



WASHOE COUNTY BOARD OF ADJUSTMENT Minutes

Thursday, June 3, 2021
1:30 p.m.

Board of Adjustment Members

Kristina Hill, Chair
Clay Thomas, Vice-Chair
Lee Lawrence
Rob Pierce
Brad Stanley

Secretary

Trevor Lloyd

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street, Building A
Reno, NV 89512

In-Person and Zoom Teleconference

No members of the public will be allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1, which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate. This meeting will be held by teleconference only.

The meeting will be televised live and replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

The Washoe County Board of Adjustment met in regular session on Thursday, June 3, 2021, in the Washoe County Complex, 1001 East Ninth Street, Building A, Reno, NV and via Zoom.

1. Determination of Quorum [Non-action item]

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

Members Present: Kristina Hill, Chair
Clay Thomas, Vice-Chair
Lee Lawrence (via Zoom)
Rob Pierce (via Zoom at 2:36)
Brad Stanley

Staff Present via Zoom: Courtney Weiche, Senior Planner, Planning and Building Division
Chris Bronczyk, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Dan Cahalane, Planner, Planning and Building Division
Roger Pelham, Senior Planner, Planning and Building Division

Staff Present in Chambers: Trevor Lloyd, Planning Manager, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance [Non-action item]

The pledge of allegiance was recited.

3. Ethics Law Announcement [Non-action item]

Michael Large recited the Ethics Law standards.

4. Appeal Procedure [Non-action item]

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

5. Public Comment [Non-action item]

There were no requests for public comment.

6. Approval of the Agenda [For possible action]

Trevor Lloyd requested item 8G be moved to proceed 8A. In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of June 3, 2021, as amended. Member Thomas seconded the motion which carried unanimously.

7. Approval of the May 6, 2021, Draft Minutes [For possible action]

Chair Hill moved to approve the minutes of May 6, 2021, as written. Member Lawrence seconded the motion which carried unanimously.

8. Public Hearing Items [For possible action]

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

A. Administrative Permit Case Number WADMIN21-0001 (League to Save Lake Tahoe Fashion Show and Luncheon) (For possible action) – For hearing, discussion and possible action to approve an administrative permit for an outdoor community event business license application and associated license conditions for League to Save Lake Tahoe for their Annual Fashion Show and Luncheon, scheduled to be held on August 7, 2021 from 11am until 2pm. The event is proposed to consist of an invitation-only fashion show and luncheon within a temporary tent structure located on the beach adjacent to Lake Tahoe. The event organizer estimates a maximum of 550 people, which includes 150 support persons.

- Applicant: League to Save Lake Tahoe
- Property Owners: KWS Nevada Residential LLC and Lakeshore Trust
- Location: 1047 and 1055 Lakeshore Boulevard, Incline Village, NV, directly south of its intersection with Selby Drive
- APNs: 130-230-14, -16 & -17
- Parcel Size: ±6.18 acres, ±3.58 acres and ±1 acre
- Master Plan: Rural Residential (RR) and Suburban Residential (SR)
- Regulatory Zone: High Density Rural (HDR) and High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3608
- Email: cweiche@washoecounty.us

Courtney Weiche, Washoe County Senior Planner, provided a staff report presentation.

Chair Hill asked if there have been any changes since previous events. Ms. Weiche noted the number of attendees and site layout to comply with the recent COVID restrictions. Kristen Keene, the applicant's representative, added that they are complying with current COVID restrictions, not selling individual tickets but rather selling in groups of four or eight and will sitting as a pod. Masks will be required on the shuttle. She added proof of vaccine may be required. The floor plan allows 6-foot distance for guest safety. Everything else is the same except for the size of the event.

Member Thomas asked if this event has been at this location previously. Ms. Weiche confirmed it had. She noted the Board permitted the same process in 2019. Ms. Keene said this will be the seventh time they have held the event at this location. Member Thomas stated parking is designated at Sierra Nevada College, but there isn't any documentation that confirms that. He asked if there was anything from the college that confirming that. Ms. Keene noted that should have been included in the original packet. She stated they have an MOU in writing that can be provided. Member Thomas requested that be provided.

Member Thomas stated there isn't anything included regarding State or County COVID requirements. Ms. Weiche stated there isn't a specific condition that the project comply with COVID restrictions, but they can provide that as part of the motion. Member Thomas noted he would not want to approve this if it won't be in compliance with State or County health restrictions.

With no request for public comment, Chair Hill closed the public comment period.

Member Thomas said it has always been a great event with documentation and process. He stated he supports the event. Member Stanley agreed with Member Thomas and recommended that they include a condition that the event complies with State and County requirements. DDA Large noted conditioning an administrative permit with state regulations; this Board does not have the power per Chapter 110. DDA Large would discourage it. Chair Hill noted they will have to get a health permit. Member Thomas removed his request for condition.

Member Thomas move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN21-0001 for League to Save Lake Tahoe, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 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 invitation-only fashion show and luncheon within a temporary tent structure located on the beach adjacent to Lake Tahoe and for the intensity of such a development; and
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.

G. Administrative Permit Case Number WADMIN21-0004 (Classical Tahoe) (For possible action) – For hearing, discussion, and possible action to approve an administrative permit and outdoor community event business license, and associated license conditions for

Classical Tahoe, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 26, 27, 28, 30, 31, and August 1, 3, 4, 5, 6, 7, and 8th 2021. The application also includes three possible events to be held on July 23, 24, and 25. The proposed outdoor concerts will be held between the hours of 7:00 p.m. and 9:30 p.m. Primary participant and spectator parking will be within the College campus (APN: 127-040-10) with additional off-site (overflow) parking at the Incline Village General Improvement District (IVGID) Recreation Facility (APN: 127-040-07), if needed. Event organizers estimate that there will be approximately 450 participants and spectators on any one day of the event.

- Applicant: Karen Craig
- Property Owner: Sierra Nevada College
- Location: 948 Incline Way
Incline Village, NV 89451
- APN: 127-040-10
- Parcel Size: 17.049 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310, Temporary Uses and Structures; and Washoe County Code 25, Business Licenses, Permits and Regulations
- Commission District: 1 – Commissioner Hill
- Staff: Chris Bronczyk, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.us

Chris Bronczyk, Washoe County Planner, provided a staff report presentation.

With no request for public comment, Chair Hill closed the public comment period.

Member Stanley stated this has been a successful event. He inquired about notable changes with COVID restriction compliance.

Stephanie McKay, the applicant's representative, spoke about changes. Only musicians will be under the tent. They will open it up amphitheater style. There will be 3-foot distance between each patron.

