



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Kristina Hill, Chair  
Clay Thomas, Vice Chair  
Don Christensen  
Rob Pierce  
Brad Stanley

Thursday, February 3, 2022  
1:30 p.m.

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

## Secretary

Trevor Lloyd

and available via  
Zoom Webinar

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### 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  
Don Christensen  
Rob Pierce  
Brad Stanley

Members Absent: None

Staff Present: Chris Bronczyk, Planner, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Katy Stark, Planner, Planning and Building Division  
Roger Pelham, Sr. Planner, Planning and Building Division  
Michael Large, Deputy District Attorney, District Attorney's Office  
Lacey Kerfoot, Recording Secretary, Planning and Building Division  
Donna Fagan, Account Clerk II, Finance and Customer Service  
Adriana Albarran, Recording Secretary, Planning and Building Division

### 2. Pledge of Allegiance [Non-action item]

Member Pierce led the pledge of allegiance.

### 3. Ethics Law Announcement [Non-action item]

Deputy District Attorney Large recited the Ethics Law standards.

### 4. Appeal Procedure [Non-action item]

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

**5. Public Comment [Non-action item]**

Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the agenda. However, 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. Comments are to be made to the Board of Adjustment as a whole.

Wayne Ford provided an update regarding his daughter’s improved health conditions. She was attending the meeting with him.

**6. Approval of the Agenda [For possible action]**

In accordance with the Open Meeting Law, Chair Hill moved to approve the February 03, 2022, agenda with the following reordering: 8C continued to next meeting, order changed to 8A followed by 8F.

**MOTION: Chair Hill moved to approve the agenda with re-ordered items. Member Thomas seconded the motion. The motion carried unanimously.**

**7. Approval of the January 06, 2022 Draft Minutes [For possible action]**

Member Stanley moved to approve the minutes of January 06, 2022 as written. Member Pierce 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.

**C. Special Use Permit Case Number WSUP21-0033 (Williams Scotsman) [For possible action]** – For hearing, discussion, and possible action to approve a special use permit to allow for storage of manufactured home style portable buildings within an Industrial regulatory zone. There are also requests to vary standards to waive the requirements for paving the driveways and storage yard, waive additional screening beyond the slatted chain link fence surrounding the site, waive improvements to stormwater drainage, and waive additional landscaping beyond the existing landscaping along both road frontages. The project site is currently occupied by a modular building business and the site would act as a storage facility for rental modular buildings between deliveries to job sites. These modular rental units are utilized as office and job site trailers.

- Applicant/Owner: Williams Scotsman, Inc.
- Location: 12050 Truckee Canyon Court, Washoe County
- APN: 084-090-41
- Parcel Size: 4.23 acres
- Master Plan: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Truckee Canyon (TC)
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Katy Stark, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3618
- E-mail: [kstark@washoecounty.gov](mailto:kstark@washoecounty.gov)

This item was continued until the March meeting.

There were no requests for public comment. Chair Hill closed the public comment period.

**MOTION: Member Stanley moved to continue this item until the March meeting. Member Pierce seconded the motion. The motion carried unanimously.**

*Chairwoman Hill recused herself from item 8A (The Resort at Tahoe and Residences) and exited chambers at 1:40 pm*

**A. Special Use Permit Case Number WSUP21-0035 (The Resort at Tahoe and Residences)**

**[For possible action]** – For hearing, discussion, and possible action to approve a special use permit for major grading of the project site and connector roadways to prepare for the redevelopment of the Tahoe Biltmore property. The applicant is also seeking to vary the following standards from Article 438; Section 110.438.45(a); 110.438.45(b); 110.438.45(c); 110.438.45(f); and 110.438.45(i). The applicant is proposing the excavation of 197,500 cubic yards of material, and 42,000 cubic yards of fill material, and exportation of 155,500 cubic yards of material.

- Applicant: EKN Development Group
- Property Owner: EKN Tahoe LLC & Big Water Investments
- Location: 47 Redervoir Road, 101 Lakeview Avenue, 0 Wassou Road, 5 SR 28 and 0 SR 28
- APN: 123-071-04; 123-054-01; 123-053-04; 123-053-02; 123-052-04; 123-052-02; 123-052-03; 123-071-35; 123-071-36; 123-291-01
- Parcel Size: 0.64 ac; 1.00 ac; 0.18 ac; 1.42 ac; 3.23 ac; 0.28 ac; 0.28 ac; 0.45 ac; 0.42 ac; 2.77 ac (Total: 11.12 ac)
- Master Plan: Crystal Bay Tourist
- Regulatory Zone: Tahoe Crystal Bay Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- 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.gov](mailto:cbronczyk@washoecounty.gov)

Member Thomas called for member disclosures. There were no disclosures.

Planner Chris Bronczyk provided a presentation.

Member Pierce inquired about the radio facility. He said he heard that wasn't going to be interrupted during grading procedure, but what about when you do the tear down. Mr. Bronczyk said staff is working with regional communications who understands the permitting process. They are working with the applicants. Part of the conditions is that there are no interruptions or hiccups with the equipment.

Member Stanley asked for clarification regarding interruption to the connector roads. Mr. Bronczyk said as part of the previously approved abandonment and variance, the applicant

was required to provide additional routing, new routing and that is where the new connector roads to Wellness Road came in.

To fully abandon the existing roadways, they not only have to meet the abandonment variance but also the requirements from NDOT, engineering, and TRPA. TRPA requires them to have all the permits before anything gets issued. Member Stanley said in terms of timing, through this process, what is the length of time that the connector roads won't be in-use. Mr. Bronczyk said he will defer to the applicant. Member Stanley inquired about the Conservation District comments regarding loss of trees and replacement commitment. Mr. Bronczyk responded because this permit only looks at grading, we didn't memorialize those conditions in the conditions of approval.

Member Thomas asked for clarification on the 'new' conditions that were submitted that went from two years to five years. Mr. Bronczyk confirmed. He said those are condition 1.C.

Member Christensen asked about the radio equipment. He said he understands it's not a military installation, but an important communication transmission site. He asked about the recourse if something gets knocked out during grading. He asked if there is recourse with grading. Mr. Lloyd said any interruptions would be like any other inadvertent damage. There would be repercussions. He said he doesn't have specifics, but the applicant would be at-fault.

Applicant Ebbie Nakhjavani provided a presentation.

Member Pierce asked a clarifying question; the community park and open space will not be used for storage. Mr. Nakhjavani confirmed.

Member Thomas thanked everyone for submitting their public comment. He reiterated what staff said earlier. We are not here to address what TRPA has decided. We are deciding the SUP with grading. The TRPA would ultimately approve what this board has done.

#### Public Comment:

Omer Raines, 180 Lakeview Ave, Crystal Bay resident. He said he lives in a conservation zone and it's the only one in Crystal Bay. It runs from Tuscarora to Reservoir Road which is proposed to be abandoned. He said he uses Reservoir Road every day. It's very well marked. He said his property abuts the proposed development. He shared a flyer – state of Nevada Conservation area sign. There is a sign on the perimeter of the proposed development. He said he would not have a way to enter or exit his property if Reservoir Road is abandoned. He said he would be landlocked which is illegal. The medical or fire will be impacted by the road abandonment. There would be no way to exit our property. We have avalanche warnings and avalanches up there. It's critical that the roadways are addressed. We cannot abandon Reservoir Roads. He said he has served in land use planning as chairman of a commission and comprehensive plan advisory commission for the state of California. He said he would be happy to meet with Nakhjavani. He said they have not reached out to me even though my property is the most impacted.

Daniel Adams, Big Water resident; Board member of the Granite Place Association which consists of the 18 units which is part of phase 1. He said he generally favors this resort and the additional residents that are planned; however, we do take great exception, which seems to be a later revision to the plan, in this connector road especially the southern portion. In 2009 and 2011, our 18 residences didn't exist, so we couldn't object to aspects of this project. We support the project, but object to part of the connector road as we feel it will negatively impact our property values and quality of life. He said he doesn't object to the middle section of the connector; that is safe path of ingress and egress down to highway 28. The notion that we would put a connector on our driveway when we already have difficulty coming and going on highway 28, to make a left turn requires a long wait. He referenced the connector PowerPoint slide. Wellness Way is the

bottom portion; it's Big Water drive. To change that would be ludicrous. The safe route is out on Stateline Road where a signal or roundabout needs to be installed to adequately convey traffic. Hopefully the traffic study will show that. He said look how close that road comes to our building. He said he doesn't know if that road follows setbacks. It needs to be moved or abandoned.

Joan Leutheuser, local Incline Village resident, said she has been coming to Crystal Bay for 20 years. She said she wanted to be here to support the property development. Everyone says it's about time they do something with the property because this property is an eyesore that needs to be done; it will bring jobs and careers. We keep hearing negative stuff, but the neighbors want change.

