnson Garage) – For hearing, discussion, and possible action to approve an administrative permit for a ±8,100 sf detached accessory structure that is larger than the existing ±2,644 sf main residence.

- Applicant/Property Owner: Kevin & Brittni Johnson

- Location: 5955 Rock Farm Rd
- APN: 150-260-19
- Parcel Size: 5 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 808, Administrative 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

Chair Pierce suggested Senior Planner Courtney Weiche could forgo her presentation. Ms. Weiche indicated she was available for questions, and the applicant was available on Zoom.

On the call for public comment, Mr. Mike Heikka expressed opposition to the proposal, saying it was not a garage but a metal warehouse. He stated the applicant lived in a community which did not allow metal warehouses, and he thought those facilities should be built in industrial areas. He asked the Board to deny the permit.

Mr. JB Benna said the proposal was not consistent with the neighborhood, adding that the applicant lived in the Montreaux community. He brought up a similar application which had previously been denied by the Board. He displayed photographs, copies of which were provided to the recording secretary, to demonstrate the views he believed would be impacted, reducing property values. He remarked he would not be as opposed if the applicant was also building a house to live in, but this was just a storage facility.

Mr. Rudow Rummier expressed concern that the garage could turn into a commercial venture. He displayed photographs of his views, copies of which were provided to the recording secretary. He stated there were no garages of this size in the neighborhood and thought it would be wrong to approve this.

Ms. Brittni Johnson, the applicant, explained via Zoom that the garage would be placed on a five-acre parcel on a dirt road, and the metal shed would be on a lower elevation. They would be the only ones to access the climate-controlled building, though their parents lived on the property. She mentioned they did not want to disturb anyone. Mr. Kevin Johnson, the co-applicant, suggested possibly moving the building so no views would be blocked. Ms. Johnson offered to show images of other metal garages in the area. She pointed out there was a 17,000 square foot structure across the street from their property, but they were only proposing a 8,100 square foot building. Mr. Johnson sought to work with neighbors so no one was unhappy.

In Chambers, Ms. Janis Rummier requested that, should the proposal be approved, conditions be placed on it to move the structure 40 feet to the north and lowering the elevation of it. She said the immediate area had one large house, but none of the surrounding garages were more than 2,400 square feet, and they were camouflaged by trees. She spoke about residents' dissatisfaction with a large, nearby horse stable that was approved. She noted she would not oppose the building if her suggested conditions were met.

Member Julian asked how the Board might proceed with approval given the discussion about possibly moving the structure.

Secretary Trevor Lloyd recommended not approving something that would be contingent on further discussions, though the Board could approve it with conditions if they had specific, clear conditions to impose..

Member Julian inquired whether the applicants could determine a specific location condition as discussed.

Ms. Johnson responded they were absolutely open to that, and they could plant trees if the neighbors wanted them. She pointed out the garage would be on a five-acre parcel, and the plan was to place the lot on a downslope so as not to obstruct views of Mt. Rose. Both applicants expressed a willingness to work with residents. She believed it would look tidier to have everything in an enclosure rather than have it out in the open.

Mr. Johnson added the garage would match the house on the property.

Mr. Lloyd suggested the option of continuing the item for another month to allow the applicants to work with the neighbors in coming up with reasonable options.

Chair Pierce asked whether the location of the building would be fixed if the item were approved. Mr. Lloyd said any approval would need to be in substantial conformance with the proposed plans. However, the Board had the purview to add a condition moving the structure as long as it was very clear as to where it would be moved.

Chair Pierce questioned the applicants about possibly postponing the item. Ms. Johnson said that was fine and she would work with everyone.

Member Julian moved to continue Agenda Item 8.C. until the December Board of Adjustment meeting. Member Ghishan seconded the motion, which carried unanimously.

D. Special Use Permit Case Number WSUP23-0026 (Tahoe Golf) – For hearing, discussion, and possible action to approve a special use permit for a golf instruction studio, Amusements and Recreation Services use type, within in an existing commercial space in the Country Club Center.

- Applicant: Will Wolford & Ashley Wood
- Property Owner: Scott & Mei Bowie
- Location: 120 Country Club Drive, Unit 15
- APN: 130-180-15
- Parcel Size: .1 acre
- Master Plan: Tahoe - Incline Village Tourist
- Regulatory Zone: Tahoe - Incline Village Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608

- E-mail: cweiche@washoecounty.gov

Member Julian disclosed that the applicant Ashley Wood taught her golf and she knew Dale Smith from the Rotary Club.

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Applicant Request; Location; Site Plan; Floor Plan; Public and Agency Comment; and Possible Motion.

Ms. Weiche indicated there were no proposed modifications to the exterior of the building, parking, landscaping, or lighting; all improvements were limited to the interior, and they would be subsequently reviewed if necessary. She noted the Tahoe Regional Planning Agency issued a permit in 2007 for the entire country club center and the accompanying parking, best management practices, lighting, and landscaping. The proposed change in use did not trigger the need for any additional improvements to that portion of the parcel.