Member Thomas thanked them for including how they will follow COVID guidelines in their applications.

Chair Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN21-0004 for Classical Tahoe, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 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 an outdoor community event, and for the intensity of such a development;
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;
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.

B. Administrative Permit Case Number WADMIN21-0002 (Lee Garage) (For possible action) – For hearing, discussion, and possible action to approve an administrative permit for a 2,000 SF detached accessory structure that is larger than the existing 924 SF main residence; a special use permit is required per Washoe County Code 110.306.10(d).

- Applicant/Property Owner: Brandon Lee
- Location: 15280 Kivett Lane
- APN: 017-123-22
- Parcel Size: 0.78 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 306, Accessory Uses and Structures; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Chair Hill called for member disclosures. Lee Lawrence stated he met Brandon Lee who may be the owner. He stated he may have had discussions about regulatory matters. He noted any previous discussion would have no impact on his decision or duty on this board. DDA Large stated there is no questions regarding the ethics law.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Member Thomas asked on page 5, the applicant is not requesting plumbing or electrical, but exhibit D, it indicates the new detached garage will have electrical. Brandon Lee, the applicant, said it will have electricity and no plumbing. That was a typo. He said he wants to add a garage to the property and bring it up to conform with the rest of the homes in the area.

With no request for public comment, Chair Hill closed the public comment period.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN21-0002 for Brandon Lee, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

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;

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;
3. Site Suitability. That the site is physically suitable for detached accessory structure, and for the intensity of such a development;
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;
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.

C. Special Use Permit Case Number WSUP21-0010 (STMWRF) (For possible action) – For hearing, discussion, and possible action to approve a special use permit per Washoe County Code (WCC) Table 110.302.05.2 for expansion of a Utility Services for the South Truckee Meadows Water Reclamation Facility (STMWRF) from 36,999 SF to 45,858 SF of building space in order to expand wastewater treatment capacity. The request exceeds the threshold for major grading per WCC 110.438.35 with 177,000 SF of disturbed area; 23,000 CY of material excavated from various locations of the site and 22,000 CY exported off site and 1,000 CY remaining on site. The proposal also requests varying the landscaping requirements by reducing all required landscaping for the building expansion.

- Applicant/ Property Owner: Washoe County
- Location: 8500 Alexander Road
- APN: 165-011-05 & 06
- Parcel Size: 49.43. & 14.97
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Public & Semi-Public Facilities (PSP)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Articles 810, Special Use Permits and 438, Grading
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Julee Olander, Washoe County Planner, provided a staff report.

Member Stanley asked about the water impact of this project and additional water generated. He noted the report stated this project would increase capacity by 48% to accommodate population increase. He asked if this is regional or local to that area. He asked how that number was generated. Ms. Olander noted it was in their application.

Rob Wimer, applicant/Washoe County, provided a Powerpoint slideshow. Member Stanley asked about the 48% increase for growth requirement and how that number was derived. Alan Jones, Washoe County Licensed Engineer, said with projects like this we conduct a facility plan and within the facility plan we look at regional planning population growth. Based on that growth in mostly residential, we estimate 175 gallons per day per resident. That is how we estimate how much we need for 20 years. Member Stanley asked what area this plant will serve. Mr. Jones explained it will serve the regional area with a dividing line at north Virginia at the highway. He said north is City of

Reno. He said the Truckee Meadows Water Reclamation Facility collects everything to the north in Sparks. Member Stanley asked if they are considering effluent water generation and surplus. Mr. Jones stated our facility, unlike TMWRF, is not allowed to discharge into the surface to get into the Truckee River. He said they try to use it for irrigation at the golf course, parks, and looking to expand. They are all about using reclaimed as a resource. Member Stanley asked about the several hundred thousand feet of disturbance, with grading. Mr. Jones stated they will have 22,000 cubic yards leaving the site. It is a large site, and they are putting in new stuff. They are putting in reactors that are deep and that is why the 22,000 cubic yards need to leave the site.

Member Thomas asked about the regional needs for 2040 projects. He asked if this is for South Meadows. Mr. Jones explained where it serves - south, east side of the valley, west side along old Virginia Street, Arrowcreek Pkwy. and Mt. Rose.

With no request for public comment, Chair Hill closed the public comment period.

Member Stanley congratulated the staff for working that far out. It is ambitious to look at 2040. Member Thomas asked if they need to get another SUP to export the dirt to another site. Trevor Lloyd explained there is a potential for an SUP because if more than 5,000 cy gets imported, it will require an SUP. Member Thomas stated he was asking in case it ends up on the neighboring property. Member Thomas spoke about landscaping planning for the future. Member Lawrence asked why the County does not specify native vegetation, native Jefferies, which need to be watered once a month. They do not need a lot of care. Why does not the County consider native vegetation instead of using European plants. He asked why native vegetation is not considered more often. Chair Hill noted native vegetation is required in the Lake Tahoe Basin. Member Thomas noted the applicant is requesting foregoing landscaping requirement. Member Lawrence stated he does not blame them for their request because the County sets them up for failure because they don't require native vegetation. Member Stanley asked if they are making an additional condition for native vegetation. Mr. Lloyd clarified the applicant is requiring all vegetation to be waived. He stated it is the Board's purview to grant that variance. Member Lawrence stated he has no problem with that aspect of the application. Member Stanley said he has straight sight line to the facility and would like to have vegetation to cover. Mr. Lloyd said it is an option to the Board to request. Member Thomas asked the applicant why they cannot comply with landscaping requirement. Mr. Jones stated when they expanded in 2014, they installed quite a few trees. The soil is not great back in there. He said they are not opposed. They have a lot of utilities that are underground. The bigger trees' roots create havoc. The tree's roots, in 20 years, will get in the way and be challenging for the utility. Member Thomas said he recommends the landscape requirement be included. Julie Olander said this is considered a civic use. This is a large site and would like clarification on the amount of landscaping. Full amount or percentage. Mr. Lloyd noted the landscaping requirement states 20% of the project area, not the overall site. It is the expansion in this case; it is the earthwork. Ms. Olander said 20% is quite large for the size of this site. Mr. Lloyd stated 177, 000 sq. ft is being disturbed. Member Stanley asked Member Lawrence of his opinion of the root system. Member Lawrence agreed with Mr. Jones that the soils are poor with leached out nutrients and makes it less desirable. A few trees along the road frontage would do a lot and would be less than 20%. A native pine tree would do a good job. It could make a big difference for the community with a few trees on the roadway. He said he does not believe they need to vegetate the other area. Ms. Olander noted there are trees already on the existing road. In 2014, they put landscaping along the roadway and other parts of the site. There is already vegetation on the site. Member Lawrence said as much as could be done has been done. He said he does not mind them not fulfilling the landscape requirement. Member Thomas referenced page 10 of the staff report with landscaping along the road. Member Lawrence stated non-native plants will be challenged and understands the logic they do not want landscaping. Member Stanley asked if the Board's consensus is to stay with code. Chair Hill said that would be 36,000 sq. ft. Mr. Lloyd said code just changed, it would be 300 sq. ft. per every tree and six shrubs per tree. Member Lawrence said that is 120 trees. Member Stanley said with the increase, it enlarges the facility, with a large area, carved into the side of the mountain at the base of Alexander Lake. It is in direct line of sight of anything on the valley floor. Member Thomas said he would be ok with 10%. Chair Hill said she would be ok with that. Mr. Jones stated they put dozens of trees in 2014.