Mike Dunn, 30-year resident in Douglas County, said this affects the entire community. We are regionally connected. This area needs revitalization. This project is in a tourist corridor, it's not in a residential community. It sat there without improvement and doesn't benefit anyone. It's an eyesore. He said he is raising his children here. We are Tahoe. He said he supports TRPA's slow growth initiatives. He said we don't want to look like Park City, but we don't like seeing commercial buildings fall apart. This needs to come back to life. It needs current lodging. Bring in lodging that will benefit TOT. They will stay onsite and use shuttles instead of Airbnbs. He said he supports the revitalization especially when its tourist corridor.

Mark Higgins, Granite Place resident, said we don't understand the need to the connector road. Taking a left-hand turn is a challenge coming in and out of Big Water. They won't use that access road. He said he doesn't think it's effective. It's a huge detriment for the condos. The lights will shine into the building. It's going to strife the whole building and transmit traffic on a landscape buffer that we didn't believe could be a road. It dumps in front of our parking garage and is 6 feet from our access door. It's not effective and will be a detriment. He said we knew it was coming and pleased they are executing it and in favor. He said he is pleased with the park. The connector road is hugely expensive; it will create more access issues. It will negatively impact our condos. He said he was the second person to purchase and never heard of Wellness Way. It was approved a long time ago. It's ill conceived. It looks dangerous in its current design. It will be a busy access point. He said he hopes this development gets done.

Bert Sandman, resident on Speedboat Ave in Brockway, said he is here to support the North Tahoe Preservation Alliance presentation. He said he is the President of the Brockway Homeowners Association. He said he represents 80 homes, some of which were built in the 1920s. We are concerned about traffic and the traffic study that was provided.

Ann Nichols, North Tahoe Preservation Alliance, representing 487 people who signed the petition. She said there is no project. The one they are proposing with site plan is different. The subterrain is different, the Wassou connector, the different entrance, the different shape building, and new building. It's not the same. It has to be approved by TRPA first. They should re-submit. They will have to have a review. They want to come in and take the road. The Wellness Way is a terrible way. We fought in 2008. They are trying to take our 4<sup>th</sup> exit. She showed the exits. We will lose the Wassou to Stateline exit. It's a matter of life and death with wildland fires. It's a waste of everyone's time. We keep having to do this. Ebbie is still trying to take it. Let's get a better design. This new proposal is too big and too steep. It wouldn't need eight variances. You cannot make the findings. Its detrimental. Please protect us.

Margaret Martini said the studies are over 10 years old and things have changed. It would be unconscionable to think that in 10 years the environmental impact studies aren't significantly different. All the studies are significantly different and obsolete. Nothing should be considered. Traffic impact studies were questionable even 10 years ago. Please review the videos and news coverage of the evacuation efforts during the Caldor fire. There were 4 lanes used for evacuations and it still took hours and hours. Kings Beach and Crystal Bay on highway 28 are two, narrow lanes. Mt. Rose and Highway 267 are the only two evacuation routes in and out of the area. Full-time population has increased, and tourism has exploded. It's a traffic issue even during the middle of the week. There is other development approved that will impact traffic. Don't say it will

create jobs. It's not relevant unless you can provide affordable housing, and roads for increased traffic. The road that the developer is asking for is a public street and not up for grabs. It is a used public street especially in the winter. Reservoir Road is wanted for a private driveway. You have to determine if the impact to the small area is in best interest of the entire population of the north side of Lake Tahoe. It would be common sense that the magnitude is not a good fit for the area. Consider the safety of the residents and tourists who come here.

Nicole Beckering, Tahoe resident and business owner, said she knows the commute from Incline Village to Truckee is congested. The area is congested. It's a huge impact. Things have changed since the original proposal in 2008. There are so many more people. Commuting from Incline, individual residential construction puts a halt on traffic. She said she can't imagine the impact of the large proportion.

Sharon Heider, six-and-a-half-year resident of Crystal Bay, said she has worked for the developers and then public agencies and has been on both sides. She said we are acting prematurely. Just three days ago we received the presentation from applicant. There are changes to that. She said the developer wants to move forward with the previous approvals and then tells us the project has changed. She said we need to continue this item until we can look at this. It's an intriguing project and we would like to see that site developed consistent with the County's master plan. We don't have all the information. If you have a 10 ft retaining wall standard and you are looking at the 55 ft retaining wall variance, it's probably means you are stuffing a lot into a small site. A 50% variance is not slight. We need to look at this in detail. We need more time to do that. We need to look at the development application again. This is pitting the Boulder Bay folks against the long-term residents on how that road will function. You are hearing from the community that we don't love it. It's not a great thing for our community. If the vacation of Reservoir Road goes forward, we need to look at what that gift of public land is. The developer needs to give back in exchange of a very expensive gift. We can figure out if there is public benefit that needs to come back. We will ask the developer to show us the proposed grading and existing grading in liner feet. He keeps telling us that it's going to be a better road, but we aren't so sure.

Ron Code, 30-year resident in Crystal Bay, said he has generalized remarks of long involvement in crystal bay. He said he has to be skeptical of the artist renditions. Where is the Wellness Center, park-like center? The track record of development in Crystal Bay is dismal. They always push for economic return and ask 4X of what is reasonable and settle for 2x of what is reasonable. We don't have control of what happens. No vote or survey. Those who expressed concerns will be countered with louder voices. Crystal Bay has some of the nicest areas. To develop will detract from the area. There will be many adverse effects. You are only asked to approve road and earth moving. You are being asked to approve the foundation without knowing the consequences. Thank you, Ann Nichols, for her efforts for protecting the north shore.

Alexandra Poczy, Crystal Bay resident who lives across from the Biltmore, said she wanted to second what Mr. Code just said. It's going too fast. There haven't been enough studies. The impact of traffic is incredible. You have to wait for an opening in traffic. We have great concerns with fires. Either side of us is two lane roads to get out. During the summers, we have friends and families come up. You are looking at additional 500 cars for 100 units for the weekends. It equates to 2 miles of bumper-to-bumper traffic. Adding more units will clog the roads completely. We hope the project is downsized if it goes ahead. We have had a rash of earthquakes lately. To have retaining walls that are 50-75 feet is frightening. She said boulders can come down during earthquake. She said she feels this project hasn't been studied for seismology.

Scott Tieche, Wassou resident since 1980, said with a few exceptions, we would like to see the Biltmore redeveloped but we need one foot in front of another. We are looking at abandonment and grading. It's a county road that people use every day. This application is asking that road be abandoned tomorrow. We've been told Reservoir Road is one of the most dangerous roads in county, but we get rid of Wassou down to Stateline, people will have to go down Reservoir Road

in the snowiest months of the year. You need to review the document that Ann provided. Deny this grading permit as written.

Mary Mosher-Armstrong, Wassou resident, said she doesn't have a problem with the project that it's just kind of gone from a Bruce Banner to an Incredible Hulk. It needs to be right sized. It wouldn't need a variance. Reservoir Road is what everyone uses in the winter because Gonowabie has a blind corner and Amagosa is steep and has a blind corner. To lose that, it crushes me. She said she will use Wellness Way if that is the only alternative. The traffic study is a decade old and doesn't take into consideration Kings Beach went from four lanes to two lanes. In the summer, the traffic is backed up from roundabout to roundabout. That needs to be considered. Things have changed. IVGID had presented 2/3 of the houses sat vacant six years ago, but due to covid, the people in the city moved up here. There are more trips to grocery stores and school.

Charles Solt, owner on Lake Vista Drive, across from the Biltmore, said he is the closest neighbor to the project. He said he agrees with what has been said. The cart is before the horse. They had a layout of how things were going to be. We haven't been presented any information. If you look at EKN website, they been involved with developing projects but not of this scale. Their projects are standalone hotels that stand off the freeway. They aren't high-end resorts. We want to make sure that the project meets the needs and fits within the community. It seems like it will be too large. If the developer wanted to do something for the community, let the public use it in case of any kind of fire. There is no egress out of the basin.

Via zoom:

Tanya Miller thanked the members of the board. She said my family has been in Brockway since the 1920s. Everything has changed in the area since 2008. Between traffic and fire, Tahoe is a different place. Kings beach is one lane. It's traffic patterns changed. It can take one hour to get from Incline to Kings Beach in the summer. There was the Arora fire in South Lake. It's predicted that every inch of California will burn. More homes will only provide more of a challenge with trying to leave the basin if we need to. There is a housing crisis in the basin. People cannot afford to live and work. There is no plan for affordable housing. These guests will fly in from their private jets at the Truckee airports. They will have rental cars or second cars. Beach access and resort access will be in Tahoe Vista. There will be a large amount of traffic from this resort with friends and guests who come up to visit. We know this when we have our own guests. She said she would like them to think about how they are going to account for more residents and cars in the area. Thank you, Ann and Burt. She said we hope Mr. Navkajani takes these concerns into consideration – traffic and fire.

