



WASHOE COUNTY

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CM/ACM _____

Finance _____

DA _____

Risk Mgt._N/A

Clerk _____

Comptroller _____

STAFF REPORT

BOARD MEETING DATE: March 22, 2016

DATE: February 25, 2016

TO: Board of County Commissioners

FROM: Trevor Lloyd, Senior Planner, Planning and Development Division
Community Services Department, 328.3620, tlloyd@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development
Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Hearing, discussion, and possible action on Case No. AX16-001 (Encore DEC, LLC), an appeal of the Board of Adjustment's decision to deny Amendment of Conditions No. AC15-005, which requested an amendment to Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; reverse the Board of Adjustment's denial and issue the Amendment of Conditions Request; or modify the Amendment of Conditions and issue the request.

The applicant and property owner is Encore DEC, LLC. The subject parcel (APN: 017-055-36) is located at 14830 Kivett Lane within the Southeast Truckee Meadows Area Plan and South Truckee Meadows/Washoe Valley Citizen Advisory Board boundaries, Section 27, Township 18N, Range 20E, MDM. The Development Code article applicable to this amendment is Article 810, Special Use Permits. (Commission District 2.)

SUMMARY

Confirmation, reversal or modification of the Board of Adjustment's denial of Amendment of Conditions Case No. AC15-005, requesting an amendment to Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time.

Washoe County Strategic Objective supported by this item: Safe, secure, and healthy communities.

PREVIOUS ACTION

February 4, 2016, Board of Adjustment. After conducting a public hearing, taking public testimony and discussing the proposed amendment of conditions, the Board of

AGENDA ITEM # _____

Adjustment denied amendment of conditions case number AC15-005. The vote was unanimous.

January 14, 2016, South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB). The CAB discussed the requested amendment of conditions at its regularly scheduled meeting. The CAB voted unanimously to recommend approval of the request.

BACKGROUND

The applicants are appealing the denial of the Board of Adjustment in order to expand their current operation to include the outdoor fabrication of large metal platform structures. These structures will be assembled to the rear of the subject property which is currently being used as an administrative office building and shop with outdoor storage area for an electrical contractor which was previously approved under Special Use Permit Case Number SB06-017. The purpose of the amendment of conditions request is to expand the use of the facility to include the addition of outdoor metal fabrication which staff has defined within the County Development Code as a High Technology Industry use which is allowed with a special use permit in the General Commercial regulatory zone but is not allowed within the Southeast Truckee Meadows Area Plan. The Special Use Permit (SB06-017) did not include this additional use as part of the original approval.

According to Section 110.304.30 of the Washoe County Development Code, the definition for High Technology Industry refers to the research, development and controlled production of high-technology electronic, industrial or scientific products. The applicant's request involved the development and fabrication of a highly technological product. For that reason, staff made the determination that his request fits the definition for High Technology Industry.

The application to amend the special use permit is needed to bring an existing code violation into compliance and legalize the use of the property for this operation. The applicant has already constructed two such metal structures on the property; the most recent structure was recently completed and shipped off site. The applicant was notified by code compliance staff that the construction activity violated the approved special use permit.

AMENDMENT OF CONDITIONS REQUEST

The Board of Adjustment denied the proposed request due to the resulting detrimental impacts to the surrounding neighbors and the inconsistency of the use with the goals and policies of the Southeast Truckee Meadows Area Plan. The subject property has a regulatory zone of General Commercial (GC) and the fabrication of large metal structures is an industrial use type. Although the primary use on the property is commercial, the industrial component is not consistent with Washoe County Master Plan, specifically policy SETM.2.11 of the Southeast Truckee Meadows Area Plan which states "No new industrial uses will be located in the SETM planning area."

The noises and visual impacts resulting from an outdoor metal fabrication operation can create an incompatible situation with the surrounding residential uses to the south. Staff is unable to ascertain any appropriate conditions that would fully mitigate such impacts to the residential neighbors.

The subject property is identified within the Southeast Truckee Meadows Area Plan as a “neighborhood serving commercial center”, it does not promote industrial type uses as proposed with this request. Additionally, the proposed outdoor metal fabrication use is not in keeping with the rural atmosphere as described in the character statement above.

JUSTIFICATION FOR APPEAL

The applicant’s stated reason for appealing the Board of Adjustment’s denial is that their request does not involve performing industrial work, but rather high tech fabrication and according to the applicant, high tech fabrication is an allowable use at this site. Additionally, the applicants contend that they will be forced to close down their business if the appeal is not granted.

All of the uses that are allowed in each regulatory zone are set forth in Table 110.302.05.1 through Table 110.302.05.5 of the Washoe County Development Code. The proposed use as defined by the applicant is ‘High Tech Fabrication’, however there is no use within Table 110.302.05.1 through Table 110.302.05.5 with that name. The only use type that closely matches that description is High Technology Industrial which is an industrial use type found within the table of industrial use types (Table 110.302.4) as shown below:

Table 110.302.05.4

TABLE OF USES (Industrial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

| Industrial Use Types (Section 110.304.30) | LDR | MDR | HDR | LDS/ LDS 2 | MDS/ MDS 4 | HDS | LDU | MDU | HDU | GC | NC | TC | I | PSP | PR | OS | GR | GRA | SP | |
|--|-----------------|----------------|----------------|---------------|---------------|-----|-----|-----|-----|----------------|----|----------------|----------------|----------------|----|----------------|----------------|----------------|----|----|
| Aggregate Facilities | | | | | | | | | | | | | | | | | | | | |
| Permanent | S ₂ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | -- | -- | S ₂ | -- | -- | |
| Temporary | See Article 332 | | | | | | | | | | | | | | | | | | | |
| Caretaker's Residence | | | | | | | | | | | | | | | | | | | | |
| Attached | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | -- | -- | -- | -- | -- | -- | SP |
| Detached | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | -- | SP |
| Custom Manufacturing | S ₂ | S ₂ | S ₂ | -- | -- | -- | -- | -- | -- | S ₂ | -- | S ₂ | A | -- | -- | -- | S ₂ | -- | -- | SP |
| Energy Production | | | | | | | | | | | | | | | | | | | | |
| Non-Renewable* | S ₂ | S ₂ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | S ₂ | -- | S ₂ | S ₂ | -- | -- | |
| Renewable* | S ₂ | S ₂ | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | S ₂ | S ₂ | S ₂ | -- | S ₂ | S ₂ | S ₂ | SP | |
| General Industrial | | | | | | | | | | | | | | | | | | | | |
| Limited | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | -- | -- | -- | -- | -- | -- | SP |
| Intermediate | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | -- | -- | -- | -- | -- | -- | SP |

| | | | | | | | | | | | | | | | | | | | |
|---------------------------------------|----------------|----|----|----|----|----|----|----|----|----------------|----------------|----------------|----|----|----------------|----------------|----------------|----|----|
| Heavy | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | -- | -- | -- | -- | -- | |
| High Technology Industry | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | S ₂ | -- | A | -- | -- | -- | S ₂ | -- | SP |
| Inoperable Vehicle Storage | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | -- | -- | -- | -- | -- | SP |
| Laundry Services | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | A | -- | -- | -- | -- | -- | SP |
| Mining Operations | S ₂ | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | -- | -- | -- | S ₂ | -- | -- |
| Petroleum Gas Extraction | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | -- | S ₂ | S ₂ | -- | -- | -- |
| Salvage Yards | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | S ₂ | -- | -- | -- | -- | -- | -- | -- |
| Wholesaling, Storage and Distribution | | | | | | | | | | | | | | | | | | | |
| Light | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | -- | -- | -- | -- | -- | -- | SP |
| Heavy | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | P | -- | -- | -- | -- | -- | -- | -- |

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit
 Note: * If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

High Technology Industry is allowed within the General Commercial (GC) regulatory zone but is prohibited with the Southeast Truckee Meadows Area Plan per policy SETM.2.11 which states: “No new industrial uses will be located in the SETM Planning Area. Additionally, Article 302 of the Washoe County Development Code prohibits any variance to the table of uses as identified in the excerpt below:

***Section 110.302.00 Purpose.** The purpose of this article, Article 302, Allowed Uses, is to prescribe the uses that are allowed in each regulatory zone. Any variance to the Table of Uses (Table 110.302.05.1 through Table 110.302.05.5) would constitute an action that would allow a land use in contravention to the applicable regulatory zone. Such actions are prohibited by Article 804, Variances, and a variance application cannot be accepted.*

FISCAL IMPACT

None

RECOMMENDATION

It is recommended that the Board of County Commissioners confirm the Board of Adjustment’s decision to deny Amendment of Conditions Case No. AC15-005.

MOTION

Should the Board agree with the Board of Adjustment’s motion to deny Amendment of Conditions Case No. AC15-005, staff offers the following motion:

“Move to confirm the Board of Adjustment’s decision to deny Amendment of Conditions No. AC15-005, which requested an amendment to Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time. This denial is based on this Board’s review of the written materials and oral testimony at the public hearing, and this Board’s interpretation of the findings made by the Board of Adjustment.”

OTHER POSSIBLE MOTIONS

Should the Board not agree with Board of Adjustment's denial of AC15-005, staff offers the following possible motions:

1. **Possible Motion to REVERSE the Board of Adjustment's denial of the Amendment of Conditions.**

"Move to reverse the Board of Adjustment's denial and approve Amendment of Conditions No. AC15-005, which requested an amendment to Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time. This reversal is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation that all five required findings can be made in accordance with Washoe County Development Code Section 110.810.30."

2. **Possible Motion to MODIFY the Amendment of Conditions.**

"Move to approve Amendment of Conditions Case Number AC15-005, with modifications, based on this Board's review of the written materials and oral testimony at the public hearing and this Board's interpretation of the findings required to be made for such approval. (Please state the proposed modifications that are being recommended).