He asked if they could have credit for what they put out there. Ms. Olander asked if we could place trees along the driveway every 50 feet and use native trees to replace the dead trees from 2014. Member Stanley asked if they could use their own reclaimed water for the trees. Member Stanley said if we require code or half code, we can leave it to the arborist and landscapers as to placement of the trees. Member Lawrence agreed to let them decide.

*2:36 p.m. – Member Rob Pierce entered the meeting via Zoom

Member Thomas move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions to include regulations of Washoe County landscape code to reduce to 10% of native vegetation or trees, Special Use Permit Case Number WSUP21-0010 for Washoe County, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Lawrence seconded the motion which carried unanimously. Member Pierce abstained as he just arrived to the meeting.

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;
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;
3. Site Suitability. That the site is physically suitable for type of development, i.e. a bed and breakfast inn, etc., and for the intensity of such a development;
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;
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.

D. Special Use Permit Case Number WSUP21-0013 (Wadsworth RV Resort) (For possible action) – For hearing, discussion, and possible action to approve a special use permit to approve the establishment of a Commercial Campground/RV Park use type and major grading disturbing 1,216,000sf of surface area with 16,610 cy of cut and 21,320cy of fill.

- Applicant: Ron Smith, LLC
- Property Owner: Waligora 1998 Trust
- Location: Intersection of I80 and Cantlon Dr.
- APN: 084-292-13-16
- Parcel Size: 11.215 acres, 5 acres, 6.286 acres, 6.591 acres respectively
- Master Plan: Commercial
- Regulatory Zone: Tourist Commercial
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 302, 316, 810
- Commission District: 4 – Commissioner Hartung
- Staff: Dan Cahalane, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

Mr. Lloyd requested to open both items 8D and 8E together but with two separate motions.

Dan Cahalane, Washoe County Planner, provided a staff report presentation.

Chair Hill stated the staff report for RV Park includes a cell tower. She does not see any mention of it in the presentation. Mr. Cahalane noted the applicant withdrew that request. They did not have a complete application for a cell tower. They asked to proceed with the administrative permit for just the sign, no cell tower.

Chair Hill asked about cut and fill. She asked if the excess cut will be disposed of off-site. She asked if that needs approval. Mr. Cahalane stated it depends on how they are managing it and if it is going to another construction site.

Member Stanley asked about the tribe's concerns. He stated a more advanced hydrologic study with wastewater and how that might make it or impact the lake is being requested by the tribe. He asked if that hydrologic study has been conducted and what are the results. Mr. Cahalane said it is conditioned by Engineering. The sewer package plant would have to go through NDEP for health regulations. Member Stanley asked if information has been conveyed to the tribe. Mr. Cahalane stated that he informed the tribe that he would make a condition to help mitigate the concerns. Member Stanley asked if that has been communicated. Mr. Cahalane noted he communicated through agency review in which they replied.

Member Thomas asked for clarification on page 7, Article 316 standards, proposed site plan does not meet article 316. Mr. Cahalane stated it is a typo and this meets all the standards.

Clint Thiesse, the applicant's representative with Summit Engineering, introduced Ron Smith, Ryan Bradburn, Will Roberts, and Vernon Waligaro, present owner of the property. Will Roberts, representative, noted this was designed by RV consultant.

Chair Hill asked if there was a time limit for those who would stay at the RV resort. Mr. Cahalane stated it is a 60-day limit, per code. She asked if the fence would go along the Truckee River and if there will be access to the river. Mr. Thiesse confirmed the fencing will go along the river. He stated there is a ditch to the south, there is proposed access with a bridge if there is desire for maintenance of the ditch. They can eliminate the gate if they do not wish to have access for maintenance of the irrigation ditch. We will not allow people access to the river. He said access is for tribal access for maintenance of irrigation ditch. Chair Hill asked about sewer. Mr. Thiesse stated each space will have sewer, water, electric hook-up. The sewer will go to a common sewer system to the package treatment plant. The plant will have to bring it up to water treatment standards set by NDEP before putting it back into the groundwater system. That system must be monitored and reported to show its meeting water quality standards.

Member Stanley asked for additional information about catching fuel runoff with retention basins. Mr. Thiesse shared his screen and showed ½ of the spaces, geogrid system with open space drainage creating spaces so the water soaks down into storage area and perks into the ground. The perk grate will contain sand to filter.

Member Thomas stated the Paiute tribe submitted a letter with concerns. He asked if there has been contact with tribal members to address their concerns. Mr. Thiesse stated he was not aware of the letter until they received the staff report. He stated they have not contacted them. He stated they will be happy to reach out to them.

Member Thomas asked about the sign. He asked if that is below grade at Highway 80. Mr. Thiesse confirmed the intent is to be seen by Highway 80 to inform travelers there is an RV park. Member Thomas asked how high it will be. Mr. Thiesse said it will be 10 feet above grade.

Member Lawrence asked the ground water depth. Mr. Thiesse said the Geotech was a test with perk grade. They indicated they plan to do a full Geotech report with design if this is approved. He said he guessed its 10 feet. It is very permeable. The river is below the site. Member Lawrence said he assumes NDEP feels this will perk enough to filter out any sort of petroleum. He said he can understand the tribe would be concerned about that. Mr. Thiesse stated he believes the owner would

be happy to include monitoring wells along the south boarder to monitor storm drain flows just as they are monitoring the wastewater treatment plant. Member Lawrence stated that is a good effort as he believes there may be concerns and hopes they will be satisfaction with everyone involved.