Earl Nemser, resident at Granite Place, said he heard we wouldn't be able to revisit the lower portion of Wellness Way. He said he believes staff is in error. This was previously granted - the abandonment of Reservoir Road with the condition of Wellness Way. If the abandonment of Reservoir Road was improvidently granted which it was, these conditions cannot be considered. The board has jurisdiction to reconsider whether the abandonment of Wellness ways was improvidently granted. The applicant didn't disclose to the 18-unit owners who purchased their property that there was going to be a park outside on the west side of the building and not a road. Circumstances have changed. There will be roads that will encroach on our property. That road will impact us severely because of exhaust, lights, and danger. He asked the board members to ask yourself how you would feel to have setbacks of a road six feet from your door. Consider on the east we will have a road; on the west we will have a road, and on the north, a parking lot; and on the south, a road. There is no property which will be so burdened. Think about our quiet enjoyment. Think about who gains and losses. The developer gains while we lose, why would you impose that on 18-owners.

Ellie Waller said she respectfully request that you table this and ask for TRPA review. The project has changed significantly. The grading for the parking structure is not a site plan. You must take into consideration the comments about the road abandonment; is this taking away from the

public? If TRPA supersedes your authority, why make a decision today. The determinations for the future, under substantial conformance will require too many variances. If it doesn't fit the site, reduce the footprint. Thank you.

John Boche, longtime resident on Speedboat, said he is a civil engineer and concerned that the grading permit is approved before a full understanding of the project. The density, details of construction haven't been disclosed. He said he doesn't understand how it could be approved for grading before understanding these crucial elements. It's elemental. He said he would appreciate it if you consider the impact of making such approval when a project is not fully defined.

Laura Pearson, Incline Village resident since 1998. She thanked Ann Nichols for her representation of our community. Its befuddling that we are looking at a project that was approved in 2008. It doesn't look like it did in 2008. If you went to the dentist in 2008, certainly your dentist wouldn't rely on your dental records from 2008. Its illogical that we are looking at this project. Its illogical that we are taking away that road. She said she has friends that use that road. It's incredibly challenging to get in and out of that neighborhood. Please look at what Ann Nichols has provided you. Please table this until we can take a look. Let's start over.

Kathie Julian, Incline Village full-time resident, thanked Ann Nichols for her work and research of these complex issues. She said she would like to reiterate and agree with what has been said about opposition to the grading. It seems the grading is not the only steep, slippery slope. Approving grading in advance of a project that has changed in size and scope from approved 10 years ago seems like a slippery slope. She said she worries about traffic getting to Kings Beach and 267. She said she worries about construction traffic with large vehicles, excavation and slowness of all that. They will be doing construction on Saturdays when we have max amount of traffic. There are a lot of red flags. They haven't taken these into consideration. She said she does support the redevelopment of the Biltmore. Its great to have commercial and residential. This project has gotten ahead of itself and needs to be reviewed.

Lou Feldman, local land use attorney, said he has been involved with the Boulder Bay project since its inception. The testimony that we heard is the same of the testimony we heard back during the process. The project is approved. In anticipation of this project, there will be underground and overhead utilities, attention to stormwater, a constructed public park, constructed building A which is the first phase. What is before the commission today is advancing what the Planning Commission approved as far as the abandonment and variance of these roadways in order to improve circulation and public safety by the TRPA permit which is still valid in effect. There is no other project. The approved project is being discussed but it's not before you. Grading and the variance is what is before you. Crystal Bay was developed 100 years ago as a summer vacation community. The infrastructure is antiquated. Lifestyles have changed to year-round. Everything that has been proposed will increase public safety by managing traffic flow and evacuation. The condition of approval of Wellness Way was deemed desirable by the Commissioners. We are advancing an existing approval with many phases already constructed and look forward to your favorable consideration of staff's recommendation. He said he has heard no evidence that have conflicted what staff has found as an appropriate variance to mitigate impacts of antiquated legacy infrastructure. Thank you for your favorable consideration.

Gail Heigh, 30-year local resident on Speedboat, said she has been going there for 78 years. She said her family owned for many years. Please consider the little town of Paradise. Please don't ignore this. Everyone is trying to get you to listen. South Tahoe could have been more of a disaster last year. She said she is not worried about the traffic inconvenience., but rather worried about death.

Greg Stalk, resident on Harbor, said he is learning more than he wants to know. This project was approved in 2008. 14 years ago, the studies were conducted. The traffic and EIR are totally outdated. We need to review these things. We are putting the cart before the horse when we talk about grading before we know the goal of the construction will be. Thank you.

Craig Lemons, property owner on Dolly Varden in Kings Beach, said we need time to evaluate this. Traffic in Kings Beach has been horrendous. He said he echoes what has been said about fire and emergency. He said he would like to see a pause on this to conduct more studies.

Secretary Albarran stated that all public comment received from the public was made available and posted to the website prior to the meeting.

Member Thomas closed the public comment area.

Discussion by Commission:

Member Pierce asked for the PowerPoint slide that shows the timeline for what will happen between May-June. He said he it looks like Statline Road will go over and tie into Lake View Ave. It looks like there will be another connector road. Mr. Bronczyk confirmed. Member Pierce said that takes a lot of concerns away about getting rid of Reservoir Road. It will be a small abandonment. He showed on the overhead projector. Mr. Bronczyk said there will be two abandonments. He showed the first phase; they are proposing to abandon Wassou Road which is the existing connector from the Lake View and Wassou Roads to existing Statline Road. However, they are proposing to do connector roads; once constructed, the remainder of Wassou and Reservoir will be abandoned. Member Pierce said it looks like it will be there for July-August. They are only losing access for a short period of time as part of the phasing plan. North Lake Tahoe Fire and Engineering is here to talk too. Member Pierce asked where is Wellness Way. Mr. Bronczyk said it's a carry over from the original approval from Board of County Commissioners in 2009. It came about in 2021 with the variance and abandonment application. He showed on the overhead map the road that is called Wellness Way. That is part of what will be built as part of connector. Only the purple is going to be abandoned. Member Pierce said the traffic studies will be done after, if we approve this and that will go to TRPA. Mr. Bronczyk referred to Alex Wilson, NDOT. Alex Wolfson, Engineering Manager for District 2, said any permits to improve SR 28 which includes removing existing access and building new ones will come through NDOT's office. He said he has permitting and traffic engineering under my purview. NDOT's process works with the County's process. We wait to see what the conditions of approval are going to be, what they are proposing, and who the contractor will be before doing the traffic study. Ultimately, the traffic study is due for NDOT review prior to us accepting an encroachment application. We won't consider an application to build a new road connection to SR 28, or to abandon the existing road connection to SR 28 and other work associated with the project until we have reviewed the traffic study. Our traffic study should be required at the same time as Washoe County's study. We won't accept a traffic study from the applicant unless it's a joint traffic study scope with NDOT, Washoe County, and any other relevant agencies. The traffic study is not just about SR 28, but all the roads impacted. We don't want a traffic study for just SR 28. Those processes are at the same time. We are just discussing building permits for grading but not necessarily the project improvements. It's hard to comment on that. He said he is not sure what the conditions will be put on that and what the timelines will be. NDOT process takes time as well. Mr. Bronczyk referenced Exhibit 5, condition from Engineering that speaks to traffic study that complies with NDOT and Washoe County standards.

Member Stanley asked for clarification; no abandonment will take place until traffic studies are done in the current environment. Mr. Wolfson replied and said that is kind of true. He said the decision to close the road will be Washoe County because they are the one's who own and maintain. The permit is required for physical removal of that portion of the road in the NDOT right-of-way. Our expectation is, if road is abandoned to the developer, they are responsible for maintaining that road. He said he would advise to consider the impacts of closing a road before doing it; however, the decision is the County's because it's their road. Member Stanley asked if there is an agreement to abandon the road, there would be one set of traffic study results. If there wasn't an abandonment of these roads there would be a different set with different results in your traffic study. Mr. Wolfson said yes. He said the traffic study take all things into consideration. Its rare we get a traffic study for an abandonment. He said the way he would like to see it is as a

realignment. We are taking Reservoir Road and route traffic through Stateline or Wellness Way. We want to see the results of abandoning or removing the road and the effects it will have, new roads and its factors that are impacting the traffic patterns.

Member Thomas said if you are north by the water tower and had to leave, you can go west out Stateline, east on Lakeside, you could go south on Reservoir to Wassou to get out. Those are the areas to take now. Mr. Bronczyk said yes. Wassou through that existing development is the route to State Route 28. Member Thomas said if we got rid of Reservoir from north to south, you would still have Stateline to 28, Lake View, and connector to Wassou. You could stay on Lake View or you could cut over Wassou and include Wellness Way to SR 28. We haven't really lost an exit other than direct route from north to south. The number of exits will remain the same. Member Thomas asked if a traffic study was done in 2008. Mr. Wolfson said yes, it was a similar concept where a traffic study was done considering all the impacts and reviewed by Washoe County, NDOT, and TRPA. There was a traffic study and it did include intersections along SR 28. We require an applicant to update a traffic study if it's more than a year old. Traffic numbers can become outdated quickly. We are aware of the traffic study from 2008. It's outdated at this point. Member Thomas agreed. It's different than it was back then. Member Thomas said if this project is approved, 155,500 cubic yards will be leaving the property, and an average dump truck of 14 cubic yards will make 11,000 trips at the same time NDOT is resurfacing SR 28. He asked if the 11,000 trips be included in the traffic study or is that a secondary issuance and not included in the traffic. Mr. Wolfson said those construction trips are not included – when we look at a traffic study, we look at it in terms of permanent final improvements and what kind of traffic is generated from the site. There would be a construction plan where they have to address those 11,000 trips. It's important, not only because of the re-pave, but maintain and minimize delays. That kind of construction traffic will create an impact. Construction trips are temporary and can be mitigated. It's something the applicant needs to address and they will need temporary permit for traffic control.