Mr. Dale Smith introduced himself and noted the applicants were present. He noted they all reviewed the staff report and agreed with the conditions.

There was no response to the call for public comment.

Member Julian moved that Special Use Permit Case Number WSUP23-0026 for Will Wolford & Ashley Wood be approved 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: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Ghishan seconded the motion, which carried unanimously.

E. Special Use Permit Case Number WSUP23-0028 (Willey Grading) – For hearing, discussion, and possible action to approve a special use permit for major grading for crop production of specimen trees resulting in a disturbance of up to ±163,785 SF of the site and importing ±13,000 cubic yards of material. The applicant is also requesting modifications of parking and circulation standards to allow non-paved surfaces (110.410.25 (e)).

- Applicant/Property Owner: Willey Land LLC
- Location: 190 US Highway 395 S
- APN: 050-220-37
- Parcel Size: 3.76 acres
- Master Plan: Commercial
- Regulatory Zone: General Commercial
- Area Plan: South Valleys
- Development Code: Authorized in Article 438, Grading Standards and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark
- Staff: Julee Olander, Planner
Washoe County Community Services Department Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Regulatory Zoning Designations; Evaluation; Detention Basin; Modification; Reviewing Agencies & Findings; and Possible Motion.

Applicant John Willey said the primary use of the property would be to store and maintain large trees as part of an ancillary business to their landscaping. They salvaged trees from construction and home sites to later use in landscape projects for their customers; the property would not be for public use. He noted this was why they sought the variation to not have a paved parking lot.

Member Ghishan asked whether the irrigation system required separate permitting. Mr. Willey explained the irrigation system was on a solar well that was already in place.

Vice Chair Christensen brought up a prior negative working relationship he had with Gail Willey Landscaping and expressed concern about voting on the matter. Deputy District Attorney Elizabeth Hickman responded he should recuse himself if he felt he could not be impartial. Vice Chair Christensen recused himself from this item and exited Chambers.

5:52 p.m. Vice Chair Christensen left the meeting.

There was no response to the call for public comment.

Member Julian moved that Special Use Permit Case Number WSUP23-0028 for Willey Land LLC be approved 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 and the findings required by South Valleys Area Plan 2.16 and 18.3: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Ghishan seconded the motion, which carried on a 3-0 vote with Vice Chair Christensen absent.

5:54 p.m. Vice Chair Christensen returned to the meeting.

G. Special Use Permit Case Number WSUP23-0030 (TMWA Lemmon Valley Tank 1 Rebuild) – For hearing, discussion, and possible action to approve a special use permit for the construction and operation of a new water tank (utility services use type). An existing 440,000-gallon water tank is proposed to be replaced with a new 500,000-gallon water tank. The project will include demolition of the existing tank, connection to an existing underground water line, site grading, a retaining wall, a detention pond, new fencing, and revegetation of undeveloped surfaces. As part of this project, the applicant is requesting to vary landscaping standards found in WCC Section 110.412.40 by providing revegetation rather than landscaping. The applicant is also requesting to vary paving standards found in WCC Section 110.410.25(e) by using 6-inch compact gravel rather than asphalt or cement. In addition, the applicant is requesting to vary fencing standards found in WCC Section 110.412.40 (d) by installing a fence taller than seven (7) feet and by modifying the solid fence requirement along the property line to allow an 8-foot-tall chain link fence with one foot of barbed wire (total of nine feet in height).

- Applicant/Property Owner: Truckee Meadows Water Authority (TMWA)
- Location: 0 Lemmon Drive
- APN: 080-730-08
- Parcel Size: 1.0 acre
- Master Plan: Rural
- Regulatory Zone: General Rural (GR)
- Area Plan: North Valleys

- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3618
- E-mail: krstark@washoecounty.gov

Senior Planner Chris Bronczyk conducted a PowerPoint Presentation and reviewed slides with the following titles: Project Request; Vicinity Map; Site Plan – Proposed New Water Tank; Project History & Evaluation; Existing Tank & Access Road; Project Access; Grading; Requests to Vary Standards; Property Lines & Proposed Fence; Requests to Vary Standards; Property Lines & Proposed Fence; Request to Vary Standards (2 slides); Neighborhood Meeting; North Valleys Area Plan Evaluation; Agency Review; Public Notice; Findings; Recommendation; and Possible Motion.

Mr. Bronczyk indicated the site was unusual because it was surrounded by a privately-owned property. He noted recent upgrades to the access easement had been done and the site was well-maintained. One difference between the old tank and the new one would be a lack of signage on the new tank. During a recent site visit, he continued, he noted areas with existing razor and barbed wire had been placed in areas over which members of the public frequently climbed.