Member Stanley said one of the specifics is a geological report. From the applicant, it sounds like they did a great deal of study. Would that qualify as a hydrological report. Mr. Thiesse stated it is costly and occurs after approval. They accept that conditions prior to final permitting that they will do those reports as required.

Chair Hill opened public comment.

Robert Coupe, chair of East Truckee Canyon CAB, said it sounds great, looks great, but is it feasible. He said we live out there. It's a big project. He said he is concerned if the grade is raised or lowered. He asked where is run-off of the grade going to flow. He stated adjacent to Cantlon Drive, there is a drainage ditch that goes under the overpass, goes behind the fire department, under cattle grade, and out to farms. He said when we get heavy rains, it floods. There is not outlet on Cantlon Drive. There is a way around under the overpass for the highway, but it's also low clearance and big RVs cannot use that route. You have one way in and one way out and there are concerns about fires. He asked where the location of the sign will be. He said as far as the pumps for the water, they are approximately 100 yards from his property. He said he spoke with TMWA and they are out there every other day. To add that big a project on those sites, there are two pump houses there, that would be a major drain on the system. They are constantly replacing filters. He said it looks great, but there needs to be more investigated before going ahead.

Timothy Holly, homeowner near proposed development, said he received the notification and decided to attend in person. He is concerned about safety. He said there will be off roading. He said this is his vacation home and it was vandalized. He would like to see how the residents will be protected with the transient community. He expressed concern with fire with one way in and out. He said that is a lot of RVs trying to get out, and they cannot access through under the overpass. They would hit the overpass. He said they have ATVers who cut the barbwire that catches the sage brush. He said this is the first time he is seeing this layout. The position of their treatment plant is across from 50 homes. Would you want to live across the street from a wastewater treatment plant. He handed out pictures of the fire zone.

Shirley Gutierrez asked why we want an RV park in Wadsworth. She said we don't have anything in Wadsworth. This isn't an RV park, but a supplement housing for those who cannot find housing. There are no services in Wadsworth. They will keep them out there until they can find a home. There is nothing in Fernley. Pyramid lake is 15 miles down the road. A barbwire fence won't keep them out. She said this is contaminating our community as we are not a resort area. There is only one exit in and out. You won't keep them from contaminating the soil. We want fresh, clean water. We have good neighbors. It looks nice, but it's not a campground. It's a supplement housing project for those who cannot find homes. Let them put their RV next to their job at Tesla so they don't have far to drive.

With no further requests for public comment, Chair Hill closed the public comment period.

Member Stanley said the input from the CAB and locals is important. It is the conduit through us to the Commissioners. It is too bad they could not have a CAB meeting. It is an attractive package. It seems there should have been more outreach to the neighbors and pursued response to tribal letter. They are a neighbor. There is a concern with the process. We have not heard any public support. And that is a concern.

Member Pierce stated as the Board, we should not look at it as a mind reading opportunity. We should base our votes on the information that was provided. We cannot assume it will be a transient home spot, but it is proposed as RV park. Chair Hill stated there are a lot of RV spots proposed where there is nothing to do. Chair Hill stated she is concerned with length of time of stay and wonder how they monitor that. She said she hopes any violations are reported and enforced.

Member Thomas asked for clarification about the issue with the underpass and the ability for RVs to move through that area. He asked if that is a problem. Mr. Lloyd stated there is a box culver under the freeway but there's a limit on the height and not sure if it's an appropriate secondary access for RV or larger vehicles. Mr. Cahalane stated there is no secondary access being requested. He spoke about emergency access. He said he believes there is an underpass further to the west of the site which is a dirt road that leads to nowhere. He is not sure of the NDOT requirements for the underpass. Member Thomas asked if the traffic has to go under an overpass. The applicant showed the map. Member Thomas said east bound traffic can exit and be there. (Inaudible speaking in the chamber) Member Thomas stated there is one way in and out. Member Stanley asked if he could ask the CAB member about access. Mr. Lloyd noted there is a box culvert and thought that is what they were asking about. Mr. Cahalane thought that as well. Chair Hill stated they take what has been provided and the conditions to reduce mitigations. She said the signs seems fine to her. She said the infiltration is onsite and does not believe there will be runoff off site.

Member Lawrence agreed with Member Pierce. He said he heard the public comment about some of the issues and is not sure the Board can address them. Development has a price and unfortunately, we are all paying that price of development. He stated he feels like he can support this project. To have the ability as a tourist state and destination, regardless how you feel about clean air and water, it meets the needs for outdoor enthusiasts. He said he does not like ATVers either. He agrees with Mr. Coupe about that. It is within the County's design on how things are, and we are in support of that.

Member Lawrence moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP21-0013 for Ron Smith LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Pierce seconded the motion which passed 3 to 2. Member Stanley and Thomas opposed.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the East Truckee Canyon 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 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 RV Park use type and for the intensity of such a development;
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;
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.

E. Administrative Permit Case Number WADMIN21-0003 (Wadsworth RV Park Sign) (For possible action) – For hearing, discussion, and possible action to approve an administrative permit for a 30ft tall, 200sf recreational and travel type sign.

- Applicant: Ron Smith, LLC
- Property Owner: Waligora 1998 Trust
- Location: Intersection of I80 and Cantlon Dr.
- APN: 084-292-13-16
- Parcel Size: 11.215 acres, 5 acres, 6.286 acres, 6.591 acres respectively
- Master Plan: Commercial

- Regulatory Zone: Tourist Commercial
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 505, 808
- Commission District: 4 – Commissioner Hartung
- Staff: Dan Cahalane, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

Member Stanley inquired how to vote in favor for the sign for the project they opposed. DDA Large said they are separate, and the findings are different.

Member Lawrence moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN21-0003 for Ron Smith LLC, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Pierce seconded the motion which passed 4 to 1. Member Stanley opposed.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the East Truckee Canyon 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 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 recreation and travel sign, and for the intensity of such a development;
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;
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.

The Board took a brief recess.

F. Special Use Permit Case Number WSUP21-0012 (Black Rock 360) (For possible action)

– For hearing, discussion, and possible action to approve a special use permit for 30 acres of inoperable/operable vehicle storage, light wholesaling/storage/distribution use type and major grading for 18 acres of disturbance, 9,000cy of cut, and 20,000cy of fill. The applicant is requesting to vary landscaping, screening, paved parking and container adjacency standards. The applicant is also requesting to approve a 5-acre annual expansion of the use over the next 4 years for a total of 30 acres of use area.