Member Stanley asked how long the roads will be impacted during the process. Tom Jacobson, applicant representative, said we will start between February-May. We will be in the process of getting the site ready, BMPs, and fence the site. The proposed abandonment of portion of Wassou that goes through the parcel will happen between May-June as we begin to build the roads. There will be discussion of the height of the retaining walls that will be used to hold back the soil to build the connector roads. Substantial cubic yards will be used to construct these connector roads. The walls will hold back the dirt. We will take the dirt from the site and use it to construct the connector roads. To be clear, none of the roads will be abandoned except for portion of Wassou until new connector roads are accepted. Member Stanley asked the timeline of impacts of roads and their ability to carry traffic. Mr. Jacobson said May through October at the latest. Member Thomas asked if the retaining walls that are 55 feet are temporary or permanent. Mr. Jacobson said those will be permanent.

Member Stanley asked about the conservation area. He said he didn't see that in the report or agency review. Mr. Bronczyk said agency reviews go to everyone within the Tahoe basin. Member Stanley said there was no mention of the conservation area. Mr. Lloyd said there is no conservation area on the site. It's off the site. He said he doesn't know what jurisdiction oversees the area.

Member Thomas said the evacuation routes that are proposed were assessed or evaluated. Are there problems with those being proposed or accessible routes. Jennifer Donohue, Fire Marshal with the North Lake Tahoe Fire Protection District, said we have looked at the proposed roads and they do meet and are proficient with 2018 edition of the International Fire Code which is what we would review this project with.

Member Pierce said he seems to have gotten all of his questions answered. Given our orders on this, there are other departments that will come in after us before they break ground. We are preliminary approvals. The willingness of applicant and support of staff, he said he would be inclined to approve this. Member Thomas said no ground will be broken, this will have to go to TRPA.

Member Stanley said he still has issues with the negative impacts on the current roads for a substantial length of time. He said he is wrestling with that as far as detriment. We are the first decision and flows from there with many more decisions.

Member Christensen said he agrees with Member Pierce. This is a major step, but the first step. He said the Biltmore is an eyesore. Its taken this long to get this far. He said he doesn't think anything will occur that is detrimental to the interest of the citizen of Washoe County, and specifically the residents of the area. There is a lot of review to come for the approval of this area. He said he is inclined to agree with approval of these variances.

Member Thomas said he had a lot of the same questions that were expressed by the members of the audience. One of the concerns was going back to the review, documentation and decisions all the way back to 2008 and now phased in 2022. The Board of Adjustment is here to review grading permit is our purview. Given whats been pressed to the board today regarding the willingness to not use the park as a staging area, he said he thinks that shows some degree the owner or applicant is willing to work with community. He said he hopes all the input is taken today and further dicussion will happen with the community. You are part of the community. He said he doesn't see anything substantial that would prohibit this from going forward. He said he doesn't like the amount of truck traffic on the road. He said that area is crowded even before this project. NDOT will have to address those issues. But for grading itself with what has been presented, he said he doesn't see anything that would prevent us from approving this.

**MOTION: Member Pierce moved 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 the amended conditions (including the condition to prohibit the park to be used as staging), Special Use Permit Case Number WSUP21-0035 for EKN Development Group having made all five findings in accordance with Washoe County Code Section 110.810.30:**

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 major grading, 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 motion which was seconded by Member Christensen carried unanimously in favor.**

The board took a 5-minute recess.

*Chairwoman Hill re-entered chambers at 4:04 pm.*

**F. Variance Case Number WPVAR21-0004 (Birta Front Yard Setback Reduction) [For possible action]** – For hearing, discussion, and possible action to approve a variance to reduce the required front yard setback from 15 feet to 8 feet to facilitate the addition of a two-car garage and a one-car carport at ground level and a new master bedroom suite on the floor above.

- Applicant/ Owner: Robert and Calin Birta
- Location: 919 Jennifer Street at its intersection with Bridger Court
- APN: 125-361-12
- Parcel Size: ± 0.32 acres
- Master Plan: Incline Village #5
- Regulatory Zone: Incline Village #5
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3622
- E-mail: [rpelham@washoecounty.gov](mailto:rpelham@washoecounty.gov)

Planner Roger Pelham provided a presentation.

Member Stanley thanked Roger for providing alternatives to the applicant. The open space in the backyard is not a valid input to the variance criteria. Mr. Pelham said it's not in this case. It might be for another property if the result of the subtraction of the open space easement that resulted in a buildable area is smaller in dimension than the minimum lot requirements. In this case, it does not. Even after you take away that open space easement, the remaining area is still deeper and wider than the minimum lot dimension for this zone.

Applicant Wayne Ford provided a presentation.

Chair Hill asked the dimension of the garage you are proposing. Mr. Ford said 20x20. He said we have no other place to put the stairs. The car port is 22 ft long for larger vehicle.

Applicants' attorney Robert Angres said the idea hardship should apply for Incline Village with life safety with snow fall and snow removal. He said staff was not accurate in his portrayal of what has been recorded in the subdivision which drives the issue of fairness and equity. The issue of open space easements are relatively new to Incline Village and exist everywhere except Mill Creek. They need to be taken into account. While staff claims they provided alternatives, they are impractical and unworkable and truly a distraction from key issue at the heart of this matter. He said you have my letter that talks about equal protection and fundamental property rights and erring on the side of favorable of fairness instead of holding a line that keeps changing. What is at stake here – fairness and highest and best use of a property. He said he urges you to grant this application based on what it seeks – it's a plus for everyone and a detriment to no one.

Public Comment:

Robert Birta, owner, we are asking for 1% to be able to provide master bedroom and to be able to store the cars in the garage and off the street. We are residents of Incline Village since 2006. We are good people who pay our taxes. Thank you for listening to us.

Discussion by Commission:

Chair Hill said she is having a hard time; there are a lot of folks that don't have garages. It's something you can have when it's appropriate. She said I see you are doing a deck addition which takes up coverage; maybe build a garage instead of deck addition. She said she doesn't know the alternatives. She said she doesn't feel confident with approving at this time.

Member Thomas said NRS 278.300 limits our authority whether we can grant the variances with exceptional challenges with the property such as narrowness, exceptional topography, or other extraordinary exceptions for property. He said he doesn't believe the applicant has met one of those requirements.

Member Stanley agreed with Clay's analysis. He said as a citizen, he appreciates planner Pelham providing help to those who are filing applications. He said he would want that kind of assistance. There is always an alternative.

Mr. Lloyd said Chair Hill's comments are correct, there are a number of homes in Tahoe that do not have a garage; however, it's a code requirement for stick-built homes to have a minimum one car enclosed garage. Chair Hill said they can do that without a variance.

**MOTION: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR21-0004 for Robert and Calin Birta, being unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:**

1. **Special Circumstances.** Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. **No Detriment.** The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. **Use Authorized.** The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
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.

**Member Stanley seconded the motion which carried unanimously.**

Mr. Lloyd read the appeal process.

**B. Special Use Permit Case Number WSUP21-0032 (Mineikis Property) [For possible action]** – For hearing, discussion, and possible action to approve a special use permit to construct an approximately 2,500 square foot single-family detached residence (Family Residential Use Type) in the Neighborhood Commercial (NC) regulatory zone.

- Applicant / Property Owner: Alik & Julia Mineikis
- Location: 643 US Highway 395 S
- APN: 050-231-04
- Parcel Size: 4.309 acres
- Master Plan: Commercial
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: South Valleys
- Development Code: Authorized in Articles 810, 808 & 306
- Commission District: 2 - Commissioner Lucey
- Staff: Katy Stark, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3618
- E-mail: [kstark@washoecounty.gov](mailto:kstark@washoecounty.gov)

Planner Katy Stark provided a presentation.

John Krmptic, applicant representative, provided a PowerPoint presentation.

Public Comment:

Sierra Noble, adjacent property owner to the proposed project. She said she has concerns; there is a very high-water table with run off that runs through the property. When that land is disturbed, and when that run off is already present on my property and the neighbor's property there will be an impact from additional run off. She said she knows we are talking about the home, but there will be a riding arena. She said she is concerned disturbing the land will increase the amount of water in our property. It will have a significant impact.

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

Member Stanley said he was pleased with the use of the South Valleys plan. He said it looks like a clean project.