Mr. Bronczyk explained the reason for the request to vary the screening fence standards was because they planned to fence the area closer to the project as opposed to along the perimeter of the property. Additionally, the adjacent home was significantly lower in elevation so there would be no additional benefit of screening. Staff also determined the project would be more visible with solid fencing. He commented that, given the infrequency with which the tank would be regularly manned, there would be no benefit to paving the access road.

There was no response to the call for public comment.

Member Ghishan moved that Special Use Permit Case Number WSUP23-0030 for Truckee Meadows Water Authority (TMWA), including a larger water tank (utility services use type), the use of 6inch compact gravel for driveways and maneuvering areas, the use of a revegetation seed mix rather than formal landscaping, and the allowance for an 8-foot chain link fence with one foot of barbed wire (total of 9 feet in height) surrounding the developed water tank area rather than a solid fence along the property line, be approved 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 and an additional finding in accordance with North Valleys Area Plan Policy NV.12.3. Member Julian seconded the motion, which carried unanimously.

H. Special Use Permit Case Number WSUP23-0031 (Reno Technology Park TMFPD Fire Station) – For hearing, discussion, and possible action to approve a special use permit for a Safety Service use to be developed on parcels with a regulatory zoning of General Commercial (GC), and includes associated grading of 2,000 cy of cut, 9,000 cy of imported fill, and a total disturbance area of 145,000 sf. Additionally, the applicant is asking to waive the landscaping requirements of section 110.412.40(a) of the Washoe County Code.

- Applicant: Truckee Meadows Fire Protection District
- Property Owner: Apple, Inc

- Location: The project site fronts Reno Technology Parkway, approximately 1 mile from the Exit 28 off ramp
- APN: 084-191-08
- Parcel Size: 180.92 acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Truckee Canyon (TC)
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Andriola
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Senior Planner Chris Bronczyk conducted a PowerPoint Presentation and reviewed slides with the following titles: Location; Request; Site Plan; Elevations (2 slides); Grading; Public Notice and Neighborhood Meeting; Findings; and Possible Motion.

Mr. Bronczyk noted Apple was funding the project as part of the development agreement, which included the utility easements, water rights, and funding for the actual structure. The elevations of the building met the requirements outlined within the development agreement. Because much of the imported grading would be under buildings or ornamental landscaping, it would be exempt from Development Code 438. He said the development agreement exempted the applicants from needing ornamental landscaping, though they still offered to include some.

Stacie Huggins with Wood Rodgers Inc., representing the Truckee Meadows Fire Protection District (TMFPD), offered to forgo the presentation, adding the applicant concurred with the conditions in the staff report.

Member Ghishan asked whether this proposal would be completed in phases. Ms. Huggins replied the proposal would be the final result, though there was a possibility of an additional bay in the future. That was not currently part of this plan.

Vice Chair Christensen pointed out the fire station would be at the edge of Washoe County, with Storey and Lyon Counties across the highway. He wondered who it would service. He asked whether a station previously planned on Pyramid Highway was put on hold in favor of this station.

Ms. Huggins responded the TMFPD currently served the I-80 corridor out of their Hidden Valley station, resulting in large response times. This fire station was proposed to provide better coverage to the East Truckee Canyon Corridor.

Vice Chair Christensen expressed frustration that there was nothing out there.

Division Chief Jay Cwiak added this site was being funded by Apple as part of approval of their facility, and the TMFPD was taking advantage of the opportunity. While there was an automatic aid agreement with Storey County, whose had a station on USA Parkway, the area was growing tremendously. This would impact Storey County's services, who would not be available to provide aid to Washoe County. More development was expected along I-80. Regarding the

proposed Campo Rico Lane station, the land had been purchased as a future station site, but no building had been constructed because an automatic aid agreement was still in place with the City of Sparks. As that community continued to grow, the TMFPD could consider either moving that station or adding an additional one.

There was no response to the call for public comment.

Member Julian moved that Special Use Permit Case Number WSUP23-0031 for Truckee Meadows Fire Protection District be approved 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: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Ghishan seconded the motion, which carried unanimously.

9. Chair and Board Items

A. Future Agenda Items

There were no future agenda items.

B. Requests for Information from Staff

Responding to Member Ghishan's queries, Secretary Trevor Lloyd said the Safe Embrace item would be heard on November 28, but he expected the Pro Pony item would not be heard again until 2024 since there were a number of cancelled Board of County Commissioner meetings in December.

Responding to Member Julian's query about recordings of neighborhood meetings, Mr. Lloyd said all neighborhood meetings were required to be recorded and uploaded to the neighborhood meeting hub site, but sometimes technical issues happened when uploading them.

Member Ghishan inquired about whether administrative permits required neighborhood meetings. Mr. Lloyd replied special use permit applications which might impact large numbers of people would, but projects like variances that only impacted a few people would not.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

There were no reports.

B. Legal Information and Updates

There were no updates.

11. Public Comment

There was no response to the call for public comment.

12. Adjournment

The meeting adjourned at 6:25 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on December 7, 2023



Trevor Lloyd
Secretary of the Board of Adjustment