- Applicant/Property Owner: Burning Man Project
- Location: Approximately 3000ft north of downtown Gerlach
- APN: 071-150-01
- Parcel Size: 360 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert

- Citizen Advisory Board: Gerlach/Empire
- Development Code: Authorized in Article 206, 810
- Commission District: 5- Commissioner Herman
- Staff: Dan Cahalane, Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

Dan Cahalane, Washoe County Planner, provided a staff report presentation.

Chair Hill asked about the height of 65 ft. Mr. Cahalane said no, 65 ft width of the containers on the east/west side. She asked how the CAB feels about the container as the screening. He stated CAB did not vote in recommendation for against. The CAB provided feedback. They adjourned the meeting to take a site tour of what it would look like and the impacts. Member Stanley asked about the fences. Mr. Cahalane stated they did not want a slated chain link fence. They rather look at the ugliness than listen to the wind in the fence.

Member Thomas asked about the new design of the berm. He asked if it was provided to CAB chair. Mr. Cahalane stated they provided feedback after, and the CAB chair was enthusiastic about it. Member Thomas asked if the majority of those in attendance at the CAB, who expressed their concerns, have seen this new design that is being presented. Mr. Cahalane said he did not present the design he presented a series of conditions that would effectuate something similar to this design. He stated east/west sides can't be more than 65 ft, north/south cannot be more than 125 feet. The applicant was in favor of the berm. Member Thomas said this is like four different SUPs for inoperable, operable, and storage and container.

Mike Railey, the applicant's representative with Christy Design, provided a PowerPoint slideshow.

Member Stanley asked about the five-year phasing. Mr. Railey spoke about the initial phase of 10 acres up to 30 acres over 5 years subject to compliance and conditions. There will not be any new uses under this SUP. Mr. Cahalane said the 30 acres would be approved for these uses and the applicant would come in for major grading as the phases move forward. Member Stanley asked about the vision mentioned. Matthew Kwatinetz, applicant with Burning Man, said he provided tours with the GID and neighbors. He said their intent is to collaborate the vision with everyone. This will allow them to store things that are coming from thousands of miles away and keep the roads clear. He said they have been investigating an art trail. In addition, they would like to see RV facilities or camping in the future as a master plan. He said they worked with neighbors to see if that would be ok. The community requested to tour the properties to collect ideas and thoughts. He said they are doing a vision process with the community.

Member Thomas said there is a maximum of 360 containers. Mr. Railey said that will grow overtime and we would be subject to amendments to the SUP or incorporated in the overall masterplan. For this SUP, it is 360 containers.

Chair Hill opened public comment.

Daonne Sequira stated her family has lived in Gerlach for a long time. She felt they explained a lot of terms in this meeting that are included in the applications. She was concerned with inoperable vehicles, and it becoming a junk yard. She said she is concerned with people driving across Black Rock Desert. There is a lot of trash blowing around after Burning Man without fences. This gives powers to an organization but not at the expense of people who have made it their home. She said who would want these containers in this backyard. She said she is concerned for those who cannot attend or zoom in to provide comment. There is one road in and out. She asked why everyone wasn't noticed. It takes advantage of the senior citizens. It's not a community effort. This is not development it's a junk yard. It's against the law to have unlicensed inoperable vehicles. There

needs to be more considered than what is included in the application. It gives the applicant room to do what they want.

Elisabeth Gambrell, CAB Chair, said that Burning Man did inform us of this. She said Mr. Cahalane notified us of the berm, and we agreed that made sense. The tour included discussions about the future vision. 360 containers is a lot in 30 acres. She would like to see that addressed. She likes to hear about ground cover to protect from leaky inoperable vehicles. She spoke about how they will cover the berm. She asked about the waste from the caretaker's house. She said we have changed over the years. She said we aren't opposed to it. She understands the previous speakers concerns with senior citizens.

With no further requests for public comment, Chair Hill closed the public comment period.

Member Thomas stated he had a few concerns. He had an issue with inoperable vehicle storage. He understands that is not the intent, but it opens the door for those vehicles being left there. He asked for assurances, so those types are not left there and remain on property. Mr. Kwatinetz said that was not the intent. They can write in a voluntary condition that the car must be driven around once a year. They have no intent to have an auto junk yard. They do not want it. Member Thomas said those installations are very large for Burning Man. He said if they are 25 feet tall sitting out there ½ mile from town, is there was a way to mitigate that. Mr. Railey said he does not expect to have a large installation stored out there. Usually, the large installations are dismantled in many pieces. There could be a height condition. He said he does not want to exclude someone's artwork, but a willingness to permit such projects.

Member Stanley stated one of the worksheets is by Commissioner Herman who asked who is going to maintain the vehicles. He asked how leaking vehicles or containers will be addressed. Mr. Cahalane noted conditions state containers shall be placed on pads to prevent contamination. Mr. Kwatinetz spoke asking the community about a mechanic shop or expansion at the current shop. He stated he hires a mechanic to work on his vehicles. Additionally, the desert destroys anything of significant height.

Member Lawrence stated he leans towards the advice or recommendation of the CAB members and locals. He said Elisabeth is not opposed and is encouraged by the fact that the applicant is working with the community. He said he supports it. Member Pierce stated he is in favor of it.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP21-0012 for Black Rock 360, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the High Desert Area Plan;
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;
3. Site Suitability. That the site is physically suitable for an operable vehicle storage, inoperable vehicle storage, and light warehousing and storage use and for the intensity of such a development;
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;
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.

H. Special Use Permit Case Number WSUP21-0011 (Golden Mesa North Phase 2 Grading) (For possible action) – For hearing, discussion and possible action to approve a special use permit to allow the operation of a Restricted Market Temporary Aggregate Facility consisting of surface disturbance of approximately 16.6 acres of land and for excavation of approximately 53,000 cubic yards of earthen material and the associated export of approximately 45,000 cubic yards of earthen material to the site of the Golden Mesa Phase 1 subdivision (Case Number WTM16-002) which is located to the south of the subject site.

- Applicant/Property Owner: Moonlight Hills Estates, LLC
- Location: North of Indian Lane, west of Rain Dance Way and east of Estates Road, in the Golden Valley area
- APN: 552-050-01
- Parcel Size: ± 99.54 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 332, Aggregate Facilities and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Roger Pelham, Senior Planner, provided a staff report presentation.

Chair Hill said this is requesting to move dirt prior to the final map being approved. She asked what will happen if the final map is never approved. Mr. Pelham said the northern portion has an approved tentative map but not a final map. Conditions of approval provide for permanent stabilization of the area. They are reviewing this as if there will not be a subdivision there. They have taken this into consideration. Part of the consideration of grading as proposed includes certain drainage improvements. They know historically there has been drainage issues.