Member Christensen said he read this many times. He complimented the owner for building on an NC zoned area. It's the best use of the land there. He recognized the water problems in the area. Chair Hill said they will likely install mitigation measures to address the water.

Member Thomas asked if we need to include that into the conditions. Mr. Lloyd stated this is a request for use type and any construction activity would require permitting through Washoe County where they would be looking at drainage and hydrology.

Member Thomas thanked the applicant for clarifying this would be used for private use.

**MOTION: Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use**

Permit Case Number WSUP21-0032 for Aliks and Julia Mineikis, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the two findings associated with the South Valleys Area Plan:

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
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 a single-family detached residence 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.

#### **South Valleys Area Plan Findings**

SV.2.16 The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

SV.18.3 No significant degradation of air quality will occur as a result of this special use permit.

**Member Pierce seconded the motion which carried unanimously.**

**D. Special Use Permit Case Number WSUP21-0034 (Washoe County Field Creek Water Truck Effluent Fill Station) [For possible action]** – For hearing, discussion, and possible action to approve a special use permit to allow the construction and operation of a water truck fill station (Utility Services Use Type) and a related request to reduce the landscaping required for a Civic use type by Article 412, Landscaping, of the Washoe County Development Code.

- Applicant: Washoe County Community Services Department, Utilities Services Division, attn. Dylan Menes
- Property Owner: Washoe County Community Services Department, Utilities Services Division, attn. Dwayne Smith
- Location: On the north side of Arrowcreek Parkway, approximately 600 feet west of its intersection with Tremolite Drive
- APN: 142-020-06
- Parcel Size: ± 24.488 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 - Commissioner Lucey

- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3622
- E-mail: [rpelham@washoecounty.gov](mailto:rpelham@washoecounty.gov)

Planner Roger Pelham provided a presentation.

Applicant Dylan Menes provided a presentation.

Public Comment:

Via Zoom

Cameron Center-Carr, Heidi's Carr's son, said he has not been involved in the decisions with what is going on with the property next door. He said he wanted to make sure his viewpoint is expressed. He said we are the owners of the adjacent property; the property that will have a turning lane in front of it. It's also the property that will have the access road right next to it. This is a residential property for a single-family residence only. It's 3-acres. It's the last of a 400-acre ranch that his dad had purchased in 1975. Slowly the pieces went away until he kept the last 3-acres with Steamboat ditch going through it. It's an irregularly shaped property. The ditch creates a situation in which the building possibility for what he wanted as his dream home into the south-west corner of the property. The access road will go right there. The turn-in lane will go close to the property which would push the house away. If you look at the footprint of the homes in the area, the footprint helps keeps the character with amount of space, easement, and setbacks. There is a high impact on the value on this property. There is a request to reduce landscaping which would expose more of the traffic without the landscaping. The solution for us would be a steep approach to the access which would move the access road away. And a shorter access lane and landscaping that borders the property which is complete per requirements. He said he isn't an expert in real estate development. He said he wants to keep the legacy that his dad wanted for this property.

Steve Baker, Mountain Gate Community, resident who lives close to the subject site, thanked staff for answering his question. He asked about landscaping on the east side of property to help block the view. There are no provisions on the trees. It could take a decade to create a screen. He requested some provision or condition, so the trees are mature in size, so they quickly accomplish the objective to screen the structure. Much of the Mountain Gate Community will have a line of site to this area. He said his second concern is traffic. He said he can appreciate the 10-20 trucks estimate, but what if that is wrong. We have increased pressure for development. He said he would ask for a mitigation impact to reduce the amount of traffic to align it with the estimates to make sure it doesn't create a challenge and unsafe condition for the residents.

Member Thomas asked what the estimated height above ground of this pipe is. Mr. Menes said 14 feet. Member Thomas asked if this project goes through, could the Fire District potentially use and fill their trucks. Mr. Menes said if it's possible, we encourage it. He said he wasn't sure if the pressure is there. We partner with them on different things. Maybe there is a special fitting to encourage use. Member Thomas said if there was a fire in Arrowcreek the fire department could fill their trucks. Mr. Menes said they are willing to explore it. Member Thomas asked if the turn lane extends in front of other people's properties or stays within the property boundaries. Mr. Menes said it is within the right-of-way; it will be in front of the gentleman's parcel, but it is in the right-of-way. Member Thomas asked if it's permanent. Mr. Menes said we had a special use permit on this site in the late 90s and it expired because it wasn't being used. He said it may come where the Arrowcreek area is built out and there won't be any more need for it. For the foreseeable future we will need it. Member Thomas said he did a site visit. It's 25-acres and its open. He said he wasn't sure if there is any significance to putting some boulders down or a gate

because there is a lot of access onto the property. Mr. Menes said that is the issue we have at other sites; we put up obstacles and people go around them. Member Thomas asked about installing a gate there. Mr. Menes said no, it would make it trickier there. Member Thomas asked about adding additional trees. Mr. Menes said we thought about it; we changed the lighting to be downlit, and the pipes will be painted to match the desert. We wouldn't be averse to adding more trees; however, we already doubled the amount in the impacted area. Tree maintenance is a lot of work for the crews.

Member Stanley asked about the turn-out lane on the right as you are driving west up Arrowcreek. He said he doesn't recall if it's a double yellow line. Having a water truck cut across that lane would be unsafe. He asked if anyone knows it's double-yellow. He asked about left-turn lane going down the hill. Mr. Menes said the traffic engineering reviewed but it can be verified. Member Stanley said he is concerned about safety and pedestrian use in the area. Mr. Menes showed the turn-lane on the overhead. There is a center-lane. Dwayne Smith, Director of Engineering, said we talked about this regarding the safety for this particular project. On the overhead projector, he showed where the turn lane would be with site access. Member Stanley said he was concerned about traveling east and crossing multiple lanes of traffic. Mr. Smith stated the width of the of the road already exists with a center turn lane. He said the area will be striped appropriately. It's not just water trucks, but service trucks, and TMWA trucks. Member Stanley said there are kids coming out of the high school. He asked if there is going to be blinking yellow lights. Mr. Smith said under the policies approved by the board in 2019 in terms of traffic safety is to address these issues. This area has had been a recent focus especially considering the expanded walking distance. Mr. Smith showed the crosswalk. He showed the recently completed push signal cross walk. He said we listened to the residents. He said there are other safety improvements that we are looking at as well. There isn't a sidewalk in the area, but there is a bike path. All the trucks have to comply with the rules of the road. If we find there is a need to add something more, we will do so. There will be a stop sign at the exit the site. Member Stanley asked if there is anything that a pedestrian will see on the tank side to provide caution. Mr. Smith said he hopes they utilize the existing sidewalks, effectively cross using the signal crosswalk, and not on the north side where the driveway is.

Member Pierce asked clarification about 10-20 trucks a day and 70 working days. Mr. Menes said there will be 70 working days to construct this facility. When its up and running, there will be 10-20 trucks accessing the property a day.

Member Thomas recommended that we remove conditions 1.e. and 1.f. for the boulders and the gate. He said he doesn't see the significance of them. That property on the Arrowcreek side is wide-open. Member Stanley asked if signage would be appropriate for the side of the street where the kids ride their bikes. Member Thomas said no, it's a driveway. It's just like any other driveway. He said he would not be in favor of that.

**MOTION: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with amended conditions Special Use Permit Case Number WSUP21-0034 for Washoe County Community Services Department, Utilities Services Division, 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:**

- 1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest 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 a water truck fill station (Utility Services 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.

Member Pierce seconded the motion which carried unanimously.

The Board took a brief recess.

**E. Special Use Permit / Administrative Permit Case Number WSUP21-0036/WADMIN21-0016 (Silver Circle Ranch) [For possible action]** – For hearing, discussion, and possible action to approve a special use permit for a commercial horse boarding stable for 25 horses and for grading of 6,000 cubic yards for an indoor riding arena; an administrative permit for an 11,580 SF indoor riding arena structure that is larger than the existing 1,120 SF main residence. The applicant is also requesting modifications of paved surfaces to allow non-paved surface, reduction of landscape standards for a commercial use and waive screening requirements for commercial properties adjacent to residential properties.

- Applicant/Owner: Pro Pony LLC
- Location: 3400 Holcomb Ranch Ln.
- APN: 040-670-12
- Parcel Size: ±12.56 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: 93% High Density Rural (HDR) & 7% General Rural (GR)
- Area Plan: Southwest
- Development Code: Authorized in in Article 302, Allowed Uses; Article 306, Accessory Uses and Structures; Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- E-mail: [jolander@washoecounty.gov](mailto:jolander@washoecounty.gov)

Planner Julee Olander provided a presentation.

Applicant Representative and Engineer Clint These provided a presentation.

Member Thomas asked how many horses does the owner have? Mr. These said the owner has a total of seven horses. The assistant trainer has 2. The other 13 horses are boarded. Member Thomas asked how you take care of 24 horses with less than 1-acre per horse. He said horse trailers could be 10-14 feet in length and the entrance is a single lane road. Mr. These said there will be a 24 ft. access around the structure to provide 150 ft. roll out. Mr. These said the access road is probably not 24 ft wide, but its probably 20-ft wide. At the actual

gate, it might be narrower with a single vehicle. Member Thomas said there could be another 13 horse trailers that could potentially be coming in. Mr. These said yes, but the ropers don't all show up and leave at the same time. Mr. These said the applicant can provide additional answers.