Attachments:

- A. Amendment of Conditions application AC15-005
- B. January 15, 2016, Board of Adjustment staff report
- C. January 14, 2016, South Truckee Meadows/Washoe Valley Citizen Advisory Board Memorandum
- D. February 4, 2016, Except from the draft minutes Board of Adjustment meeting
- E. February 4, 2016, Board of Adjustment Action Order
- F. Appeal Application

xc. Property Owner: Merit Property Management, LLC. Attn: Mike Burgess, 14830 Kivett Lane, Reno NV 89521

Community Services Department
Planning and Development
AMENDMENT OF CONDITIONS
APPLICATION



Community Services Department
Planning and Development
1001 E. Ninth St., Bldg A
Reno, NV 89520

Telephone: 775.328.3600

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

| | | | |
|---|-------------------|---------------------------------------|-----------------|
| Project Information | | Staff Assigned Case No.: _____ | |
| Project Name: Encore DEC Amendment to SUP | | | |
| Project Description: Amendment to Special Use Permit | | | |
| Project Address: 14830 Kivett Lane, Reno NV 89521 | | | |
| Project Area (acres or square feet): 1.312 acre parcel | | | |
| Project Location (with point of reference to major cross streets AND area locator): south side of Geiger Grade approx one (1) mile east of the Toll Road / Geiger Grade intersection | | | |
| Assessor's Parcel No.(s): | Parcel Acreage: | Assessor's Parcel No.(s): | Parcel Acreage: |
| 017-055-36 | 1.312 | | |
| Section(s)/Township/Range: Section 27, T18N, R20E | | | |
| Indicate any previous Washoe County approvals associated with this application: Case No.(s). SUP SB06-017 | | | |
| Applicant Information (attach additional sheets if necessary) | | | |
| Property Owner: | | Professional Consultant: | |
| Name: Merit Property Management LLC | | Name: | |
| Address: 14830 Kivett Lane | | Address: | |
| Reno, NV | Zip: 89521 | | Zip: |
| Phone: 775-852-2295 | Fax: 775-852-9455 | Phone: | Fax: |
| Email: mike@encorenv.com | | Email: | |
| Cell: 775-690-9625 | Other: | Cell: | Other: |
| Contact Person: Mike Burgess | | Contact Person: | |
| Applicant/Developer: | | Other Persons to be Contacted: | |
| Name: Encore DEC LLC | | Name: | |
| Address: 14830 Kivett Lane | | Address: | |
| Reno, NV | Zip: 89521 | | Zip: |
| Phone: 775-852-2295 | Fax: 775-852-9455 | Phone: | Fax: |
| Email: mike@encorenv.com | | Email: | |
| Cell: 775-690-9625 | Other: | Cell: | Other: |
| Contact Person: Mike Burgess | | Contact Person: | |
| For Office Use Only | | | |
| Date Received: | Initial: | Planning Area: | |
| County Commission District: | | Master Plan Designation(s): | |
| CAB(s): | | Regulatory Zoning(s): | |

Amendment of Conditions Application

(Information may be attached separately)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the *existing* and *proposed condition(s)*.

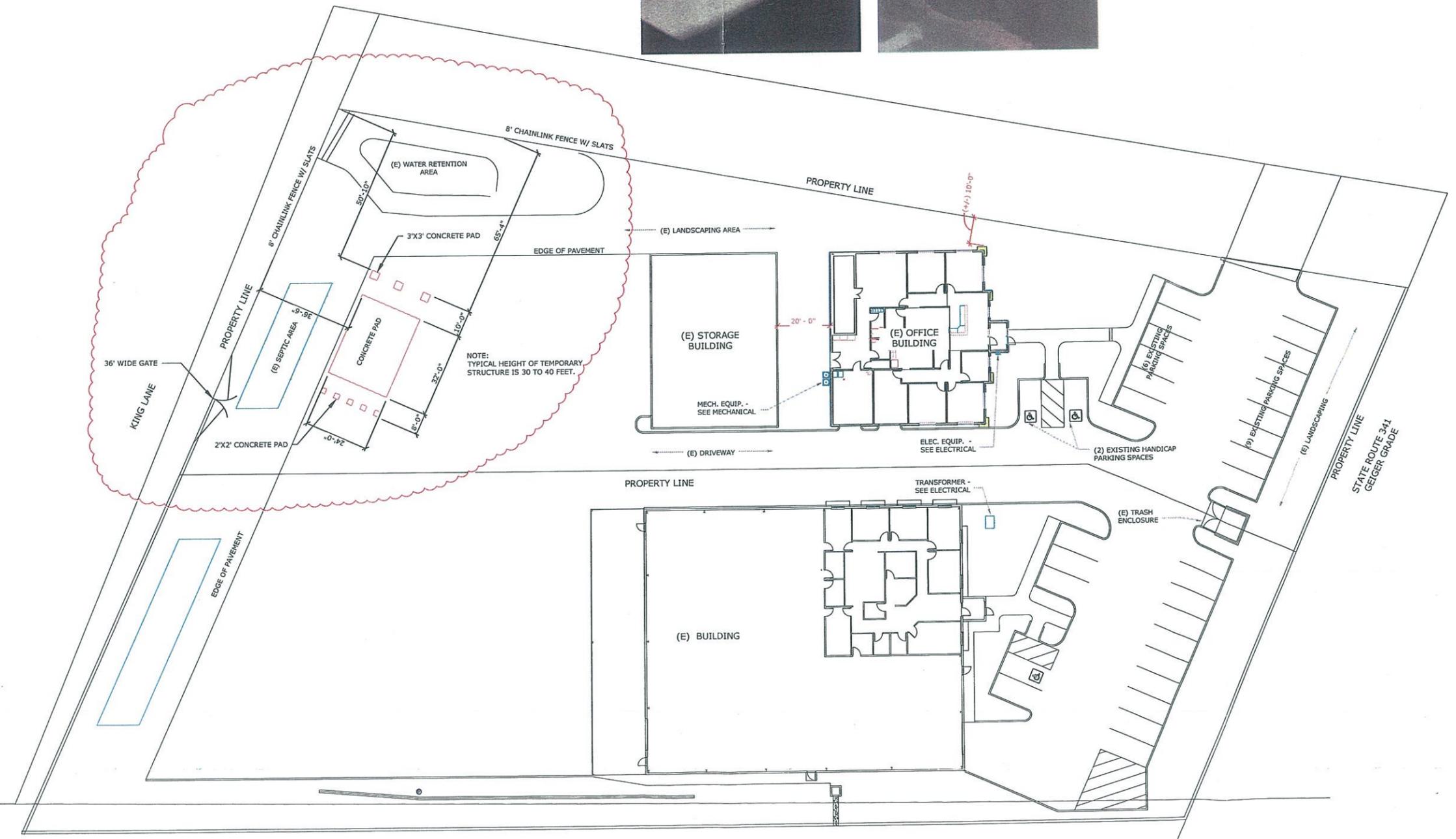
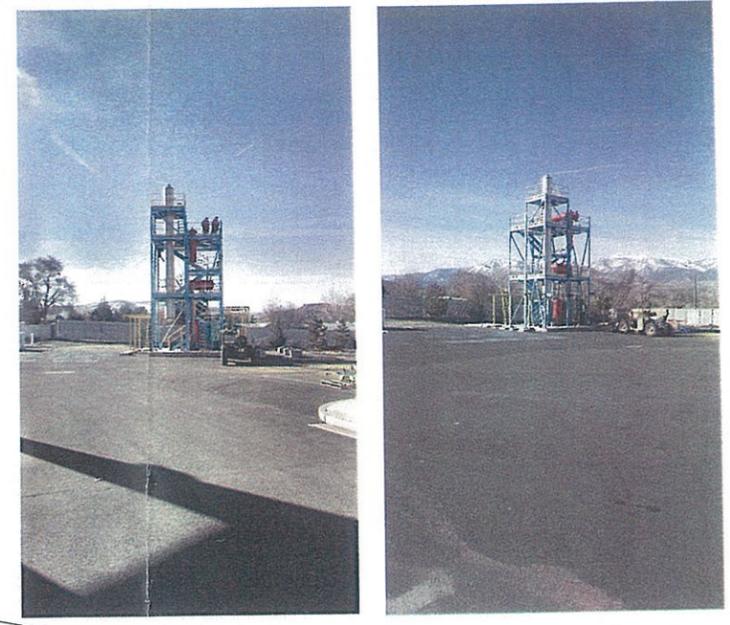
Amend the SUP to allow for outdoor construction and temporary setup of a metal structure for a period of time not longer than 3 to 4 months at any one time. The location of the temporary setup is on a concrete pad measuring 32 feet by 24 feet that sits in the southwest portion of the backyard storage area. The typical outside dimension of the structure is 30 feet wide by 20 feet long by 30 to 40 feet in height. The site location and a picture of a typical layout is shown on the attached drawing. The original SUP allowed for storage of roofing materials and incidentals related to operations of an electrical contractor. Encore DEC is a general engineering and general contractor with Nevada license AB 76757.

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

None



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NOT TO SCALE



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ENCORE D.E.C.
 14830 KIVETT LANE - RENO, NV 89521
 TELEPHONE (775) 855-3285
 FAX (775) 855-3285
 NV CONTRACT LICENSE NO. 81727 Class A0

Encore DEC
 14830 Kivett Lane
 Reno, NV 89521

| REVISIONS |
|-----------|
| |
| |
| |
| |

SHEET TITLE:
 General Site Layout

| | |
|-----------|----------|
| DATE: | RCS |
| CHECKED: | RAS |
| DATE: | 11/18/15 |
| DESIGNER: | |

SHEET:
G-1

Washoe County Treasurer
Taraami Davis

Account Detail

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No payment due for this account.

\$0.00

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AMOUNT ABOVE WILL POPULATE AFTER PAYMENT TYPE IS SELECTED

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Washoe County Parcel Information

| | | |
|---|----------------|---|
| Parcel ID | Status | Last Update |
| 01705536 | Active | 11/14/2015 2:10:13 AM |
| Current Owner: MERIT PROPERTY MGT LLC C/O RANDALL SOULE 14830 KIVETT LN RENO, NV 89521 | | SITUS: 14830 KIVETT LN WCTY NV |
| Taxing District 4000 | Geo CD: | |
| Legal Description | | |
| SubdivisionName _UNSPECIFIED Lot 4A Township 18 Range 20 | | |

Tax Bill (Click on desired tax year for due dates and further details)

| Tax Year | Net Tax | Total Paid | Penalty/Fees | Interest | Balance Due |
|----------|-------------|-------------|--------------|----------|-------------|
| 2015 | \$10,405.47 | \$10,509.59 | \$0.00 | \$0.00 | \$0.00 |
| 2014 | \$10,491.56 | \$10,491.56 | \$0.00 | \$0.00 | \$0.00 |
| 2013 | \$10,296.40 | \$10,296.40 | \$0.00 | \$0.00 | \$0.00 |
| 2012 | \$10,212.52 | \$10,212.52 | \$0.00 | \$0.00 | \$0.00 |
| 2011 | \$9,600.28 | \$9,600.28 | \$0.00 | \$0.00 | \$0.00 |
| Total | | | | | \$0.00 |

Important Payment Information

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See [Payment Information](#) for details.

