



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/Washoe Valley Citizen Advisory Board held September 6, 2018 6:00 p.m. the South Valleys Library at 15650A Wedge Parkway, Reno, Nevada.

1. *CALL TO ORDER/ DETERMINATION OF QUORUM - Meeting was called to order at by Steven Kelly at 6:00 p.m.

Member Present: Jim Rummings, Steven Kelly, Jason Katz, Patricia Phillips, Tom Burkhart (alternate). A quorum was determined.

Absent: Kimberly Rossiter (excused)

2. *PLEDGE OF ALLEGIANCE - Steven Kelly led the Pledge of Allegiance.

3. *PUBLIC COMMENT - No public comments were made.

4. APPROVAL OF AGENDA FOR THE MEETING OF SEPTEMBER 6, 2018 (for Possible Action) – Patricia Phillips moved to approve the agenda for **SEPTEMBER 6, 2018**. Jim Rummings seconded the motion to approve the agenda for **SEPTEMBER 6, 2018**. Motion carried unanimously.

5. APPROVAL OF THE MINUTES FOR THE MEETING OF AUGUST 2, 2018 (for Possible Action) – Jim Rummings moved to approve the meeting minutes for **AUGUST 2, 2018**. Jason Katz seconded the motion to approve the meeting minutes for **AUGUST 2, 2018**. Motion carried unanimously.

6. DEVELOPMENT PROJECTS– The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page:

https://www.washoecounty.us/csd/planning_and_development/index.php.

6.A. Special Use Permit Case Number WSUP18-0007 (T-Mobile Lighthouse Baptist Church) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for the construction of a new wireless cellular facility consisting of a 55-foot high tower utilizing a stealth design disguised as a pine tree (also known as a monopine) with faux branches screening the proposed antenna panels. The associated 30' x 30' (900 s.f.) lease area and equipment cabinets will be enclosed by a 7 foot concrete block wall, which will be treated with a stucco finish and painted to match the existing church building on the subject property. (for Possible Action)

- Applicant/Property Owner: T-Mobile/ Lighthouse Baptist Church Reno
- Location: 5350 Pembroke Drive, 1/3 mile east of McCarran Blvd
- Assessor's Parcel Number: 021-140-20
- Staff: Chad Giesinger, Senior Planner, 775-328-3626; cgiesinger@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment October 4, 2018

Karen Lynard, T-Mobile representative, provided a presentation:

She said they have presented before this CAB prior for the same request; however, as they progressed through the process, they realized they needed a re-design, and moved away from the 3-legged design. There

was concern with lighting for that proposal, and are now proposing a 55 foot monopine with a structure to cover the equipment.

Jason Katz asked about the location. Karen said it's proposed to be moved to the back of the church. It's closer to those residents in the rear of the church. It's the same height as previous proposed structure.

Tom Judy said he spoke about this item before. He said he doesn't object to tower, but it's out of place given nothing is as high in the area. If FAA requires a flashing light, the neighborhood will object. He said he doesn't want anything to obstruct the views, but he said he doesn't object to the tower itself.

Karen said we don't have a determination from FAA regarding lighting yet. She said there is different lighting proposed, and we don't know that determination of requirements yet.

Patricia Phillips asked if there are any trees in the area of the same height. Karen said not the same, but similar. Karen said the trees are approximately 35 feet tall, not 55 feet.

Jim Rummings asked if there is unlimited amount of application submissions for an application. Trevor Lloyd said if there is a denial without prejudice, they have to wait a year, but if they are making a change to their original application, they may make those changes.

MOTION: Jim Rummings moved to recommend approval of Special Use Permit Case Number WSUP18-0007 (T-Mobile Lighthouse Baptist Church). Jason katz seconded the motion to recommend approval. Motion passed unanimously.

6.B. Special Use Permit Case Number WSUP18-0017 (Soule Grading) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a special use permit for grading, which was performed without the required permit(s) within a significant hydrological resource (SHR), by grading and removing vegetation within the Thomas Creek Critical Stream Zone. (for Possible Action)

- Applicant/Property Owner: Randal and Kami Soule
- Location: 13410 and 13430 Welcome Way
- Assessor's Parcel Number(s): 049-165-06 and 049-165-07
- Staff: Julee Olander, Planner, 775-328-3627; jolander@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment October 4, 2018

Trevor Lloyd said this request is to bring illegal grading into compliance. He said we were notified two months ago of this grading. They preformed illegal grading on two parcels on sensitive stream zones. The State, EPA, US Forestry, and Corp of Engineers are interested in this grading. Special Use Permit is to ensure the land is brought back to natural state as much as possible.

Jason Katz asked why we are even hearing this SUP since it's already done. Trevor said through compliance, a permit is required for an application for grading with the ability to impose conditions. After the fact, this is the mechanism. Jason asked if this is a violation or an enforcement issue. Trevor explained this is in the code enforcement process and this is part of the process to get a special use permit. Steve Kelly said a permit is the tool to enforce the compliance. Jason said what if it's not granted. Trevor said the SUP will allow for special conditions to be imposed which is part of the code enforcement process.

Jason Katz said he has practice law for 40 years, and he said he has never heard of getting a permit after the fact. Jason said someone violated code and regulation, and the County doesn't have mechanism. Trevor said

we do; it's under the code enforcement right now, and it has to be brought into compliance with SUP, conditions, and feedback from agencies.

Tom Burkhart asked if it's possible to restore to original state. Trevor said not 100% to native condition, but this is the process to get it back as close to natural state. State and County agencies are involved.

Randy Soule, Applicant/Owner said there are two sides to every story. He said there is a code, and there is an argument about his right to do what he is doing under the code. He said he and his wife have owned the property for over 20 years. The property has been damaged to flooding over the years. He said there has been homeless people living on his property; they took lumber and pallets from the home and lived on his property. He said they had them removed. The floods washed the lumber and pallets out. He said he has allowed the public to walk through the open space, and he hasn't put up any trespassing signs. He said they are attempting to clean up the area by removing garbage and overgrowth and replanting with vegetation that can be better managed. He said he wants the trespassing to stop from homeless and kids. He said there may be differing opinion on what he is doing on his property, but the intent is to correct the area, replant it in a manageable manner to prevent trespassing. He said he will listen to the public on how they want it restored; he has been working with the County for a more manageable property. It cannot be what it was; it was flooding, damaged, risk to downstream properties, and trespassing. He said he is trying to do something productive to make it right. He said he is working with the Parks Department to make the path continue down the corridor. He said he has been following code compliance and is allowed to do what he has done.

Jason Katz said he is unclear of what he did. Randy Soule said he removed the vegetation, overgrowth, garbage, lumber, pallet, and garbage. Randy said grading is defined as removing vegetation, disrupting a certain square footage which he said he did not; he didn't move soil. He said he acquired permit for the perimeter fence for six acres which has nothing to do with this application.

Public Comment:

Lyn Mundt, Whites Creek resident on a creek, said she was instrumental in putting together the hydrological ordinance. There were many stakeholders interested in creeks within the wildlife corridor. The undisturbed stream zone provides flood protection. Thomas Creek is heavily vegetated. She showed pictures of the applicants property where vegetation had been removed. She said she spoke with planning department. She said he needs to restore this property which requires this special use permit. SUP would provide special instructions on how to bring it back to its natural state so it can provide the resources that streams provide. Please approve this application so proper conditions can be applied, and the stream can be put back to the best possible condition.

Brad Kern, lives on high ground on Whites Creek, said according to AB 396, everyone owns that creek. He said there are picture of what happen. He said there are YouTube videos of Randy destroying the creek. Brad said Nevada ranks #5 in disappearance of creeks. Brad said Randy wants to put seed and fertilizer which is a killer. It's made out of ammonium nitrate - there will be poisons. He will use seed from china and introduce a foreign substance. Brad said he can hear Randy's tractor; he's killing plants and fish. It will take 100 years to bring it back. He said he doesn't support the permit, it's invalid.

Andrea Green said she overlooks Randy's property. She provided pictures of the subject property from her property. He took out an aspen grove. She showed the no building setback, and showed what it looks like now. It's all been graded. He misrepresented himself in the SUP; he took out 30 trees. It can be seen by several properties in the area. She asked if SUP is approved, can it be enforced that he has to repair the stream at a later date. She said what has been done is done. He was in the creek with the excavator on Labor Day after he

was asked to stop. This is federal law not to enter any creeks. He distributed the rocks and disrupted how it flows. It will be a muddy mess. She said she has cleaned up after the teens who would party down on his property. She said the special use permit doesn't help; he has done what he already done.

Mike Block said this property has been for sale off and on for years. He read the property listing descriptions – 'catch trout out of your back yard.' He said the 'improvements' being made are supposed to help with the property value. A video drone of the property was made by a real estate agent prior to disturbance with trees. You can see it online. Mike said he has video from today, and it's all bare ground. He said he doesn't agree with SUP. Don't give him approval for what he did.

Jim Sundali said he lives below the disturbed stream. He said he didn't know anyone owned it; he thanked Randy for letting them use the land. This is not yard clean up as stated in the application. He asked what is the best way to restore the land and stream. He said it may require the special use permit to accomplish that.

Ken Green agreed with Mr. Soule said he is entitled what he can do as long as it complies with the law. He thanked Randy for the opportunity to walk on the trail. He said he didn't see any trash. It's a gorgeous trail. It's no longer accessible. He showed a series of pictures taken by Mike Block. He said he doesn't support SUP application; it's untrue; it's false. It talks about restoring, but it doesn't address west side of the channel. He crossed the channel. It's devoid of vegetation on both sides. He didn't comply with SUP; he didn't file application to begin with. Information is false. He said Mr. Soule continued to work on property with no regard to application is approved or not. He showed sedimentation. You cannot un-grade the property. He cannot bring it back to natural state. The channel was gorgeous. Randy went about it without a permit, crossed Thomas creek; he violated Army Corp Regulations. He said the fence was approved around Mr. Soule property. He said debris will back up on the fence and affect the flows.

Diane Novotak said she lives next to Andrea Green, and has been watching what Mr. Soule has done. She agreed with Mr. Green. Mr. Soule started work at the end of May. She said she took videos May until now of the grading work; videos have been sent to Mr. Farmer with Washoe County Code Enforcement. Mr. Soule doesn't have proper permits. He has driven down the middle of the stream to take out cottonwood, aspen and other trees that were anchor to stream. He has altered the course of the stream. He has placed big boulders and small boulders which has created a water feature out of Thomas Creek. She asked for the Arborist reports about dead trees that were removed. The person who destroyed it shouldn't be allowed to fix it. She said she doesn't agree with the special use permit.

Jason Katz asked if SUP isn't granted what is course to bring it back to state. Julee said there is a threshold of grading that triggers a SUP, and you have to meet specific conditions. She said the SUP is the only means to repair illegal grading; the only mechanism to allow us to address this issue. With grading, it's through the Special Use Permit process that allows the County to have teeth. Division of Forestry has been part of the process. It will be required to be put back in the stream area.

Steven Kelly said we aren't condoning what has been done, but it is mechanism to correct it.

Julee said this will go before the Board of Adjustment. She deemed the application incomplete with insufficient information regarding area disturbed with square footage calculation to show it met the thresholds. The applicant has now disturbed the west side. The fence was approved, but doesn't allow him to grade a road to bring in the fence equipment. It's not complete since he continues to do work after his original application. She said she is still waiting on information. Conditions to re-vegetate will be determined by

Division of Forestry or EPA. Staff is responsible to make sure the conditions are met with review and inspection, and that is why SUP is critical.

Trevor Lloyd said the application isn't complete, but we want restoration to happen as soon as possible. He said they depend and rely on experts of NDEP, US Forestry. The purpose of Special Use Permit is to get us closer to restoration.

Jason Katz said the applicant doesn't agree with County; he is willing to litigate it. Jason asked if the applicant is going to follow through with meeting conditions. Trevor said he will be under enforcement, and SUP will ensure specialists are looking at condition and making sure it's being met.

Jason Katz asked if there is any reason for an injunctive relieve for this situation. Trevor said this is the mechanism. Jason said they continue to break the law. Trevor said if he cannot do what is required; it may become a legal matter.

Patricia Phillip said if the stream begins in the Sierras then there are different water rights. Residents have water rights. She asked if the state engineer involved. Julee said state water rights authority is involved. Pat said this may go before the Federal Water Master and the State. Trevor said they will confirm if it requires the State and Federal Water Master.

Jim Rummings said immediate action needs to happen before flooding. Put emotions aside to make sure the stream is preserved.

Pat said she has worked with the Federal Water Master and State Engineer and they need to be involved. Trevor said they will be involved.

Ken Greene said the application is not complete. We need a reliable application. Steve said that is what Julee is trying to get. Steve said he has some level of confidence this will be put in the right direction.

MOTION: Steven Kelly moved to recommended approval and to take into consideration the concerns voiced to be used as the foundation for conditions that have to be met. Patricia Phillips seconded. Jim Rummings abstained. Motion passed 4 to 1 in favor of the Special Use Permit Case Number WSUP18-0017 (Soule Grading).

7. *CHAIRMAN/BOARD MEMBER ITEMS - This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

Patricia Phillips said Huffaker (going west) the road was widened but then it narrows at the lake irrigation ditch. Cars, trucks, and trailers cannot turn from Huffaker to Damonte because it is too narrow. There are accidents. It's where city meets the county. She said it needs to be widened again.

8. *PUBLIC COMMENT –

Shannon Windle submitted a written statement. President of Hidden Valley Wild Horse Protection Fund. Reno Public Works, Reno Transit Commission, Reno City Council, Washoe County Animal Control, Reno Police Department, Washoe County Planning Department, University of Nevada, Storey County Sheriff's Department, Lyon County Commissioners, Nevada Department of Transportation, Damonte Ranch Drainage District, Washoe County Citizen Advisory Board, Washoe County Sheriff's Department, Lyon County Sheriff's

Department, Department of Motor Vehicles, Various property developers, Truckee Meadows Water Authority, City of Reno Neighborhood Advisory Board. These are just some of the local and state agencies with which our united local are wild horse groups have successfully reached out to and created good, positive, working relationship.

In addition, just over a year ago our wild horses were granted 685 acre parcel of land just to the north of Spanish Springs where we are building a wild horse sanctuary, adoption center, and visitor center. We hope to have horses on site in the next few months and open for visitors in the spring.

Of true excitement, is the upcoming Virginia Range Mustangs special license plate. A portion of the proceeds will be going to on the range projects and public safety projects such as fencing, cattle guards, and signage. Once the license plate is active (or for sale) in the DMV we would like to request to be added to the agenda for a future meeting to discuss the needs of the community from the CAB perspective and if there are any projects we can develop together in the interest of the public safety.

ADJOURNMENT – the meeting adjourned at 7:20 p.m.

Number of CAB members present: 5

Number of Public Present: 10

Presence of Elected Officials: 0

Number of staff present: 2