Liz Reader, Owner/Operator, said the biggest questions have been traffic and how the operations are structured. She spoke about intended use, impact on existing business, and concerns that have been voiced. She said we received that letter this morning and we are trying to address those from the board and neighborhood. The indoor facility would allow us to work the horses in a safe place. We get significant wind and poor weather. When you are working with kids and horses, you run into the risk that horses get spooked in the wind and frozen ground in the winter. Indoor use allows us to operate year-round to provide high value to clients. It doesn't change the operating model. She said there will be the same amount of people coming in and out. Its important to address concerns regarding 1.5 acres per horse. She said that is correct if you have horses out on pasture and the pasture is the primary source of food. All our horses have their own stall with runs they go into. The stalls are 12x12. All their nutrition is met with hay and grain substitute with vitamin and minerals. They will go out to pasture in the summer, and we rest the fields for best practices for both parasites as well as making sure we don't overgraze the fields. We want to protect the grass fields. That is not their primary source of food. Their stalls are cleaned every day and horses are in at night and out during portions of the day.

#### Public Comment:

Art O'Connor, Holcomb Ranch resident, said this project has two components. First, expansion of an occasional historical training facility to 100 sessions per week. The second, the new indoor event center. The development code has two categories for them. First, commercial stables which allows for equestrian training. Second, is equestrian facility, which is the building. According to the table of the allowed uses, there is no equestrian facilities in the table. He said the equestrian events are sporting events which is the last row on the table. It's not permitted in the residential areas. The consultant's report listed all of this. It said 100 sessions over 5 working days, 20 trips per day, not 7. The events they hold will have 50 riders for each day. They ignored the 20 trips per day for riding. The road is narrow, steep drop off, with a gravel driveway. He showed the access road. The road is less than 12 feet.

Jill Brandin, Diamond J, owners of Flying Diamond Ranch, which is north, adjacent to Silver Circle. She said we never saw more than 4 horses until Pro Pony took over. You have the authority to correct the detriment effects of the unauthorized use by Pro Pony and what it has done to our neighborhood. We gave a written presentation for the record. Pages 9-12 show the opposition of the neighbors. This project is silent or misleading. It's not a grandfather issue. It should be analyzed as a new commercial property. The findings could not be made. The permits should be denied. The admin permit is for 30,000 sq. ft. metal building. On top of fill grade, it would make it as tall as a four-story tall building. The owners don't live here. Is this building really accessory use. There is nothing about this that pays homage to the area's western heritage as described in the area plan. It will be twice as tall as the Tom Dolan's Kia dealership or the Les Schaub Tire shop on South Virginia. The footprint would be larger than the entire ¼ lot in the residential neighborhood. How would you feel if you had this in your neighborhood instead of the 14 cottonwood trees the owner will cut down? How is that not detrimental to the character? It's not suitable for massive industrial building. There are other findings that cannot be made. Thank you.

Chris Hsu, Holcolmb Ranch Lane resident, showed on the overhead that his property shares the longest border with Silver Circle than any other neighboring property. He showed his

property adjacent. Since hearing about the plans to substantially increase the commercial operations with a metal building, we have been distraught. We love southwest Reno with beautiful countryside, quiet neighborhoods. It's a tradition to eat dinner on the front patio and we have had to alter our tradition over the last year as the dinner table faces the manure pile. When the wind blows our direction, there is a stench of urine. In the Spring and Summer, the flies are everywhere, and we cannot keep them out of our house. This unauthorized commercial operation has been expanding even before today's hearing recently adding a viewing stand, hosting more shows with more cars, commercial trucks, arena flood lights as shown in the picture and competitions that come in from far away. How much bigger can this get? Authorized expansion of this operation is unbearable. We weren't invited to the neighborhood meeting where it was reported to have neighbors in favor of Silver Circles expansion. Its peculiar that the owner contacts us often to access our yard to pull water off dry creek and we are in contact with them after a traffic accident in the arena in July. We found out about the meeting from two families after the event. We are the most impacted neighbor. There is no way this board or anyone who values homeowners would support these commercial operations like this with a metal arena or expanded boarding 25 horses. He said he wonders if the owner lived on-site or at our house if they would be excited about this opportunity. We expressed our strong opposition to this.

Rhonda Shafer, read a statement from Rich Larsen, resident on Diamond J Place for 18 years and a resident of Truckee Meadows for many more years. I've biked on these roads. Traffic is become an issue to bikers and runners. Annually, there are traffic counter cables on Holcomb. NDOT also provides a 10-year vehicle count for this location from 2011 to 2020. Those data show a low over that time period of over 2000 vehicles per day in 2012 and a high of 2950 vehicles per day in 2019. That's a 48% increase. Holcomb Ranch is a very narrow road with poor pavement, no paved shoulder or white line along the edge and an irregular pavement edge that drops off abruptly in many areas. How close the bicyclists can ride to the edge of the road? Most importantly less than .5 miles used to Silver Circle are two sections of short 90 degree turn with very limited visibility. If a vehicle gives a cyclist riding here of a state mandated 3-foot of clearance with the cyclist riding 12 inches edge of the road, even a car ends up over the solid yellow line on the road and into oncoming traffic. A vehicle with a trailer is much worse. And I've had this often happen to me too many times to count. Even worse is getting less than three feet of clearance from the vehicle, which also happens regularly because there is no room on the road for everyone. Unfortunately, there is no other route for bikes to travel North/South. Increased vehicle and trailer traffic will be a significantly increased risk to cyclists, runners and everyone in the area. Thank you. Rhonda Shaffer said she lives on Panorama, dry creek runs through my 9-acre property so that is a concern of mine as well.

Calvin Lida, neighboring resident of 18 years. He said he really enjoys that rural feeling out there. He said he bought the house from Sally Quay, who built house in 1955 who shared the stories of when they were living there. Jack was a geologist and Sally was a teacher and raised their children in this house. He said he works as an ER Physician and enjoy coming home to a peaceful area and look forward to after a long day at work. He said we have had friends and family comment on the tranquil area that we live in and how lucky we are to find a nice place. Numerous people ride and bike to enjoy the setting. A commercial enterprise with large building and crowds and traffic is not appropriate for the area. My neighbors on Lakeside Drive were not able to attend this meeting due to COVID and they asked me to express their feelings. They are in direct line of site to the project and development and concerned about building, traffic, and noise. They have noticed the increased traffic on Lakeside Drive. On three occasions, 3 cars have crashed into their fence and yard. We are concerned about the pollution of this project. There are 24 horses likely to come. There are a series of ditches and canals from Steamboat ditch which provides us with irrigation for landscaping and ponds. We get our water and domestic from ground wells. With a large

number of horses, it will provide pollution and urine and waste from the horses which can get into the groundwater and runs off into ditches. He said he hopes the board will not allow people to come into area and destroy the beauty and tranquility of this unique neighborhood.

Mark Sehnert, Diamond J resident since 2012, said we love living in this area. He said he wanted to focus on the building. It's located off of highway 671. It will rise more than two stories off of the elevated surface as indicated by the applicant. He said he took measurement of a mile around the area on google. The current largest residential structure has a volume of 215,000 cubic feet. This building has an estimate volume of 335,000 cubic feet. It's 1.5 times of the largest building. This is big. If you look at the typical footprint of a single use commercial building, its between 15-16,000 feet such as Courtyard or Springhill property. Les Schaub is about 15,500 square feet. It's unfathomable that a building could be built in this area. We will all have to live with the impacts of looking at the building. The owner will not because they don't live there.

Ryan Buell, read a statement of Ron Palmer of Timothy Drive, who cannot be here today. My name is Ron Palmer. I've lived at 9675 for more than 45 years. I was good friends with Warren Nelson and that gives you an idea of how old I am. I purchased my property from Warren in 1976. I lived across the road from Silver Circle and served on the Reno Rodeo board for 16 years and we enjoyed hunting together throughout North America. Warren lived on Circle Ranch and had a stable where he kept his personal horses along with other horses. He boarded many horses who belong to friends of his and for Warren. The stable was just a hobby. After he passed away, his daughter continued boarding and kept 4-5 of his horses till they grew old and passed away. It was peaceful and enjoyable until the property was sold to Pro Pony who ramped up the number of horses. The pasture has been carved up and the once a green meadow is now turning to dust. Traffic has been compounded by the illegal commercial development by Pro Pony. This is especially true on weekends. Joggers, cyclists, motorcycle and vehicles crowd this narrow curve of lakeside drive. Pro Pony's illegal events grid lock our neighborhood with trucks and trailers by people who aren't familiar with the area and make it dangerous. These events are a disrespect to the area and should be held at the Reno Livestock Event center. On December 5, my neighbor Lyle Winchester and I attended the open house of Pro Pony. We were surprised we were the only neighbors present. We didn't know the other attendees, and no one mentioned the metal building. The permit should not be approved. Ryan Buell said they are overgrazing the pasture. They aren't keeping the neighbors in mind. Adding bigger commercial will get worse in time.