 **Payment Information**

 **Special Assessment District**

 **Installment Date Information**

 **Assessment Information**

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Washoe County Treasurer
Tammi Davis

Account Detail

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No payment due for this account.

Washoe County Parcel Information

| | | |
|---|----------------|---|
| Parcel ID | Status | Last Update |
| 2462459 | Active | 11/14/2015 2:10:13 AM |
| Current Owner: ENCORE DEC LLC HOWELL, DEBRA 14830 KIVETT LN RENO, NV 89521 | | SITUS: 14830 KIVETT LN RENO NV |
| Taxing District 4005 | Geo CD: | |
| Legal Description | | |

\$0.00

[Pay by Check](#)

AMOUNT ABOVE WILL POPULATE AFTER PAYMENT TYPE IS SELECTED

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Tax Bill (Click on desired tax year for due dates and further details)

| Tax Year | Net Tax | Total Paid | Penalty/Fees | Interest | Balance Due |
|----------|---------|------------|--------------|----------|-------------|
| 2014 | \$42.18 | \$48.40 | \$0.00 | \$0.00 | \$0.00 |
| 2013 | \$42.20 | \$42.20 | \$0.00 | \$0.00 | \$0.00 |
| 2012 | \$38.58 | \$38.58 | \$0.00 | \$0.00 | \$0.00 |
| Total | | | | | \$0.00 |

Important Payment Information

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See [Payment Information](#) for details.

 **Payment Information**

 **Special Assessment District**

 **Installment Date Information**

 **Assessment Information**

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Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



(December 7, 2006)

Agenda Item No: 2

Staff Recommendation: **CONDITIONAL APPROVAL**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT
STAFF REPORT**

To: Washoe County Board of Adjustment

Re: Special Use Permit Case No. SB06-017

Date: November 30, 2006

Prepared By: Sandra Monsalvè, Planner

GENERAL INFORMATION SUMMARY

Applicant: Merit Electric

Requested Action: To allow for the construction of a 12,000 square foot building to be partitioned off into a 2,956 square foot administrative office and a 9,044 square foot workshop with outdoor storage space for an electrical contractor. **The project is located on the south side of Geiger Grade, approximately one (1) mile east of the Toll Road/Geiger Grade intersection.** The ± 1.18 acre parcel is designated General Commercial (GC) in the Southeast Truckee Meadows Area Plan, and is situated in a portion of Section 27 T18N, R20E, MDM, Washoe County, Nevada. The property is located in the Galena Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2 (APN: 017-055-34).

RECOMMENDATION/FINDINGS

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Board of Adjustment conditionally approve Special Use Permit Case No. SB06-017 for an office and warehouse for storage of roofing materials and incidentals having made the findings in accordance with Washoe County Development Code Section 110.810.30 :

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southeast Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly

To: Washoe County Board of Adjustment
Re: SB06-017 (Merit Electric)
Date: November 30, 2006
Page: 2

related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for a construction sales and services facility for an electrical contractor with storage space for materials and incidentals;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

| |
|-----------------|
| ANALYSIS |
|-----------------|

Background/Proposal:

The project site is located on the south side of Geiger Grade (State Route 341) east of the intersection of Kivett Lane and Geiger Grade. The undeveloped subject parcel is ±1.18-acres and is designated General Commercial (GC) in the Southeast Truckee Meadows planning area. The applicant wishes to construct an office building and workshop for the storage of electrical materials and other incidentals related to the electrical trade. The proposed office building will be approximately 12,000 square feet, and partitioned off into 2,956 square feet for office space, and 9,044 square feet for the workshop area, and will include an area outside for additional outdoor storage of materials incidental to the business. The project will be screened from adjoining properties as required by the Development Code with landscaping and the required solid fencing. The setbacks for commercial uses are 10-feet on all four sides of the property. Within this setback area a landscaped buffer will be created as required by the Development Code. Commercial use types are allowed up to 80-feet in height, therefore any and all screening of this site is very important in order to mitigate any negative impacts created by development of the site.

Site Analysis:

The subject property is located on Geiger Grade (SR-341) and Kivett Lane in the Southeast Truckee Meadows planning area. The site is currently undeveloped and relatively flat. The Development Suitability map for the Southeast Truckee Meadows identifies the site as "Most Suitable for Development."

To: Washoe County Board of Adjustment
Re: SB06-017 (Merit Electric)
Date: November 30, 2006
Page: 3

Access:

Access to the site will be provided from two (2) points. One at the northeastern portion of the subject parcel which connects to the grocery store access at Kivett Lane. Secondary access will be provided for via a driveway at the southeast corner of the subject site at Pinion Lane. At this time there will be no access from Geiger Grade because the intersection and driveway spacing standards do not meet Nevada Department of Transportation's (NDOT) requirements.

Additionally, on-site sidewalks, at 4-feet in width will be constructed in order to provide connectivity and safety for pedestrians accessing the site.

Traffic:

Washoe County requires an applicant to submit a traffic study if a project generates 80 or more Average Daily Trips (ADT). Gray and Associates has reviewed the proposal for the applicant and determined the traffic generated as a result of this project will be approximately 44 ADT, with 7 a.m. peak trips and 6 p.m. peak trips. Therefore a traffic study will not be necessary. Additionally, traffic considerations are reviewed by Washoe County Engineering Division, and they have commented and included related conditions for any traffic impacts within the Standard List of Conditions at the end of this staff report.

Water and Sewer:

The water purveyor for the subject parcel is South Truckee Meadows General Improvement District (STMGID). The water service will be provided through a six (6) inch main along the eastern boundary of the parcel via a 20-foot Washoe County utility easement. If a fire hydrant is required by Reno Fire Department, then there is a potential tie in via a 12-inch main located at Kivett Lane.

The site is located within the STMGID service area for sewer service. However, currently there are no sanitary sewer mains at, adjacent to, or within 200-linear feet of the project site. As a result of this fact, the applicant has spoken with the District Health Department, and they have agreed to allow a septic system in lieu of a sewer system. (see attached District Health letter).

Lighting and Signage:

Exterior lighting is proposed in order to provide security and safety around the office building, outside storage area and parking area. The proposed lighting will take the form of wall mounted signage and possibly freestanding light fixtures for the rear storage area. At the time of application, the design of the lights has not been determined, however, the Development Code requires that all lighting within 100-feet of a residential zone not exceed twelve (12)-feet in height, and must be shielded and not have any spillover glare. Staff will suggest that the applicant go to the Design Review Committee

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(DRC) for the review of all proposed lighting at which time staff will certainly pursue "Night Sky" lighting standards.

Proposed signage will consist of one (1) wall sign along the project frontage, with text less than 42-inches tall.

Landscaping/Parking:

The entire site will be fenced and landscaped, and paved to minimize dust. The applicant has submitted a preliminary landscaping plan, which will be further reviewed by staff for compliance with the landscaping standards of the Development Code.

Washoe County code requires twenty percent (20%) of the total developed land area be landscaped, which equates to approximately 10,273 square feet. The turf area, trees and shrubs will be placed in areas around the building, in planter areas, and along the required setback buffer portions of the project perimeter. All disturbed areas will be revegetated with a natural native seed mix approved by the Washoe-Storey Conservation District. The landscaping plan indicates a mixture of evergreens, deciduous trees and shrubs with groundcover. Staff feels the applicant has met all landscaping requirements of the Development Code by providing a preliminary landscaping plan that indicates 10,273 square feet will be landscaped. All other requirements of Article 412 *Landscaping* of the Development Code shall be complied with in addition to the submitted preliminary plans.

According the *Article 410 Parking and Loading* of the Washoe County Development Code, the project requires 2 spaces for retail and 1 for storage area per 1,000 square feet of building space. The plans indicate a total number of 15-parking spaces, 1-handicap space, and one (1) off-street loading space with dimensions of 25x15 feet. The proposed office building is approximately 2,834 square feet, and the warehouse is approximately 3,670 square feet. The applicant has sufficiently met the parking requirements of the Development Code.

Fencing:

The code requires a minimum of 6-foot high fence up to 8-feet for commercial use types in order to screen the use from adjacent properties, including residential use types to the south and east. The applicant has proposed either a masonry wall or a wooden fence. Staff would encourage a masonry wall in order to provide noise attenuation to the surrounding property owners so that noise does not become a factor with this project. Additionally, masonry walls or similar materials provide longevity for screening purposes rather than wood which fades over time or can be blown over with strong winds.