Member Stanley asked if it came in under a name other than this would it pass. Mr. Pelham said the reason why it is coming forward as a restricted market temporarily aggregate facility is because when they first reviewed this within the first few minutes, it would have not met the intent grading permit for standalone special use permit. The grading can be done under final map or restricted market temporary aggregate facility. Member Stanley asked if this was the creative path forward. Mr. Pelham complimented Mr. Lloyd for identifying this. Member Stanley asked if the haul trucks are coming down through homes and making a west turn. He said that little roadways are of concern. Mr. Pelham showed on the map and stated where the excavation will take place, then the haul truck will go down Indian Lane. Member Stanley asked what kind of improvements will be made to the roadway by the owner. Mr. Pelham said they will not be paved in the beginning, but eventually, assuming the subdivision will become reality, it will be paved. He stated the applicant can speak to that. Member Stanley asked the size of the trucks. Mr. Pelham said they are usually 10-yard trucks, but the applicant can address that. Member Stanley asked how many trips. Mr. Pelham said 4,500 trips. The schedule can be addressed by the applicant.

Member Thomas asked the width of the road. Mr. Pelham said 50 feet from property line to property line. Member Thomas asked they want to excavate 45,000 cubic yards to the other side of the yard. He said when you have the restricted market aggregate facility it needs a certain amount.

Mr. Pelham stated the project is required to have 100,000 cubic yards. They are taking into account the whole project but only moving 45,000, it will be a much larger project. The southern part has a final map, but the northern part is not approved yet. Member Stanley asked if that roadway does not require improvement. Mr. Pelham said impacts are mitigated. They are required to do minimum standard. Air quality department will require dust control. Member Stanley stated they will be crossing the street 4,500 trips there and back. Member Thomas asked about traffic control. Mr. Pelham stated the applicant can address that.

Dave Snelgrove, the applicant's representative, provided a PowerPoint presentation.

Member Pierce asked about hours of operations in the conditions of approval. Member Thomas stated page 6 of the staff report, Item F. refers to the time. Mr. Snelgrove stated the hours of operations were 8a – 7p weekdays, 9a – 5p on weekends, and prohibited on Sundays and holidays. Member Stanley asked if the hours of operations conditions are for grading specifically. Mr. Snelgrove said it is associated with work on the site when it's located near residential. Member Stanley asked if that includes hauling. Mr. Snelgrove stated he assumed it means all operations. Mr. Pelham stated he can re-word it to include all construction operations.

Member Pierce asked if the hour of operations could be 8a – 5p during the week. Mr. Snelgrove stated the applicant said that is possible.

Member Stanley stated 34 neighbors had an issue with this. If you work on the hours of operations, it might help offset some of the concerns. He asked what other conditions you could do to helping mitigate issues with the access. Mr. Snelgrove stated the 60-foot roadway is standard length. Mr. Snelgrove stated 4,500 trips is not that many in the scheme of things. He said a lot of petitions and letters are from the properties right there. He said what they will be doing is prep, vegetation, dust control. They are trying to find a better way of getting dirt there and get trucks off the roads. This is a small effort but helps in many different ways. The dirt has to get there some way.

Member Stanley asked what you can do for the four people. It is a highly unimproved road. It will have 6,000-9,000 truck trips between the four residences. Mr. Snelgrove said this is the path of least impact but does not want to downplay the impact on those four people. It is pretty straight forward request.

Member Lawrence said there are four people impacted. He said he understands the shortest distance with the least amount of people impacted. He asked if there has been any consideration with haul trucks and roads being watered down. He asked if they could drive through a water bar. Matt Sutherland, project engineer, stated that is a reasonable request. He noted they will have a standard dust control permit from the Washoe County Air Quality. He said he will consider a water bar before the trucks leave the area.

Chair Hill opened public comment.

Tom Newbury shared a couple of pictures. He said he lives on Indian Lane and in Golden Valley for 28 years. He said he compiled and submitted a petition of opposition with over 60 community members signatures but could get a lot more if there was more time. There is major opposition to the special use permit, despite the fact there was no community input on Zoom. He said the notice did not say the CAB was a Zoom only meeting. Some people showed up and found an exercise class there. He said there is a community or a neighborhood in the center of this. He said the owners on the east and west will endure dust storms. On page 6, letter G of the staff report states that these two sites are adjacent to each other. He said the only thing that joins them is this easement. This easement has a horse trail through four properties which has been used by the Golden Valley horse community. This easement, horse trail, is what's being proposed to haul 45,000 cubic yards of dirt, which would approximately be 8000 trips, not counting other trucks. If anybody would have reached out to us, they would have found out that there's two out of four homeowners that are fully retired. The third is a single mother/caregiver of adult son with Down syndrome, who is fearful of loud noises. His window is roughly 30 feet away from this proposed truck route. He asked how the noise buffering

would be accomplished. He asked how is allowing 63 hours a week activity noise buffering. Also, on the visual buffering, temporary fencing will do nothing for large stockpiling of topsoil. There are dust issues since there's no water available in this property. The proposed V channel going down to Indian Lane easement was originally planned on the tentative map to send it to a future three-acre holding basin behind my fence. This will not exist. They are eliminating the natural channels which will greatly increase flood and sedimentation possibilities. He said they are using a tentative grading plan with a special use permit for a restrictive market temporary aggregate facility without ever submitting the new application or plan for an operational support pit. They never mentioned the Golden Valley pits which are only roughly a half a mile down the road which would completely take away any disruption to this community. The Golden Valley homeowners do not deserve to be thrown under the bus just to help Moonlight Hills Estates sale price and financial bottom line. And look at this for what it truly is and do not approve this.

Chris Marlow, owner on Indian Lane, mother of an adult Down Syndrome son who is disabled. She showed the location of her home. She said an equestrian area is just offset to the side with the black line through it. She said my son has a lot of health issues and one of them is an auditory processing disorder, which means that he has trouble with loud noises. She said she doesn't know how long this project is going to take, but the number of trips is going to be back and forth. She said her son suffers from anxiety when he hears loud noises. He is home most of the time, especially since COVID, and he's really limited in his life. She said the peace and quiet is very important and that's why they love Golden Valley. She said he just had open heart surgery in the past month and is still trying to recover from that. She said they go for walks every day but doesn't know what that looks like with trucks. She said he has sleep apnea and is on oxygen at night and doesn't sleep well. He takes naps during the day. She said she is concerned and will probably have to stay home from work a lot. She said the noise and dust for some may be completely disrupting, but especially for Brian, it is going to be huge. She said it's going to change our home life and alter his progress in a lot of ways as well.