Sheldon Schenk, Lakeside Drive and Reno resident for 33 years said he works as a physician. He said after a shift at work, he crests Windy Hill and reflect on the beauty. There are beautiful pastures with horses grazing and coyotes. Bicycles, joggers, and neighbors walk their dogs. As years has past, traffic has increase which making it difficult to enter my property. He said he has cared for patience who has been hit on these roadways. Spring arrives, the cottonwoods blossom. The ditches will fill with water. What you don't see is a large commercial building devoid of landscaping with horses grazing every blade of grass. Dust will permeate the surrounding properties. If this is approved, there will be increase flies from the urine and waste of horses. Trailers block traffic putting bicyclists and joggers at risk. Motorists swerve into oncoming traffic to allow space for bicycles. This development will significantly impact the character of the area of old south Reno. He said he can see no reason for commercial operations with negative affect on the surrounding properties.

Lysle Winchester, live across the street in the big modern house with copper roof. He said he is sure people didn't like when he built his house. The traffic is beyond belief. There is too much traffic and speeding. When they try to park on Holcomb, it makes it difficult to get by. My son is a double-bare-plegic. He was a Reno, Truckee Meadows Fire fighter and Captain. He has had two spinal cord injuries. This is an example with traffic. Unless you live on

Holcomb Ranch, you have no idea. Stand outside my house and you can see what we mean. They speed 70 mph in front of this establishment and our homes. Stand up and realize not everyone can get what they want. The local people don't want this. This committee needs to realize this. Realize what the majority doesn't want this establishment.

Pete Lazetich said we need some help in this neighborhood. He said he lived out there for 40 years. We owned 27 horses and cattle in the area. He said if you look at the photos, you will see a giant pile of manure. One horse produces 51 pounds of manure and urine. We are looking at 13 tons a year for one horse. This is a fantasy that they will pound into 3 acres of pasture. It was once a beautiful property until about a year ago. This is animal cruelty. There is no outside paddocks. He said he said he has been on the board of the last-ditch irrigation board for 20 years. The ditch runs through their property as well as the dry creek. You've seen pictures of the dry creek flooding and that's where they want to put the riding arena. We have nothing but trouble with their boarding of 15-20 horses. He said he knew the people who ran the barn. When Warren had animals left at the end, there were 6-7 horses in the last 15 years. When they had 20 horses on Last Chance Ditch, we had problems with urine and waste in that ditch.

Landess Witmer, Pro Pony, said Silver Circle Ranch has 50 years of experience taking care of horses with kids learning to ride, ponies braided and brushed, and ladies becoming athletes. We aren't doing anything new there. There are 34 stalls there and asked to have a lower number of horses. For two years, we have honored heritage. We are proud and a hard-working stable. No changes. We are helping to keep the passion for horses and want to teach riding safely. If you back horsemanship, you should back this. There are neighbors who wrote letters of support because they care about horses. There is misinformation. The Nelsons wrote letters on our behalf. She read the letter from the Gail Nelson, daughter of the owner, who said they boarded horses that did not belong to her father. Before 1996, the number of horses boarded fluctuated. There were probably more than 20 horses in the glory days.

Dexter Witmer said he has lived as a tenant since 2021. He said he has been directly intertwined in the traffic and all the parking and noise and smells from the property. He said he is in support of the indoor facility. It will provide a more consistent training process and won't be adding more issues.

Bruce Witmer, Del Monte Lane residence, said he thought this property as a way to preserve and not to disrupt. The intent has shown itself with young riders introduced to the sport. We appreciate the chance to express the purpose to maintain a well-respected trainer and give her a chance to make it happen in safe and effective manner. We like how they respect the children and other riders. They are there for the same reasons; to enjoy the outdoors and come together. Our goal is not to develop the area. The Nelsons took our offer for less than what they would from developers. This meshes best as an equestrian training center. The safety and ability to be what the community needs. He said we don't want to have to go to Carson or Minden to ride. It's important for the community for us to provide a safe riding community and we want to support that.

Elizabeth Lacroix, local horse trainer, said met Landess Witmer when she was 11 years old. She said Landess bought art from me which sets the tone of the type of people they are. We heard many complaints today about road conditions, traffic, and none of these things have to do with riding facility. We hear people speak about typical building size compared to a tire shop or car dealership. Those buildings are made for people, not for people/horse interactions. There is a horse community on Rhodes Road. It's a horse community known for equestrian operations. She said it was around when she was a kid. The medium home price is \$2million. There are four equestrian centers on that road. They all have indoor riding arenas. These indoor, commercial operations positively impacted the neighborhoods and

land values. The issue isn't about feeding, horses, manure, or urine. It's about how we can preserve our sport and continue the traditions of equestrian sport. She said she has returned to Reno to open her own operation. An indoor building creates a safe place to train year-round.

Clara Andriola, resident of 35 years, she said she is new to the horsemanship world. She said she haven't met two people more dedicated to safety and cleanliness. They do what they can to make sure the environment is well respected, and the neighbors are well respected. She said she has the honor of riding and learning from them. Cattle bring flies and manure too. It's the cleanest place. It's about preserving the property that we have there. It's an indoor opportunity for children to learn a skill that is going away. We want to keep our western heritage alive in safe and effective way. It's not some big concert event center. The drivers who come in are the safest drivers. There isn't an impact to traffic. She said she doesn't understand some of the observations. She said she is in support of this. She encouraged the board to support this.

Dr. Scott Green, equine veterinarian for 34 years, said his first visit to Silver Circle Ranch was as an assistant for Dr. Mike Kirk who worked for Mr. Nelson. He said he didn't do a headcount, but at that time, they had a full stable. There is a 28-stall barn with 3-4 set aside for tacking. He began to work at Silver Circle since 1988 for clients. The barn was full. This is not a new commercial operation. The Witmers and Liz Reader have done an outstanding job. The idea that the animals are being abused is ludicrous. They are very conscious of that. This has been a mecca for horse owners for many decades. The majority of homes have pastures for horses and cattle. There are two indoor arenas in the area of Silver Circle. It always has been a challenging road and won't add to the impact of this road.

Bryn Klitzke said she hand delivered the invitations to all the neighbors. We did our best which we thought was appropriate. The trees are old cottonwood trees. They have roots exposed. They have been impacted by flooding. They can be problem over time regardless. We had the wettest December on record. We have the manure removed regularly, but due to the wet winter, a truck couldn't access the site to remove the manure and it accumulated. We made a lot of progress not to ruin the property. When we spoke to a former boarder, there were always 12-16 horses plus a dozen longhorns. The proposed indoor riding arena has a smaller footprint than the current outdoor arena. This is just a place for our animals to work safely. It's not an event center. We held two events over three days and all the parking were in the upper area. There is no need for double passing. We have expansion on our gate, but it's not needed.

Irene Self said she is in favor of this project. She said she has been involved with horses for over 30 years. She said she is disturbed by the allegations that the horses at this property aren't properly cared for. 1.5 horse per acre is just for grazing and that has already been addressed. She said she has known Liz and the Witmers for 5 or more years. It's a good operation and part of our western heritage. One of the richest neighborhoods is Ranchera which has an indoor arena which is part of the draw. Liz worked and operated an indoor arena off of Holcomb. Liz was classically trained in Europe. The horses are part of the culture. She said she shows horses and accounts for 6 horses. It's not accurate to say it will be 50 trailer trips. Over several days, riders will compete in multiple classes. She said she knows the property. They do a good job keeping it safe. It's the same amount of traffic on that road. There were inaccurate statements made. Think of this as a riding academy. This won't be an ugly building. It will be where kids and seniors can go and ride.

Karen Lockard, resident of 21 years, said she appreciates a clean and safe facility to ride in. She is thankful for the opportunity. The horses are well maintained. She said the horses don't feed on the pasture as it's a relaxing play area for them. This is a local, clean, safe arena to

ride year-round. An indoor arena would be less dusty. Most of the riders use the horse there. They aren't bringing horses in daily. The kids don't bring their own horses. They use the horses there. She said she attended the open house where they displayed a plan. She said she fully supports this.

Leslie Gilkey, resident for 22 years, said she is in support of the indoor arena. She said she has been riding since she has lived her. She said she rode in Red Rock or Rhodes Road. She said by having an equestrian arena available within 15 minutes, she could still be riding. She said she has been to the facility several times. Some of the comments are distressing. The grass pastures are not turning into dust. One of the supporters has pictures of the open house where the plans were available.

Annalise Appleseth, local trainer in Reno, said she wanted to speak on behalf of Liz and her business model. It's fantastic. She gets wonderful results with her riders. She does this by having small lesson numbers. She caps her lessons at 5 which is small in the industry. It speaks to her program, and she runs it responsibly. She said she attended the open house where there were plans for the arena. It would be a nice addition to our equine community. She said she has ridden in that arena with cars flying by and the horses get spooked. It would be a safer alternative to have an indoor arena.

Kerson Ferrall, employee of Landess Witmer, said he is disappointed in the false accusations and negative comments against the Witmers and this development. They are community focused who are working hard to provide a safe arena for the equine community to flourish. He said Landess gave me a job when he was unemployed going to college. He said he has opportunities now because of the Witmers. He said he has a hard time understanding the validity of what others have said because they are ready to help.

Cindy Lazetich said we are not criticizing the people who own the barn, we are criticizing the barn itself. It's a huge metal building. The septic system is a residential septic system. They will have a number of people in there. It will be 3 stories high. We will see it from the road. There is no provision for screening. There is one access in and out. They have another gate, but NDOT said they aren't allowed to use that gate. In the last two weeks, that gate has been open, and the barn has been purchased and delivered. They have used the separate entrance. The manure sat there for a month and that is the reason we are disgusted. Half of these people don't live in our neighborhood. She said she doesn't want to see a steel building. We counted 14 trailers in the upper area. They said that area isn't available for trucks and trailers, but they are there. It's not about the Witmers or ponies. She said she lives in that neighborhood. It's not a neighborhood for a commercial operation. The detriment is the highway. Our street, side street, and corner of Watt and Martin is wider than highway 671. It's dangerous and will be dangerous on the weekends when there are bicyclists. We cannot even walk on that highway. She said she has to go down to Bartley Ranch because it's too frightening.

All public comment received was available to the Board members.

Member Stanley asked NDOT requirement for access into the driveway. Clint These said we are paving an asphalt apron into the driveway with a 25-foot radius down into the driveway. It's 10 feet in depth and it's to keep the gravel from traveling into the existing highway. It will be built to NDOT standard. The plan showed the second driveway which they said nothing about it's used infrequently only for maintenance purposes or when she holds events to park trailers. Mr. These said they have an encroachment permit; every driveway on a State highway right-of-way needs permission to have that. A lot of the driveways that were built in the 50s, 60s, 70s weren't permitted. This went through a preapplication about 3 years ago and never made it to submittal process. At that time, the applicant became aware they needed

the permit. We had that in place a year ago. We have had it for 15 months. We hadn't been able to improve it yet because of the fiasco with having to move the building and then realized we needed the special use permit for grading and the operations. Mr. These said we provide a plan and the existing condition of the encroachment and improvements. It's from the edge of the highway to the right-of-way fence. It's roughly 30 feet in depth. Mr. These said in response to the septic comment, the septic system was replaced with a commercial septic system at the instance of the Washoe County Health Department. Those plans need to be registered with NDEP. Any commercial facility needs NDEP approval. They keep track and monitor it.

Member Stanley asked maximum amount of participation anticipated for any given event. Liz Reader, owner/operator Paravasas Stables, said we anticipate having 55 horses which is what we had at a large event last year. Not all those horses came in. Of those 55 horses, 15 were already on-site. There are 100-150 people.

Member Stanley asked if there is a requirement for an event over 100 people. Ms. Olander said Washoe County has a requirement for an outdoor event license for event over 99 people. She said we distribute that application to various agencies including NDOT. It's on an NDOT road. Mr. Lloyd said applications for events with over 300 attendees would come before the Board of Adjustment, under 300 is handled by staff.

Member Christensen asked, for the above grade, what is the total elevation at the peak? Ms. Olander said at that location, because of the zoning, they can't have a building height of 35 feet. They are in a residential zone. 35 feet is the limit. The zoning drives the height allowance. She said they will be doing grading for drainage purposes, but we don't count that in the height of the building. We are looking at the height of the structure. We measure the structure of the building from the base of the building to the top. Mr. These said the building is 32 feet high at the peak. The building pad on the south end matches ground around the existing barn. There is a 4% slope with 10 ft fill in northeast corner. If you come from the west from Lakeside and Holcomb, its recessed about 15 feet. You will see the top of the building. The only place you would be able to see the full height of the building is on Holcomb as you look down the canyon at dry creek.

Member Pierce said it was difficult to review the 12-page packet of comments with the timing while trying to listen to all the comments. Member Stanley agreed. Chair Hill said it's a lot of information and points of views. The members agreed it would have been nice to have received it a few days ago. Member Stanley said his concerns were traffic and safety. He said he went out and did a site visit. It is a small area. He said that is why he asked about the NDOT permits. He said there are people going 65 mph while others trying to pull a horse trailer. He said the events at Hawkins have flagmen. He said there is safety concerns. On the flip side, it's great to have horse training facility. It's a great cause but there are concerns with roadway traffic and safety concerns. Chair Hill said it seems as those it's been operating for quite some time at the same level.

Member Thomas said the board isn't here to discuss the health of horses or personality of the owner. It's about the building of a structure and addition of more horses. He said he listened to the speakers. He said he has driven that road - Holcomb Ranch Road, Thomas Creek, and Lakeside. Holcomb Ranch Road is a small road with no shoulder, no white fog line, and the asphalt rolls off the road. It was ranch land. People jog and bicycle on that road and understand the problems that can occur. It's a small two-lane road. He said he has been on that road behind trailers and watched ongoing traffic go as far right to avoid the trailers on that road. it's a narrow road. He said if you have a standard 20-ft truck and pulling 14-ft or longer trailer, it has to slow down or stop and turn into a narrow road. There isn't a lot of room to maneuver something of that size. Leaving that property, you come up a gravel hill onto a

narrow road while towing a trailer. It will slow progress and create a traffic issue. He said he has an issue with the road, driveway size. He said they are requesting to increase to the amount of horses. There was a pile of manure which is the result of having horses. He said he noticed the pile today. If you have an event with 55 horses over 3-days, that is a lot of manure. There was mention that December was the wettest month on record and couldn't be removed; but January was the driest month on record and the manure was still there. He said he isn't in favor of adding more horses. 23 horses on a property that size is good. He understands the horses aren't living out on the pasture, but they still need to be turned out. You won't leave them in the barn the whole time. It will limit the number of horses out there at one time. He said he received numerous emails pro and against this proposal. He looked at the addresses. There were 27 individuals who are against the property live in the area. There are over 50 individuals that were in favor, but those individuals live in Las Vegas, Sparks, or North Reno. He said he is focusing on the community involved and what they have to say. There were 27 neighbors are opposed which carries weight. As for the structure itself, it's large. He said he looked at it. It will replace the lower arena. He said it was mentioned that the cottonwood trees were ruined during a flood; however, that is the proposed site of the arena. He said the inside of the chambers is 17 feet tall. The proposed structure will be 32 feet tall which means you will be able to see the big building right there off the road. He said for those reasons, he is not in favor of approving this project. Member Stanley asked which of the findings he couldn't make – site suitability and detriment. Member Thomas said we aren't taking away someone's business or reducing the number of horses. We aren't telling you can't train. Everything will stay status quo if the decision is made not to move forward with this.

Member Pierce said traffic is something we all deal with. He said he doesn't see where that is a reason to stop this. They are requesting two more horses. He said he saw the negative and positive comments. He said he is in favor of the project.

Member Christensen agrees with Member Thomas' comments. This 32 ft building with 10 ft fill will impact this neighborhood. He said he attended a 250-person wedding on Holcomb Ranch, the tent was an imposition, and it wasn't 32 feet tall. Holcomb Ranch isn't designed for this type of activity. Chair Hill said it's a highway. Member Christensen said he is concerned with the visual impact on the neighbors. Member Piece said 15 feet is visible from the west. Member Stanley said from the highway, you can see 15 feet, but the neighbors might be getting a full view of the building. Member Christensen said the approximate neighbors were compelling. He said he doesn't support this. Member Stanley said we have some control of the road if it's Washoe County Road, but with this, it's a highway. It's NDOT. The applicant has to deal with the daunting tasks of getting the adjustments and encroachments. That road is narrow road with two 90-degree dogleg turns in it.

**MOTION: Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Special Use Permit Case Number WSUP21-0036 and Administrative Permit Case Number WADMIN21-0016 for Pro Pony LLC, having been unable to make finding #4, detrimental, in accordance with Washoe County Code Section 110.810.30 and 110.808.25:**

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest 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 commercial horse boarding stable 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.

**Member Stanley seconded the motion. The motion carried 4-1. Member Pierce opposed.**

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

**A. Future Agenda Items**

Chair Hill said CABs are being eliminated and the applicants have to provide neighborhood meetings. She said she attended the Resort at Tahoe Residences community outreach meeting. There was no public input. They provided a presentation and then it ended. She said she doesn't understand how this can take the place of the Citizen Advisory Boards. DDA Large said it can be agendaized for a future meeting. Member Stanley said he is proponent of the CAB.

**B. Requests for Information from Staff - None**

**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.

**12. Adjournment** [Non-action item]

The meeting adjourned at 8:07 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on March 3, 2022



Trevor Lloyd  
Secretary of the Board of Adjustment