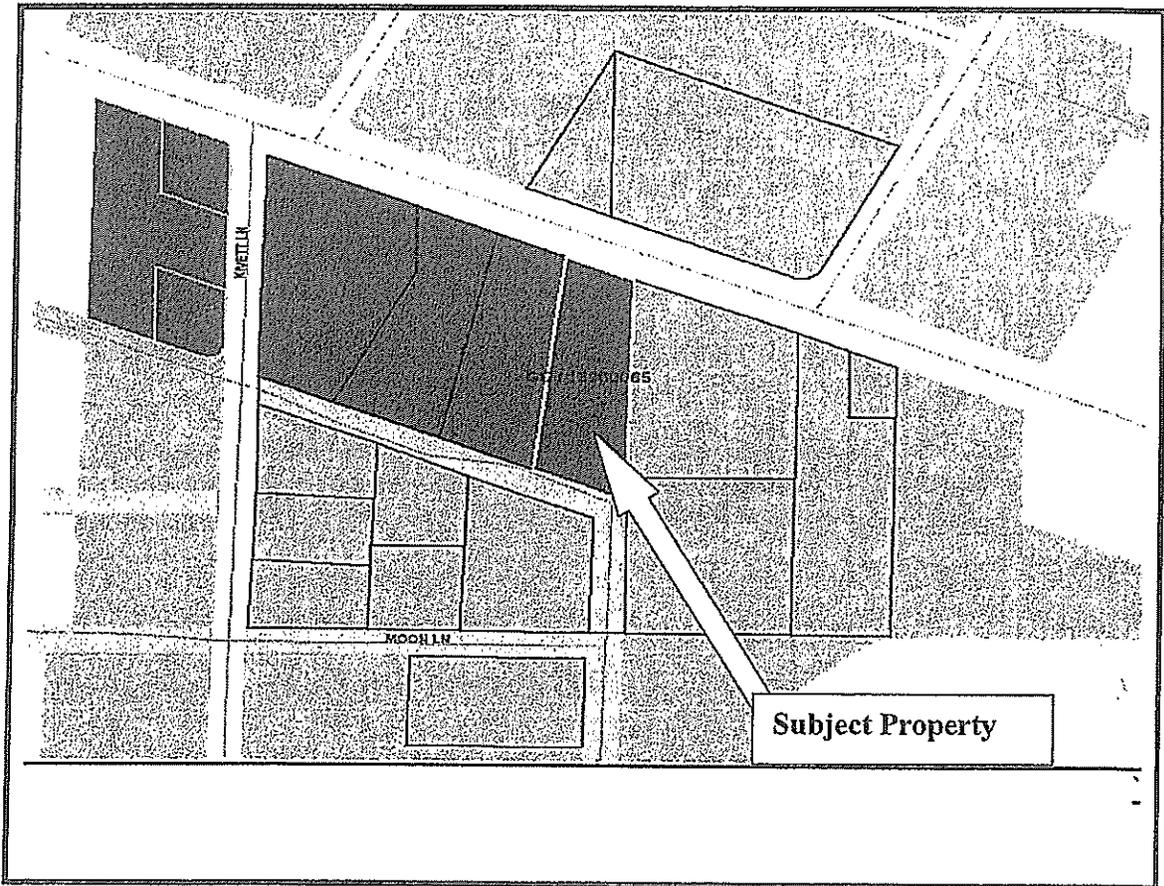
Note: All landscaping, signage, fencing, lighting, and architectural materials shall be reviewed by the Design Review Committee (DRC) prior to the issuance of building any permits.

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LAND USE SUMMARY

Land Use Designations:

The project site has a land use designation of General Commercial (GC) in the Southeast Truckee Meadows Planning Area. The General Commercial (GC) Regulatory Zone is intended to create and preserve areas for businesses that provide a variety of wholesale and retail goods and services and serve a community or regional market. The primary uses may include wholesale and retail stores, shopping centers, specialty shops, personal services, and automobile services. Other uses include offices, restaurants, theaters, and other compatible activities. Only limited gaming is allowed. Limited gaming is defined as an establishment, which contains no more than 15 slot machines (and no other game or gaming device) where the operation of the slot machines is incidental to the primary business of the establishment. The minimum lot area for this regulatory zone is ten thousand (10,000) square feet, unless the provision of Section 110.106.65 is met.



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As a result of an existing residence to the south and the residential zoning to the east of the subject property, staff would like to offer some mitigation measures in order to lessen the impact of this commercial use type.

- Hours of operation should be taken into consideration for this project. Staff would like to suggest a condition that limits the hours from 6:00 a.m. to 6:00 p.m. Monday through Saturday, and have Sundays by appointment only. Additionally, all vehicles used for this business shall be screened from view behind the solid fence or wall.
- Any deliveries of electrical goods or the like shall not take place during the early morning hours and shall occur after 8:00 a.m., but prior to 6:00 p.m., Monday through Saturday only.
- Staff would also like the Board members to consider a wall constructed out of concrete block or similar materials and not wood, in order to mitigate any possible noise that could result from the commercial usage and also for aesthetic purposes.
- Lastly, any ready-mixed concrete work that needs to be done on-site, shall not take place between the hours of 9:00 p.m. through 7:00 a.m., as these are prime sleeping hours for the majority of folks.

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| AGENCY COMMENTS |
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The application was submitted to involved agencies for review. No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the special use permit proposal. The applicant should be aware that if any applicable District Health Department conditions are imposed, compliance with those conditions is strictly reviewed by the Health Department. Any appeal of applicable conditions must be made to the District Board of Health.

Comments from Advance Planning, Bill Whitney, Senior Planner, has indicated that the citizens have expressed concerns about commercial development along this portion of Geiger Grade (SR-341) and how those uses would fit into the character of the area. This particular area of Geiger Grade is commonly referred to as the "Gateway to the Comstock." And it is because of this reference that the community members would like to continue to see open areas and if new business are developed, to incorporate aesthetically pleasing architecture created by the use of building materials and landscaping that represent this sense of character and/or identity that the community speaks of.

Staff has included a condition that this project goes to Design Review Committee (DRC) for review of all landscaping, irrigation, fencing, lighting, signage, building materials and colors.

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Also, at the time of report publication, staff had not received conditions or comments from Reno Fire Department. However, staff is confident that at the time of building plan submittal and review, the Fire Department will need to review all plans, and at that time shall indicate to the applicant what fire code standards need to be followed.

CITIZEN ADVISORY BOARD COMMENTS

The proposed plans were submitted to the Galena/Steamboat Citizen Advisory Board and were reviewed and discussed by the CAB members at the November 9, 2006. No comments or concerns were raised by the CAB members or the public, and no opposition was raised to the project. The members voted unanimously to recommend approval to the Board of Adjustment for this project. A copy of the CAB minutes for this item has been included at the end of this staff report.

APPLICABLE REGULATIONS

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

SD (SB06-017S)

Attachments: Conditions, Vicinity Map, Site Plan, and Elevations, Landscape Plan, District Health Department Letters, dated October 30, 2006 and November 1, 2006.

cc:

Owner: Steven Sederquist, 539 Riverside Drive, Reno, NV 89503.

Applicant: Encore Energy, 16640 Wedge Parkway, Reno, NV 89511

Representatives: Gray & Associates, Attn: Kerry Cates or Suzanne Lindell, 130 Vine Street, Reno, NV 89503

Agencies: Galena/Steamboat Citizen Advisory Board, Chair.

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**CONDITIONS FOR
SPECIAL USE PERMIT CASE NO. SB06-017
Merit Electric
(As recommended by Department of Community Development
and attached to Staff Report dated November 30, 2006)**

*****IMPORTANT—PLEASE READ*****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES.

ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

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GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall obtain and maintain a valid building permit for the construction of the Office building within three (3) years from the date of approval by Washoe County Board of Adjustment. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
5. A note shall be placed on all construction drawings and grading plans stating:

NOTE

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| Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification. |
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6. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be controlled on-site by BMP's. The Engineering Division shall determine compliance with this condition.
7. For construction areas larger than 1-acre, the developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit. The Engineering Division shall determine compliance with this condition.

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8. The developer shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist, and the Construction Stormwater Inspection Fee, prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
9. A detailed traffic report shall be prepared by a registered engineer and shall address driveway access, delivery, and fire truck turning patterns and movements. The County Engineer shall be responsible for determining compliance with this condition and the traffic improvements that are required. The Engineering Division shall determine compliance with this condition.
10. All paving and driveway improvements necessary to serve the project shall be designed and constructed to County standards and specifications. Driveway approach shall have a 36-foot minimum width at the property line. The Engineering Division shall determine compliance with this condition.
11. Provide documentation of access to the site to the satisfaction of the County Engineer.
12. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for drainage and access, to from, or under highways maintained by NDOT and a copy of said permit sent to the Engineering Division. The Engineering Division shall determine compliance with this condition.
13. The minimum pavement requirements for on-site paving shall be three inches (3") asphalt over six inches (6") granular base.
14. A detailed hydrology/hydraulic report prepared by a registered engineer shall be submitted to the Engineering Division for review and approval. The report shall include the locations, points of entry and discharge, flow rates and flood limits of all 5- and 100-year storm flows impacting both the site and offsite areas and the methods for handling those flows. The report shall include all storm drain pipe and ditch sizing calculations and a discussion of and mitigation measures for any impacts on existing offsite drainage facilities and properties. The Engineering Division shall determine compliance with this condition.
15. Any increase in storm water runoff resulting from the development and based upon the 5-year storm shall be detained on site to the satisfaction of the County Engineer. The Engineering Division shall determine compliance with this condition.
16. The developer shall provide pretreatment for petrochemicals and silt for all storm drainage from the site to the satisfaction of the County Engineer. The Engineering Division shall determine compliance with this condition.

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17. The applicant shall be sure that the access onto Kivett Lane provides adequate truck turning in and out. The Washoe County Traffic Engineer shall determine compliance with this condition.

DEPARTMENT OF WATER RESOURCES

18. The applicant shall dedicate necessary water rights prior to release of building permit. The dedication of water rights shall be in accordance with Article 422 and STMGID policies. Water rights must be in good standing with the State of Nevada division of Water Resources and the point of diversion, place and manner of use must be acceptable to the Department of Water Resources (DWR). The DWR shall determine compliance with this condition.
19. Improvement plans shall be in compliance with Washoe County Design Standards. A Professional Engineer licensed to practice in the State of Nevada must design the improvement drawings. The DWR shall determine compliance with this condition.
20. In accordance with the applicable ordinances, all fees shall be paid prior to release of building permit. The DWR shall determine compliance with this condition.
21. Any well on the property not in use for production or monitoring purposes, shall be properly abandoned in accordance with state regulations governing Water Wells and Related Drilling. The DWR shall determine compliance with this condition.
22. Add note on building permit that states, "When municipal sewer becomes available, the lot owner will be required to connect within 60-days of notification and pay sewer connection fees applicable per ordinances in effect at the time of connection." The DWR shall determine compliance with this condition.

OPERATIONAL CONDITIONS/COMMUNITY DEVELOPMENT

23. The hours of operation shall be limited to 6:00 a.m. to 6:00 p.m., Monday through Saturday, and Sunday by appointment only. The Department of Community Development shall determine compliance with this condition.
24. The office building and any other ancillary structures shall match in architectural design, to include similar colors and building materials. The Department of Community Development shall determine compliance with this condition.
25. The applicant shall park all vehicles used for this business within the confines of the property, behind the fence, screened from view from all property lines. The Department of Community Development shall determine compliance with this condition.

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26. Any deliveries of electrical goods or the like shall not take place during the early morning hours and shall occur after 8:00 a.m., but prior to 6:00 p.m., Monday through Saturday only. The Department of Community Development shall determine compliance with this condition.
27. Any ready-mixed concrete work that needs to be done on-site, shall not take place between the hours of 9:00 p.m. through 7:00 a.m. The Department of Community Development shall determine compliance with this condition.

LANDSCAPING AND DESIGN REVIEW COMMITTEE

28. Prior to any ground disturbing activity, the applicant shall submit a landscaping/architectural design plan to the Department of Community Development for review and approval by the Design Review Committee. Said plan shall address, but not be limited to: type and color of building materials, general architectural design, signage, exterior lighting, fencing, trash enclosures, landscaping material (if plant material: type, size at time of planting, maturation size at full growth, period of time between planting and full growth), landscaping location, landscaping irrigation system, and financial assurances that landscaping will be planted and maintained.
29. A certification letter or series of letters by a landscape architect registered in the State of Nevada shall be submitted to the Department of Community Development. The letter(s) shall certify that all applicable landscaping provisions of Articles 408, 410 and 412 of the Development Code have been met. The landscaping plans and the letter shall be wet-stamped. The letter shall indicate any provisions of the code that the Director of Community Development has waived.
30. All required landscaping shall be maintained in accordance with the provisions found in Section 110.412.75, Maintenance. A three-year maintenance plan shall be submitted by a licensed landscape architect registered in the State of Nevada to the Department of Community Development, within 12 months of the approval of this special use permit. The plan shall be wet-stamped.
31. The applicant shall install a solid concrete block wall or similar material in order to mitigate impacts to the existing residence to the south and residential zoning to the east. The block wall shall be a minimum of six (6) feet, but not exceed eight (8) feet in height. The Department of Community Development shall determine compliance with this condition.



Board of Adjustment Staff Report

Meeting Date: February 4, 2016

Subject: Amendment of Conditions Case Number AC15-005
for Special Use Permit Case Number SB06-017

Applicant: Encore DEC, LLC

Agenda Item Number: 8C

Summary: Amend the approval of Special Use Permit Case Number SB06-017 to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall

Recommendation: Denial

Prepared by: Trevor Lloyd - Senior Planner
Washoe County Community Services Department
Division of Planning and Development

Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description:

Amendment of Conditions Case Number AC15-005 (Encore DEC) – Hearing, discussion, and possible action to approve or deny an amendment of conditions of Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time.

- Applicant: Encore DEC LLC
- Property Owner: Merit Property Management LLC
- Location: 14830 Kivett Lane
- Assessor's Parcel Number: 017-055-36
- Parcel Size: 1.312 Acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 27, T18N, R20E, MDM,
Washoe County, NV

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Exhibits Contents

Public NoticeExhibit A
SB06-017 Action Order.....Exhibit B

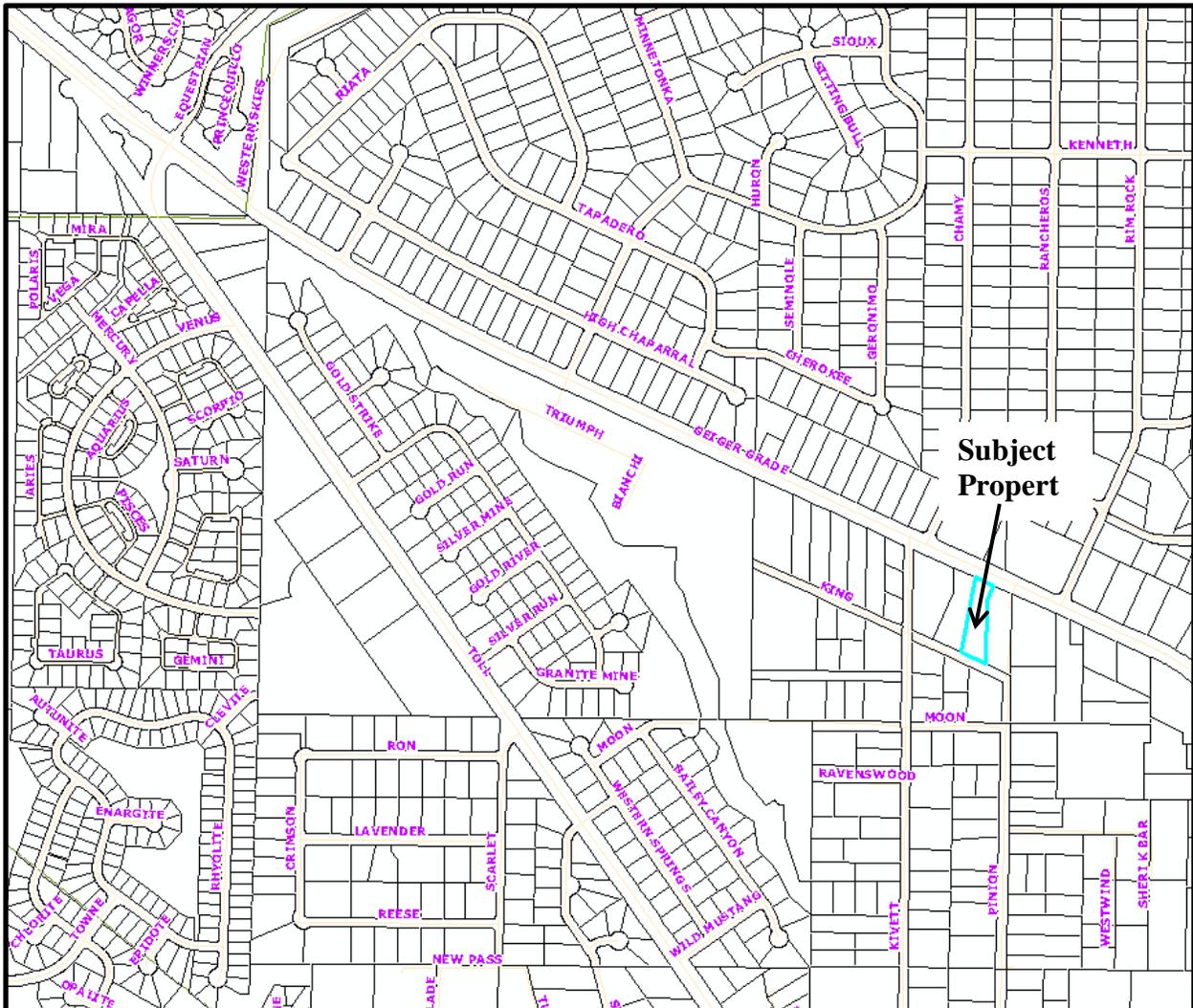
Amendment of Conditions

An Amendment of Conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an Amendment of Conditions application is submitted are listed below:

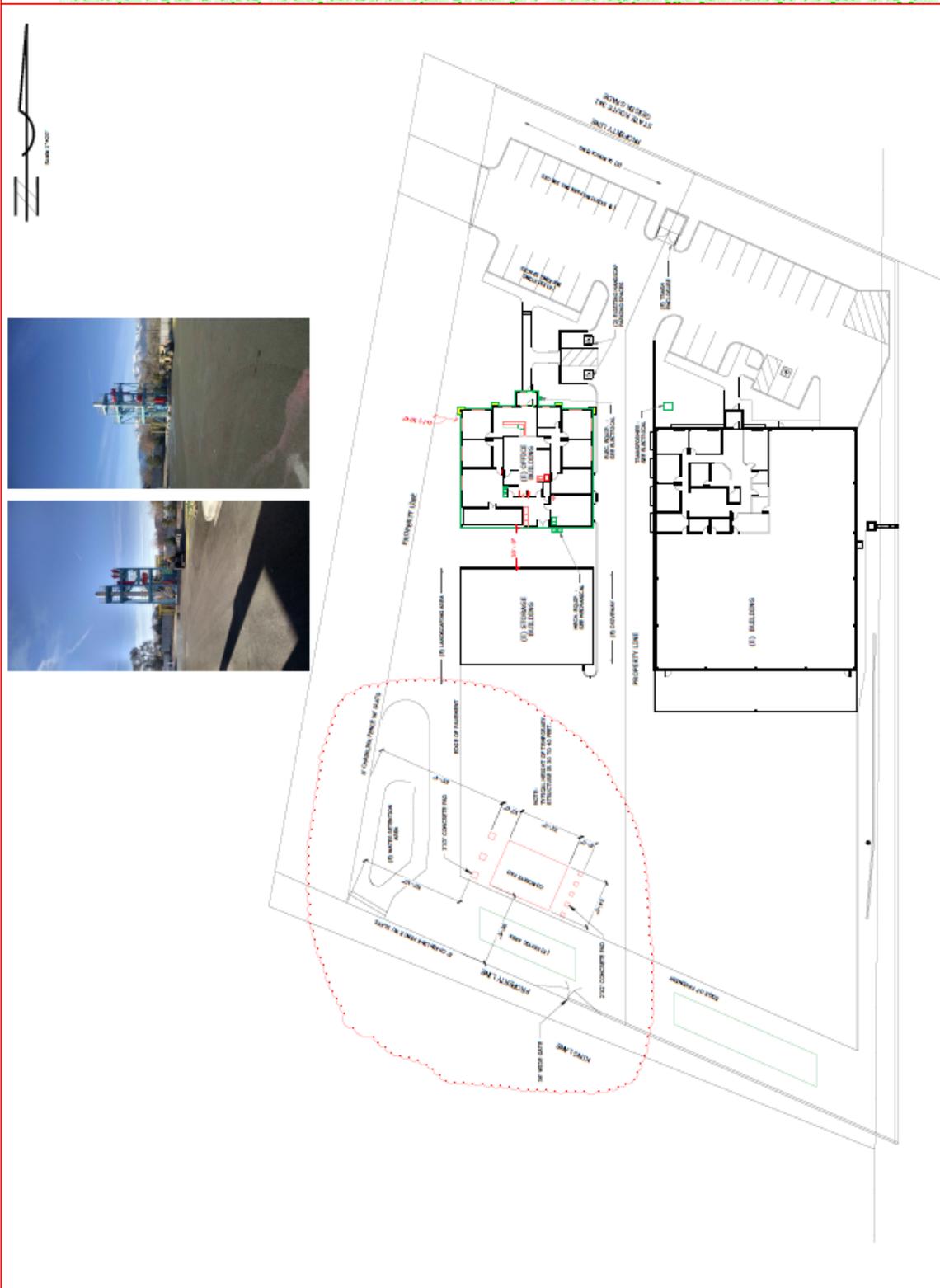
- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The Amendment of Conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The Amendment of Conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the Amendment of Conditions request, an amended Action Order is created along with amended conditions of approval.