Barrett Loudon stated he lives on an adjacent property on Indian Lane. He said he is a mining engineer by trade; professional engineer license in the state of Nevada and objects to this for the following reasons: One, no plan was provided for this aggregate facility. They submitted a grading plan and they are now trying to file for this aggregate facility. Nothing has been submitted as detailing this aggregate facility. The word aggregate doesn't even come up with plans that were submitted. Also, along with what they are submitting under an aggregate facility, it allows them to have explosives on the site in any of the ancillary uses. It allows them to have crushing and screening, and it allows them to have wash plants. It allows them to put hot mix asphalt plants out there for when they are trying to save a buck when asphaltting the road. All these things aren't addressed in any other plans, but the permit they're getting doesn't exclude them from adding them later. The Geotech report that was historically filed on their last permit indicated the material wasn't suitable to be used in structural fill, so that also brings up the issue of if they started digging and that material is bad and rejected, they will have all these piles of waste just to get 45,000 cubic yards of clean material that they don't have to bring in additional processing facilities. The noise and dust and issues associated with that aren't addressed in these plans because they never submitted a mine plan. They're supposed to submit in subsection A of chapter 110.332.10, they have to file everything in Section A and they've never addressed any of the issues of section B. One other issue, there isn't 100,000 cubic yards required in the Golden Mesa South project. There is grading of 100,000 cubic yards, but they require the 46,000 cubic yards. It only requires 45,000 additional cubic yards and makeup. He said he doesn't think it meets the requirements of that section. This permit is given this developer a blank check to use this property for whatever they want. When the material comes back that it's bad, they're going to try to do additional measures and it's going to turn into a circus out there and cause an impact. It can be even worse than it already is. He said in regard to the recommended grading bond, he said he reclaims mines for a living that \$2,000 for grading bond isn't going to cover what they're going to do out there in a mine facility.

Laurel May said she is being surrounded by this North Mesa project. The number of trips between just those four homes alone is going to be about 9000 back and forth. There shouldn't be any

approval for anything occurring right now because it is just a tentative map. Nothing has been agreed upon for the North project. It is jumping the gun as they don't have a plan. It's going to disrupt everything with no real plan. It's not fair. She said this plot of land has been a nuisance since she moved in 6 years ago. She said she has a 3-month-old daughter, a 5 year old son, and a disabled veteran husband. Just the traffic alone on our roads has increased over time and it's triggering at some point. She said just to think about having an aggregate facility in our front yard is not going to help at all. The property has been used for dumping and off-road vehicles. There is animal feces everywhere from larger breed animals and there is no responsibility whatsoever. They have never taken care of that land to begin with. She said she is afraid that they're going to be cutting corners with this whole project idea. The project didn't fit that agenda, so then created something new that could possibly get them where they need to be at the expense of everybody around them. The road between those four houses is not a road that is an easement. She said she takes care of her 25 ft section of the easement. We are the ones responsible for picking up everything and making it acceptable. They do not care about anything that has to do with that land other than what it can bring monetarily to them. She said she wants more answers. There is a tentative map for a horse trail that we were never informed about. She said she would like more information before they go any further.

Susan Terry, resident on Indian Lane, Golden Valley resident for 47 years. She said the four properties that will be highly impacted by this project border the path that will be traveled by the dump trucks and the houses on those property. That dump truck will only be maybe 20 feet from the walls of their homes. Their homes are really close to the edge of their properties, so their houses are really impacted by this and there is no noise buffering. It is a joke. Two of those houses have retired people and one have the autistic son. Roger's staff report, page 7, the granting of special use permits in the North Valleys must be accompanied by a finding that no significant degradation of air quality will occur as a result of the dust with the use of water trucks. That is a tremendous amount of water to keep dust down, and we live in a desert. She said she already had to redrill her well on her property. Water is a valuable commodity and you're going to be using it to keep dust down for who knows how long. The pit we are told will be on going for as long as they want to use it. It could be years and our valley is frequently subjected to wind storms. The windstorms kick up a lot of dust for the whole valley, not just right there. She asked if they are going to water down that pit for its entire life, so they don't have dust blowing on their houses all the time. That will affect our quality of life. We already have a pit in our valley, only one-half mile from Golden Mesa South. Getting dirt from that pit will not disturb and disrupt the lives of the people in the community of Golden Valley. This permit needs to be disapproved. She said she never got a notice and tried to go to the CAB meeting but wasn't informed that it was Zoom only. She said that is why you are getting these objections now. Thank you.

Christine Harkness said she lives at the end of Arrowhead. She said the back property would be affected. She said they live on a 5-acre parcel. There's only a couple of five-acre parcels out. The back end of our property would be highly affected by this. My husband and my concerns are as follows: The dust control; the windstorms come out there and they just blow up all kinds of stuff. They said their friend Buddy has compacted his dirt and gets very little dust to kick up. She said she cleared the sagebrush on their property to protect the neighbors for firebreak but as the result, disturbed some of the dirt. It's going to take years for us to get that dirt back down again. She said she is concerned about the noise. She will have her son, daughter, three grandchildren and mother-in-law who will be living next to the monstrosity of a pit. It's a really quiet neighborhood and we're very rural. She said the neighbors know each other and help each other. This is going to be very aggravating. The path that they're calling a road is not a road, it's an easement. And coyotes and horses walk down it. It's sagebrush and rocky. They're going to disturb so much stuff trying to get this done. We say no to this. Many neighbors that couldn't be here because this meeting was at 1:30 p.m. in the afternoon and had they known that it was going to be 6:00 o'clock at night, they probably could have showed up. She said they missed their whole day of work being here because it means a lot to them. She said the owner might be inconvenienced but we're going to be inconvenienced. Thank you.

Tyra Crawford, resident on Arrowhead Way, said she is opposed to this. She said she lives directly across from this and her kitchen window looks out on it. She said she bought this property to look out across this land. She said it will dust her out on a daily basis. She said there is no amount of water to handle the dust. She said there will be dust control during the day, but what about nighttime. She said she leaves her windows open at night. There was no environmental study done on this or testing, so they don't know how the dust will impact their lungs. She said she takes walks with her daughter across those 17 acres on a daily basis. That's going to affect them. The noise is going to affect them. The pit that is going to be there is going to fill up with either water or sledge in the future and it's going to affect them. She said she wholeheartedly opposes this. Thank you.

With no further public comment, Chair Hill closed the public comment.