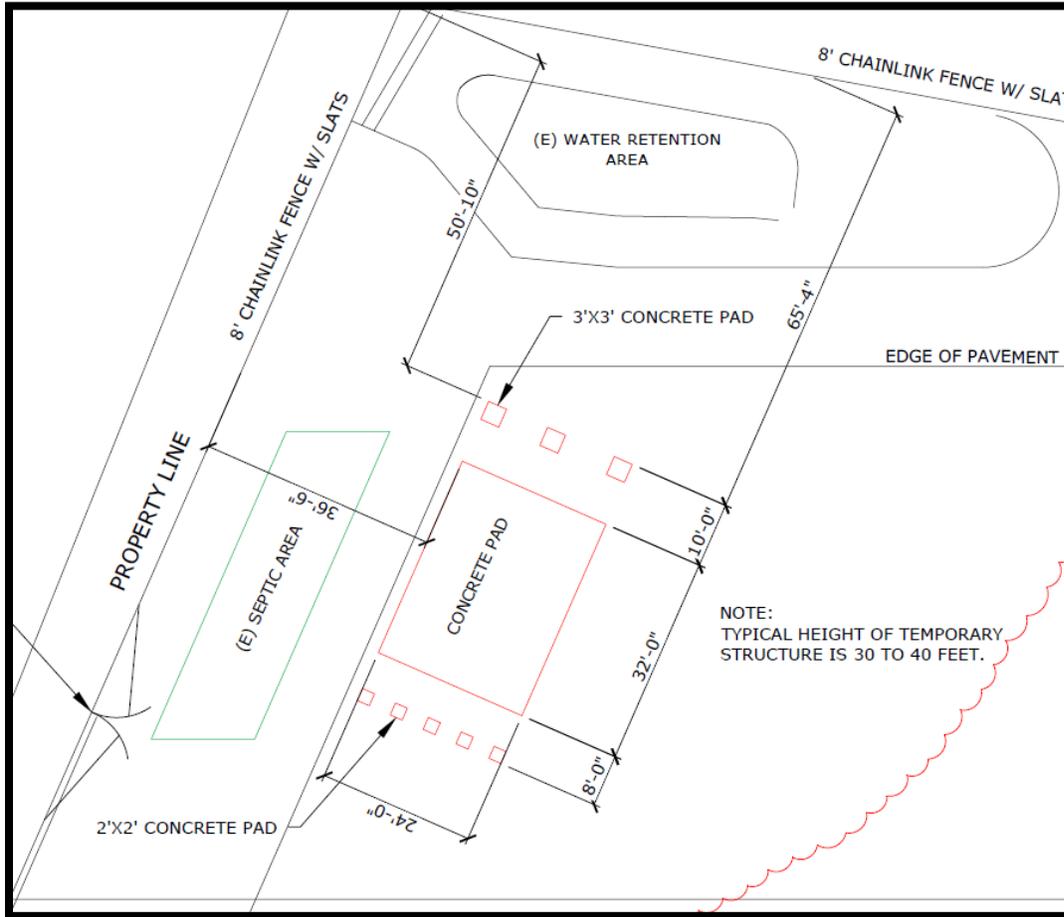
The Conditions of Approval for Amendment of Conditions Case Number AC15-005 is attached to this staff report and will be included with the amended Action Order if the application is approved by the Board of Adjustment.



Vicinity Map



Site Plan



Site Plan (Expanded View)



Background and Evaluation of Amendment Request

The applicants are asking to expand their current operation to include the outdoor fabrication of large metal platform structures. These structures will be assembled to the rear of the subject property which is currently being used as an administrative office building with outdoor storage area for an electrical contractor which was previously approved under Special Use Permit Case Number SB06-017. The purpose of the amendment of conditions request is to expand the use of the facility to include the addition of outdoor metal fabrication which staff has defined as a High Technology Industry use which is allowed with a special use permit in the General Commercial regulatory zone.

The application to amend the special use permit is needed to bring an existing code violation into compliance and legalize the use of the property for this operation. The applicant has already constructed two such metal structures on the property; the most recent structure was recently completed and shipped off site. The applicant was notified by code compliance staff that the construction activity violated the approved special use permit and was not allowed pursuant to the regulatory zoning on the property.

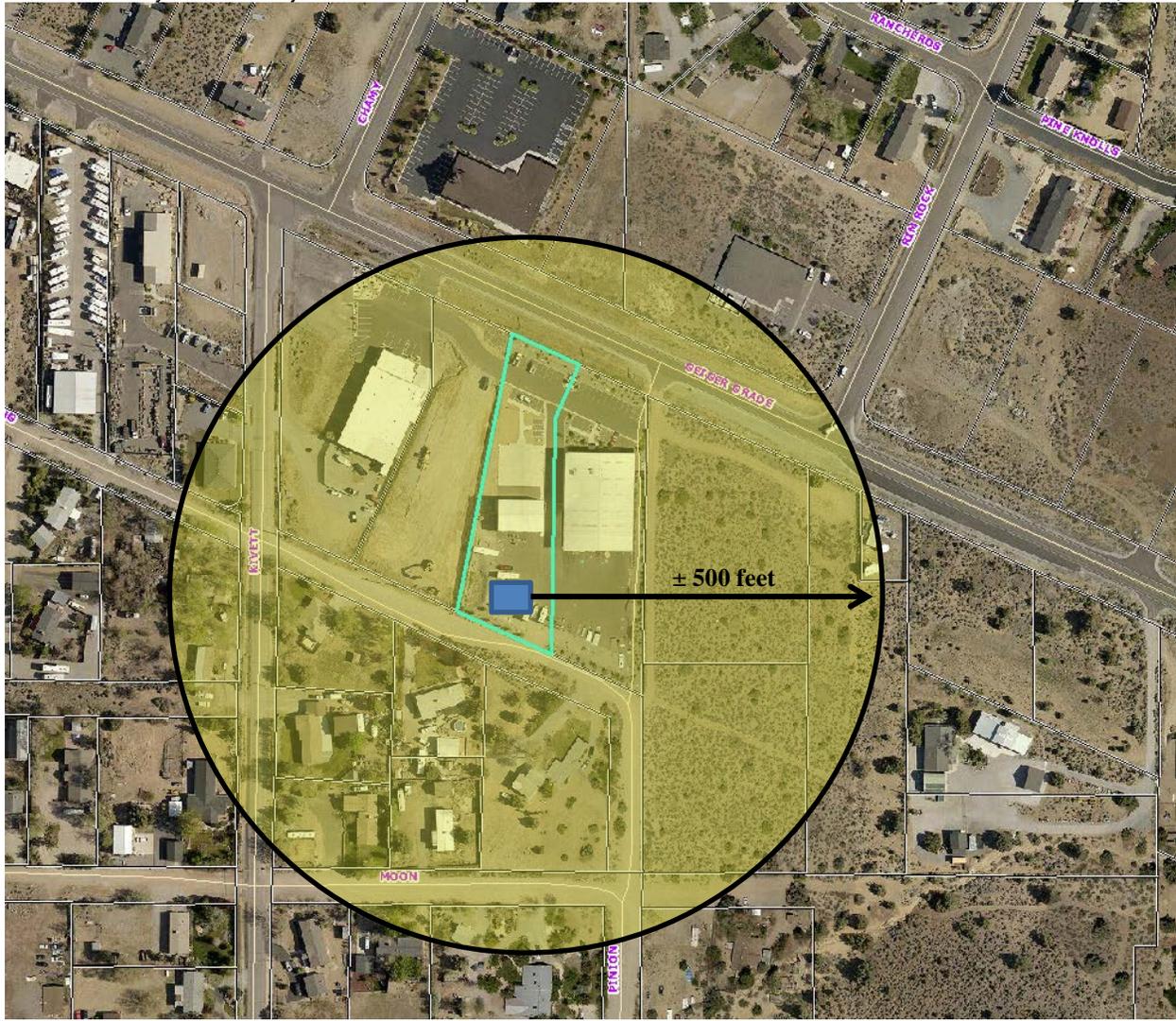
Staff is recommending denial of the proposed request due to the resulting detrimental impacts to the surrounding neighbors and the inconsistency of the use with the goals and policies of the Southeast Truckee Meadows Area Plan. The subject property has a regulatory zone of General Commercial (GC) and the fabrication of large metal structures is an industrial use type which is not compatible with the residential uses to the east and south of the site. Although the primary use on the property is commercial, the industrial component is not consistent with Washoe County Master Plan, specifically policy SETM.2.11 of the Southeast Truckee Meadows Area Plan which states "No new industrial uses will be located in the SETM planning area."

The noises and visual impact resulting from an outdoor metal fabrication operation create an incompatible situation with the immediately adjoining residential uses to the east and south. As identified in the overhead photo below, there are seven existing homes within 500 feet of where the proposed fabrication would take place. Additionally, there are at least two homes within 200 feet of the project site. Staff is unable to ascertain appropriate conditions that would fully mitigate such impacts to the residential neighbors.

The subject property is located within the Toll Road Character Management Area of the Southeast Truckee Meadows Area Plan. According to the Character Statement for the Southeast Truckee Meadows:

"The Toll Road community is a low-density suburban residential community, with a more rural atmosphere than the neighboring Virginia Foothills area. The area is a combination of older homes, newer subdivisions and manufactured home subdivisions located on the western edge of the area. The roadways in the Toll Road community are both paved and un-paved some with curb and gutter and most with V ditches. There is only a small amount of neighborhood serving commercial centered along SR 341 and at the intersection of Toll Road and SR 341. Due to the close proximity of new commercial development in the City of Reno, the residents believe that there is no need for further commercial or industrial land use in the in the Toll Road area."

The subject property is identified within the Southeast Truckee Meadows Area Plan as a "neighborhood serving commercial center", it does not promote heavy industrial/commercial type uses as proposed with this request. Additionally, the proposed outdoor metal fabrication use is not in keeping with the rural atmosphere as described in the character statement above.



Properties within 500 feet of the Proposed Use

REQUIRED FINDINGS

Findings required by WCC Section 110. 810.30 for a Special Use Permit:

1. 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;*

Staff Comment: Staff has reviewed the Master Plan and the Southeast Truckee Meadows Area Plan and has identified several provisions that are not consistent with the proposed project. Specifically, the character statement for the Toll Road Community in the Southeast Truckee Meadows envisions; a low-density suburban residential community, with a rural atmosphere. It also specifies that the residents believe that there is no need for further commercial or industrial land use in the Toll Road area. The use as proposed seems to be in conflict with the general flavor of the area as described in the character statement of the Toll Road Character Management Area. Additionally, the proposed use is not consistent with Washoe County Master Plan, specifically policy SETM.2.11 of the Southeast Truckee Meadows Area Plan which states “No new industrial uses will be located in the SETM planning area.”

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

Staff Comment: There are adequate utilities, roadways, etc. for the proposed metal fabrication use. The proposed request is in compliance with Division Seven.

3. *Site Suitability.* *That the site is not physically suitable for the intensity of such a development;*

Staff Comment: The property is located in an area of the Southeast Truckee Meadows that has commercial and suburban residential uses. The Area Plan calls for neighborhood serving commercial uses and explicitly discourages more intense commercial and industrial use types.

4. *Issuance 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.*

Staff Comment: The proposed use is industrial in nature and not in keeping with the residential and commercial uses immediately abutting the subject site. There are seven existing homes within 500 feet of the proposed use and the nearest home is less than 150 feet from where the metal fabrication will take place. Outdoor metal fabrication is typically noisy and a 40 foot tall metal industrial structure is not compatible with the neighboring residential uses.

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

Staff Comment: There are no military installations within close proximity to the subject property.

South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)

The amendment of conditions request was presented by the applicant(s) at the regularly scheduled STM/WV Citizen Advisory Board meeting on January 14, 2016. The CAB had no specific comments and recommended approval of the request.

Reviewing Agencies

The following agencies received a copy of the Amendment of Conditions Application for review and evaluation.

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Capitol Projects Division
 - Building and Safety Division
- Washoe County District Health
 - Environmental Health Services Division
 - Mosquito/Vector Control
- Truckee Meadows Fire Protection District
- Washoe-Storey Conservation District

None of the above listed agencies/departments provided comments and/or recommended conditions in response to their evaluation of the Amendment of Conditions application.

Recommendation

After a thorough review and analysis, Amendment of Conditions Case Number AC15-005 is being recommended for denial. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment deny Amendment of Conditions Case Number AC15-005 for Encore DEC, LLC, not having satisfied all five findings in accordance with Washoe County Development Code Section 110.810.30 Special Use Permits.

1. Consistency. That the proposed use is not consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan.
2. Site Suitability. That the site is not physically suitable for the intensity of such a development.
3. Issuance Detrimental. That issuance of the permit will 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.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

xc: Applicant/Owner: Merit Property Management LLC
Attn: Mike Burgess
14830 Kivett Lane
Reno, NV 89521



South Truckee Meadows/Washoe Valley Citizen Advisory Board

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB. Minutes of the regular meeting of the South Truckee Meadows Citizen Advisory Board held January 14, 2016 at 6:00 P.M. at the South Valleys Library at 15650A Wedge Parkway, Reno, Nevada.

1. *CALL TO ORDER/ DETERMINATION OF QUORUM – Chair person, Jim Rummings called the meeting to order at 6:00pm.

Member Present:, Jason Katz, Daryl Capurro, Jim Rummings, Marsy Kupfersmith, Steven Kelly, Bob Vaught (sitting in for Pat Phillips), Thomas Judy. A quorum was determined.

Absent members: Steven Miles, Kimberly Rossiter, Patricia Phillips (excused).

2. *PLEDGE OF ALLEGIANCE – Jim Rummings led the Pledge of Allegiance.

3. *PUBLIC COMMENT –

Marilyn Naylor said she is a member of Washoe Valley Alliance. The corridor management plan has been approved. She thanked Sheryl Surface and Design Workshop, and the citizens. She said we are looking forward to working with Washoe County moving forward.

Michelle Bays, Supervising Investigator with District Attorney, Hicks' office introduced herself. She said DA Hicks would like to attend this meeting to give an update. She said they would like to open the line of communication and talk about what their office does.

4. APPROVAL OF AGENDA FOR THE MEETING OF JANUARY 14, 2016 – Tom Judy moved to approve the agenda for the meeting of **JANUARY 14, 2016**; Steven Kelly seconded the motion to approve the agenda. The motion passed unanimously.

5. APPROVAL OF THE MINUTES FOR THE MEETING OF DECEMBER 10, 2015 – Daryl Capurro moved to approval the meeting minutes for the meeting of **DECEMBER 10, 2015**. Steven Kelly seconded the motion to approve the minutes. The motion carried unanimously.

6. *PUBLIC OFFICIAL REPORTS

A. *Washoe County Commissioner - Bob Lucey will provide an update on Board of County Commissioner activities. Commissioner Lucey will be available to answer questions or concerns. Please feel free to contact Lucey at blucey@washoecounty.us or (775) 328-2012. To sign up to receive email updates from the County visit www.washoecounty.us/cmail. (This item is for information only and no action will be taken by the CAB).

Jim Rummings said Bob Lucey has been elected as Vice Chair of the Board of County Commissioners.

Sarah Tone, Office of the County Manager, Washoe County gave an update:

- Please contact Sarah or the Commissioner if you have any questions
- Commissioner Lucey is the Vice Chair of the Board of County Commissioners and has additional roles including the RSCVA. He is interested in parks, recreation, transportation, and open space.
- The budget season has begun
- The strategic plan will be discussed at the Tuesday evening meeting. Guide the staff for the next year.
- Hot topics: Animal code review update ordinance and medicinal marijuana
- District Forum for STM/WV is at 5:30pm next Thursday

7. *COMMUNITY UPDATES

A. *Truckee Meadows Fire Protection District (TMFPD) – Fire Chief Charles Moore or another representative from the Truckee Meadows Fire Protection District will provide a summary of the District's activities including recent calls for service, emergency operations, volunteer firefighter program, cooperative aid agreements with neighboring

Staff: Chad Giesinger, Washoe County Planner, cgiesinger@washoecounty.us, 775-328-3626
Reviewing Body: Tentatively scheduled to be heard by the Board of Adjustment, February 4, 2016

Buzz Lynn gave an overview:

- Cell tower is proposed location to meet the cover and capacity issue. Capacity is equal to the coverage issue. He said those who have smart phones, there isn't enough capacity. He said the tower is nestled with other pines; 56 feet tall. He said there are photo in the packet.
- Ginger Pierce asked about the maintenance and what happens if the limbs fall off. Buzz said that happens when it gets windy. He said the branches have been engineered to withstand wind and safety division requirements are in place. He said they have to show the safety and integrity is in place.
- Jim Rummings asked about ongoing maintenance. Jim said they need care and attention, but no one follows up and don't know who to call or who is responsible. Buzz said Verizon wireless will maintain the site. The phone number is on the gate on the location. There are vandalism issues. Buzz said they aren't anticipating branches are going to fall off. The tower on the fire station site should be replaced. It's not a Verizon site. Susan Duncan thanked him.
- Rosemary Milarchy said she is happy it will be maintained. She said people are thankful for the coverage.
- Maryilyn Naylor asked about coverage. Buzz said it isn't based on miles. Antenna sizes change range in site. It depends on required technology. He said they can up-tune or down tune as well as work with other site. It will be commuting up ½ the hill and down to the Highschool and Wolfrun Site. He said it will cover approximately one to two miles maximum. It can analyze and adjust.
- Daryl Capurro said he lives in South Meadows. Buzz said it won't impact there.

MOTION: Steven Kelly recommended approval of this item. Daryl Capurro seconded the motion to approve this project. The motion passed unanimously.

D. Amendment of Conditions Case Number AC15-005 (Encore DEC) – Request for community feedback, discussion and possible recommendation to approve an amendment of conditions of Special Use Permit (Case Number SB06-017). The request will expand the approval to allow for the outdoor construction and temporary setup of a metal structure up to 40 feet tall for a period of time not to exceed four months at any one time. The Citizen Advisory Board may take action to summarize public feedback and recommend approval or denial of the amendment request.

Applicant: Encore DEC LLC APN: 017-055-36

Location: 14830 Kivett Lane

Staff: Trevor Lloyd, Washoe County Senior Planner, 775-328-3620, tlloyd@washoecounty.us

Reviewing Body: Tentatively scheduled to be heard by the Board of Adjustment, February 4, 2016

Mike Burgess with Encore Energy, General Contracting with AV license gave an overview:

- He said they fabricate temporary buildings; He said they do the work here and ship them out. He said they construct a structure, temporary use of 4 months and take them down and ship them out. He said the materials are steel structures, piping, computers, and electrical. Package them up and ship them out.
- He said they are located on Geiger Grade after the 7-11.

Roger Pelham, standing in for Trevor Llyod, spoke about the project:

- The zoning is General Commercial with Medium Density, 3 dwellings; across from Comstock Chapel
- Tom Judy asked they are getting a SUP for what they are doing now. Mike said we didn't think we were out of compliance. The neighbor complained. The Building Department said they were out of compliance. Mike said they will get a SUP so we can be in compliance. Tom asked if they want to use this on a temporary basis then how will it be monitored or enforced. Roger said enforcement happens when there is a complaint. The current permit is for electrical contracting. These structures aren't necessarily under that permit so that amendment would take care of this. Roger said typically code enforcement works off of complaints. Suggestions and comments are the types of things can turn into conditions of approval.

Marsy Kupfersmith asked Mike how long they have been there. Mike said the owner has been there for 5 years. He said they have the nicest facility up and down Geiger Grade. Roger said there has been a series of complaints over several months. Mike said the first structures received several complaints. Jim said you should put up a sign. Mike said we flyer the neighborhood. The person who complains is across the street. Steven asked about the structure timing. Mike said it's up for 4 months.

Ron Duncan said they are doing final assembly of the structure which is called structural integration. Testing takes 4 months and then they pack it up for the customer. They may do it once a year. He said it's a great thing for the community.

Steven Kelly asked if there's start and stop time. Mike said they work on the structure during business hours.

MOTION: Daryl Capurro moved to recommend approval. Tom Judy seconded the motion to approve the amendment of conditions. The motion passed unanimously.

9. *CHAIRMAN/BOARD MEMBER ITEMS/NEXT AGENDA ITEMS - This item is limited to announcements by CAB members and topics/issues posed for future workshops/agendas. (This item is for information only and no action will be taken by the CAB).

Steven Kelly spoke about the park project from the last meeting. He said a Master Plan is just a concept and idea of where they want to go in the future. He said we got into the budget and logistics which wasn't what we should be talking about. We need to say 'do we like it or not.' Let staff develop the logistics and the commissioners determine if it is viable. Master plans evolve every year. He said this is educational. It's informational and we see how our constituents think.

Tom Judy said the TMWA discussion went off onto development. We need to curb the discussion. Daryl said he agrees. We did get off on the weeds. Master plans change often and they get reviewed and changed. He said he hasn't seen a master plan implemented as it was presented.

10. *PUBLIC COMMENT – Limited to no more than three (3) minutes. Anyone may speak pertaining to any matter either on or off the agenda. The public are requested to submit a "Request to Speak" form to the Board Chairman. Comments are to be addressed to the Board as a whole.

Ron Duncan spoke about the Concerned Neighbors of Arrowcreek (CNA). He said they are there to support the HOA. We are independent. He submitted information about their organization.

11. ADJOURNMENT – The meeting adjourned at 8:27pm.

Number of CAB members present: 7
Number of Public Present: 60
Presence of Elected Officials: 0
Number of staff present: 3

DRAFT EXCERPT FROM THE FEBRUARY 4, 2016 BOA MEETING

C. Amendment of Conditions Case Number AC15-005 (Encore DEC) – Hearing, discussion, and possible action to approve or deny an amendment of conditions of Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time.

- Applicant: Encore DEC LLC
- Property Owner: Merit Property Management LLC
- Location: 14830 Kivett Lane
- Assessor's Parcel Number: 017-055-36
- Parcel Size: 1.312 Acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 27, T18N, R20E, MDM, Washoe County, NV
- Prepared by: Trevor Lloyd - Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3620
- E-Mail: tlloyd@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed Trevor Lloyd's staff report dated January 15, 2016, in Mr. Lloyd's absence.

Member Stanley asked Mr. Pelham if he had any options for remediation. Mr. Pelham said no, the Southeast Truckee Meadows Area Plan policy is pretty clear. Chair Lawrence asked about the nature of the complaint that brought about the amendment of conditions application. Mr. Pelham said the complaint was regarding conducting of activities at the site that were inconsistent with previous activities. Upon evaluation by Code Enforcement, the violation was confirmed. Chair Lawrence asked if the complaint was noise, visual. Mr. Pelham said he believed it was visual. He referred the rest of the question to Director Whitney. Director Whitney said it was the 40' blue structure.

Mike Burgess, the applicant, said Encore DEC is an engineering, design, equipment manufacturer, and a licensed general contractor. When they started using the facility it was approved for electrical contracting. They have fewer employees than the electrical contractor. There has been a medical office built on the site that didn't have any issues with what they were doing. Mr. Burgess indicated there were originally complaints of a visual nature. He noted they sent out brochures saying they were going to be building a temporary structure, then take it down. They did the first one and took it down. The next time they built one there was only one complaint with the understanding it was not a permanent structure. He believes their facility is the nicest along Gieger Grade and other structures in the area, specifically the satellite dish on Gieger Grade that has been there for many years, is visually more distracting. He went to the neighborhood and has their support. The citizen advisory board (CAB) recommended approval. Commissioner Lucey came to the site, is in support of the project, and had the planning department and Dave Solaro visit

the site to come up with a way to allow the operation to go forward. Mr. Burgess' understanding is it was going to be called a "high-tech fabrication" which is allowed on the site, not industrial as stated before. He feels they fall within those guidelines and at the time didn't think they were out of compliance but they came together with Director Whitney and Mr. Solaro to kind of resolve the issues because they have an ongoing business that is beneficial to the area and to the community. Mr. Burgess has represented many developments in Reno and people really want this kind of business in Washoe County. There are high paid engineers working for them along with specialized welders. They have requests from the purchasers of the towers to have them built where they are at; ie: Louisiana, Mississippi, not here. Mr. Burgess says it's a quality control issue so they can assemble everything here and ship them. They don't generate any more noise than was made by the previous owner. Their structures are put up and taken down. They don't fabricate the steel in the air. They're built on the ground then they stand them up with a crane. They build about one a year, no more than two. Mr. Burgess reiterated that Director Whitney and Mr. Solaro recommended getting a special use permit adjustment and that is why he is here. He's trying to comply and be part of the community.

Member Stanley asked what the 40' structures purpose is. Mr. Burgess answered, it is used to hold vessels or tanks then the piping is connected in between. Sometimes the structures are 24', the tallest is 40'. Member Stanley asked if it had to be vertical. Mr. Burgess said yes, for gravity purposes. Member Stanley asked why it couldn't be in their building. Mr. Burgess said the structure is built in the building and is rolled out the door to stand it up, stick the vessels on, and pipe it. He indicated from start to shipping it takes about a year. They came up with the four month timeframe from the time it's stood up to the time it's taken down. That is what they came up with the planning department.

Member Thomas said the previous special use permit was approved for an administrative office building and storage for electrical equipment. Mr. Burgess replied it was for an electrical company to fabricate and work out of that building, not a storage facility. Member Thomas said the construction of this equipment is subsequent to that, what the permit would have allowed for. Mr. Burgess said they are being told that they are above and beyond the capacity of what a normal electrical contracting company can do and they feel they are an AB contractor and that falls within what an AB contractor does but since they are not electrical that's where there is a fine line in being subjective. That's why they didn't feel they were out of compliance from the beginning. Member Thomas asked how they came up with the four month time frame. Mr. Burgess answered, that is about how long it takes to stand it up and connect the vessels, etc.

Chair Lawrence asked how long they've been at the site constructing the towers. Mr. Burgess said for three years and they've only built two towers in the last two to three years. Chair Lawrence asked how long the towers are above 10'. Mr. Burgess answered, four months.

Chair Lawrence opened public comment.

Steve Johnson, a resident within 1000' of the site, commented he never received a notice from the applicant or any other Board to participate. This is his first opportunity to complain that it is affecting the neighborhood because the tower stands out remarkable off of Gieger Grade. While he hopes the applicant is able to keep building the towers and contributing to the economy, with all the industrial land in the community he thinks there is a more suitable place to build the towers and not in their neighborhood. It is quite a contrast looking down the street and out his front window. He feels it's detrimental visually and contributes some noise. He can hear welding but it's not too loud.

Mr. Pelham noted that Mr. Lloyd had received two phone calls in support of the denial recommendation.

Member Stanley noted agencies have been trying to come to a reasonable solution to the problem and asked if there is any way to construct the towers that is not an industrial use. Mr. Pelham said not to his understanding, no.

Chair Lawrence closed public comment.

There were no disclosures made.

Member Thomas commented he was trying to get a feeling for 40' and he thinks the ceiling in the Chambers is 30' so it would be 10' higher. In a residential area, it is going to stick up and be seen for quite a distance.

Member Toulouse noted this is one of the cases that is laid out for them. The Southeast Area Plan does not allow this use. Washoe County Master Plan is in sync with the area plan. It does not promote heavy industrial uses as proposed with this request, per the staff report. The area plan explicitly discourages more intense industrial and commercial use types and is not compatible with existing homes within 500'. Member Toulouse can't make an exception or finding that would allow this use in this particular area.

Member Stanley said it is extremely clear that the request is not consistent with the verbiage of the Southeast Area Plan and agrees with not only the intent of the structure but also the disallowance by the code.

Chair Lawrence said we want these types of business in our communities but neighborhoods have a right to peace and quiet and the zoning they are entitled to. With that in mind he can't support the facility.

Member Toulouse moved that, after giving reasoned consideration to the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment deny Amendment of Conditions Case Number AC15-005 for Encore DEC, LLC, not having satisfied all five findings in accordance with Washoe County Development Code Section 110.810.30 Special Use Permits. Member Stanley seconded the motion which carried unanimously. (five in favor, none against)

The motion was based on the following findings:

1. Consistency. That the proposed use is not consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan.
2. Site Suitability. That the site is not physically suitable for the intensity of such a development.
3. Issuance Detrimental. That issuance of the permit will 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.



Board of Adjustment Action Order

**Amendment of Conditions Case Number AC15-005
for Special Use Permit Case Number SB06-017**

Decision: Denial

Decision Date: February 4, 2016

Mailing/Filing Date: February 9, 2016

Property Owner: Merit Property Management LLC
Attn: Mike Burgess
14830 Kivett Lane
Reno, NV 89521

Assigned Planner: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Amendment of Conditions Case Number AC15-005 (Encore DEC) – Hearing, discussion, and possible action to approve or deny an amendment of conditions of Special Use Permit Case Number SB06-017 to expand the approval to allow for the outdoor construction and temporary setup of metal structures up to 40 feet tall for a period of time not to exceed four months at any one time.

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- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 27, T18N, R20E, MDM,
Washoe County, NV

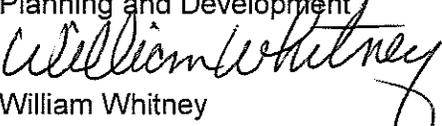
Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make the findings required by Washoe County Development Code Section 110.810.30.

1. Consistency. That the proposed use is not consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan.
2. Site Suitability. That the site is not physically suitable for the intensity of such a development.

To: Encore DEC
Subject: Amendment of Conditions Case Number AC15-005
Date: February 9, 2016
Page: 2

3. Issuance Detrimental. That issuance of the permit will 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.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days after the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Washoe County
Planning and Development

William Whitney
Secretary to the Board of Adjustment

WW/TL/df

Applicant/Owner: Merit Property Management LLC
Attn: Mike Burgess
14830 Kivett Lane
Reno, NV 89521

Action Order xc: Nathan Edwards, District Attorney's Office;

| Appellant Information (continued) | |
|---|--|
| Cite the specific outcome you are requesting under the appeal: We would like our classification corrected to be high tech fabrication. | |
| State how you are an affected individual entitled to file this appeal: We would be forced to close down our business if the appeal is not granted. | |
| Did you speak at the public hearing when this item was considered? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Did you submit written comments prior to the action on the item being appealed? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

For time limitations imposed for the various types of appeals, please refer to the Washoe County Development Code (WCC Chapter 110) and Nevada Revised Statutes Chapter 278 (NRS 278).

APPELLANT AFFIDAVIT

STATE OF NEVADA)
)
 COUNTY OF WASHOE)

I, _____,
 being duly sworn, depose and say that I am an appellant seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Planning and Development.

Signed _____

Address _____

Subscribed and sworn to before me this
 _____ day of _____, _____.

 Notary Public in and for said county and state

My commission expires: _____

(Notary stamp)