Member Stanley asked about TMWA stub. Matt Sutherland explained with the Golden Valley North Phase 1 there is a TMWA water main coming up to Indian Lane. It is a stub for future phase 2 and phase 3 where the grading work will take place. It does not already exist but it is part of the development plans. Member Stanley said he has had issues with TMWA stub recently. Matt Sutherland said the TMWA stub has already been approved by TMWA. It will be looped with phase 2. Mr. Snelgrove said the stub will be left there and ultimately be looped and connected in. Mr. Snelgrove noted this is not a pit.

Member Stanley said he believes it is a site suitability issues. With the push back and statements from neighbors, of what was a good will intention, there seems to be an alternative source of material. The water that is going to be there is contrary to what he has experienced. He said he has a hard time meeting site suitability.

Chair Hill said she has a hard time to approving an aggregate facility when there is no approved project there. It is a hardship on the neighbors and community. She said she is having a difficult time on how they are mitigating impacts. The conditions of approval do not even require a water truck. It should be at the expense of the developer. It will be a dust disaster, if not.

Member Lawrence said we live in the desert. He said he lives in Spanish Springs at 5,000 ft where he can see over the valley. There is an extraordinary amount of construction out here. He said there are 40-50 mph winds and hopes that a water truck is working at night. The ones in the valley get hammered by the dust. He said a simple water bar to keep dust down on the trucks is the basic way to mitigate. He said he does not know the dust mitigations for grading on this permit. He said he hopes its stringent with a water truck 24/7 while this is open. He said he is torn with this. If they were to bring in dirt from other areas, it'll have to be trucked in. This site is open and exposed to the elements.

Member Pierce stated he is having a hard time with this. He said he did not receive any of those letters. He is willing to make a motion to postpone until we can get more information. The recording secretary noted she sent the email out yesterday afternoon with the letters.

Mr. Lloyd noted if the Board desires to postpone or continues this item, the Board is required to ask the applicant to agree to such a continuance. Chair Hill stated she isn't sure she wants to make everyone come down here again.

Member Stanley stated he is a neighbor to an ag pit which is very large that supports the south meadow. He said his neighboring ag pit is extremely well ran and it was established before the community was there. It has been an excellent neighbor because they make monthly outreach to the neighbors to see if they have issues. They put in paved roads for the haul trucks and there is less noise. They changed the route to go around the high school. He said there are ag pits that have been in business and can meet the requirements.

Member Thomas stated after listening to applicant and citizens, upon reading the report, the CAB was in favor of this, however, there are 38 individuals here who are not. There might not have been enough representation at the CAB meeting. He stated this project is going to get done somewhere down the line. The owner has the right to improve his property one way or another through easement on Indian or through another major road. There already is a pit a half mile away. There is a school

zone to consider, but there is a facility to consider. He says he struggles with the fact that there is no end date for this operation until the project is completed and who knows when that will be. That creates an issue for the community. Obviously, hours of operations are an issue; dust is an issue; and there are issues for individuals who live in that community. The requirements of an ag pit for 100,000 cubic yards but moving 45,000 cubic yards and it is the south end is a shell game that is being played. For those reasons, at this moment he cannot support the approval of this request.

Member Lawrence in response to Member Thomas asked if the Board would be in favor of a continuance until they can meet with the CAB and have a formal meeting for those who missed it. He asked if they could entertain that at this time. Member Pierce stated he was asking that earlier. Member Stanley stated the planning department is bending over to help this applicant. He said what is on paper is different than what is being said. He is not for a continuance this time. He said he believes there needs to be a new project. Member Thomas stated he usually is not in favor of a continuance. The evidence is more than enough to decide. The facts will not change after talking to the CAB. It does not change the fact that there is a pit a half mile away.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny with conditions Special Use Permit Case Number WSUP21-0011 for Moonlight Hills Estates, LLC, having failed to make the five findings in accordance with Washoe County Code Section 110.810.30, those being:

3. Site Suitability. That the site is physically suitable for Restricted Market Temporary Aggregate Facility and for the intensity of such a development;
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;

Member Stanley seconded the motion which carried 4 to 1. Member Lawrence opposed.

Mr. Lloyd read the appeal process.

I. Special Use Permit Case Number WSUP21-0014 (Rogelio Jimenez-Ricendiz DADAR) (For possible action) – For hearing, discussion and possible action to approve a special use permit for the construction of a detached accessory dwelling unit of ±655 sq. ft. on the same parcel of land with a main dwelling of ±2,963 sq. ft.

- Applicant/Property Owner: Rogelio Jimenez-Ricendiz
- Location: 15915 Secret Pass Road, approximately 900 feet south of its intersection with Big Smokey Drive
- APN: 017-200-53
- Parcel Size: ± .943 acres (± 41,077 square feet)
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Authorized in Article 306 Accessory Uses and Structures and Article 810 Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Roger Pelham, Senior Planner
- Washoe County Community Services Department
- Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Roger Pelham, Senior Planner, provided a staff report presentation.

Robert Krone, architect/applicant representative, was available to answer questions.

With no request for public comment, Chair Hill closed the public comment period.

Member Thomas move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve, with conditions as included at Exhibit A to this report, Special Use Permit Case Number WSUP21-0014 for Rogelio Jimenez-Ricendiz, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30, and one finding required by the Southeast Truckee Meadows Area Plan. Member Pierce seconded the motion which carried unanimously.

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;
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;
3. Site Suitability. That the site is physically suitable for detached accessory dwelling, and for the intensity of such a development;
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;
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;
6. No significant degradation of air quality will occur as a result of the permit.

9. Chair and Board Items [Non-action item]

A. Future Agenda Items

Mr. Lloyd announced this will be Member Lawrence's last meeting as his terms are up. Mr. Lawrence will be presented with a resolution of appreciation at the July 1, 2021, meeting. Mr. Lloyd noted they will have a replacement at the next month.

Mr. Lloyd announced a "celebration of life" event will be held for Bob Webb on August 6 at Rancho San Rafael Park.

B. Requests for Information from Staff

Member Lawrence requested staff consider adding "native plants" to Article 412, Landscaping, when placing conditions on projects requiring landscaping. Mr. Lloyd noted they encourage that through the master plan documents; drought tolerate, native plants. He stated they also have a list of native plants.

10. Director's and Legal Counsel's Items [Non-action item]

A. Report on Previous Board of Adjustment Items

None

B. Legal Information and Updates

None

11. Public Comment [Non-action item]

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

None

12. Adjournment [Non-action item]

The meeting adjourned at 6:34 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on July 1, 2021

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment