



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, March 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

1. Determination of Quorum

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

Members Present: Kristina Hill, Chair – via Zoom
Clay Thomas, Vice-Chair
Don Christensen
Rob Pierce
Brad Stanley

Members Absent: None

Staff Present: 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
Adriana Albarran, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Chair Hill led the pledge of allegiance.

3. Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

4. Appeal Procedure

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

5. General Public Comment

There was no response to the request for public comment.

6. Approval of the March 3, 2022 Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of March 3, 2022. Member Pierce seconded the motion which carried unanimously.

7. Approval of the February 3, 2022 Draft Minutes

It was noted that Chair Hill had recused herself during item 8a at the February 3, 2022 meeting. Thomas moved to approve the minutes of February 3, 2022 as amended. Member Pierce seconded the motion which carried unanimously.

8. Public Hearing Items

A. Variance Case Number WPVAR22-0001 (Herz-Callahan Side Yard Setback Reduction) [For possible action] – For hearing, discussion, and possible action to approve a variance to reduce the required side yard setback on the north side of the parcel from five (5) feet to one (1) foot in order to enlarge the existing bedroom wing of the current home on the property and add a second level bedroom.

- Applicant: GilanFarr Architecture
- Property Owner: Susan Herz-Callahan Family Trust et al.
- Location: 1710 Lakeshore Blvd., Incline Village, NV 89451
- APN: 130-332-12
- Parcel Size: 0.192 acres
- Master Plan: Tahoe – East Shore
- Regulatory Zone: Tahoe – East Shore
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3618
- Email: krstark@washoecounty.gov

Senior Planner Roger Pelham provided a presentation in place of planner Katy Stark.

Applicant Representative Philip GilanFarr provided a presentation.

Discussion with Applicants:

Chair Hill said she wondered why there aren't alternatives to move the addition to the south side of the property. The land coverage TRPA hardship is all 1A. You can relocate coverage from one area to another area. Mr. GilanFarr said not in this case because we cannot make the relocation findings work according to TRPA. We did look at relocating it to the southside, but there is no capacity for the driveway and parking on that side. Right now, there is a very steep driveway to a parking space. The area is smaller than on the opposite side of the house. It would change the positioning of the entering and exiting of the house, requiring a major change to the existing historic structure. The bedroom wing is currently on the northside of the house. TRPA would not recognize relocation findings except for areas that are already disturbed. Chair Hill said it looks like most of the encroachment is taken up by a staircase. Mr. GilanFarr spoke about the slide that shows the bedroom/bathroom with a staircase for access to the second floor. We cannot accommodate a staircase in the existing structure. Chair Hill asked if they could do a spiral staircase that wouldn't take up so much space. Mr. GilanFarr said a spiral staircase would take up more space on the side setback because there is no other place to install it, and technically you aren't supposed to use a spiral for a sleeping space, exiting from a second level. He said we attempted to minimize the footprint with the minimum amount needed. The bathroom and bedrooms don't have a lot of extra space. We attempted to minimize the impact with the staircase being 3-feet wide. Member Stanley asked about the distance from the proposed roof overhang to

the adjoining property line? Mr. GilanFarr said we have a 6-inch overhang. It would end prior to the property line in order to control the drainage on that side of the house. We would install a gutter to contain the drainage within the property line. Mr. GilanFarr said it's 6-inches just in that corner. The overhang extends past the corner of the house by 6-inches. It's within the property line. He showed the site plan to show the angle of the building. The front corner comes within 6-inches of the property line. You are within the setback in the bedroom space.

Member Stanley asked what the percentage of the total proposed additions would be. He asked if it was less or greater than 10%. Mr. GilanFarr said we have an existing bedroom wing there, and we are adding an existing bedroom; the additional space would add 10-15% to the existing house.

Member Thomas asked if there was a variance granted for the original house? Mr. GilanFarr said he wasn't part of the abandonment of Romance Ave. Perhaps a variance was included to bring the existing structure into compliance. He said he couldn't find variances with the County. Mr. Pelham said no, there was no variance granted. This dwelling was constructed over the property line. We took away the chunk of Romance Ave. adding it to this parcel, making it larger. The dwelling is existing non-conforming. The house was built prior to existing codes. The degree of expansion by 100%; you have a bedroom getting bigger with a bedroom being built on top. So you are doubling or tripling. The exacerbation of the degree of non-conformance is 3x more. If a variance is granted, then its no longer non-conforming because they would have this exception.

Member Stanley asked why the slope is not a hardship in this case. Mr. Pelham showed the slide with the site plan with topography. He said the north and south; the contour lines are widely spaced, it's relatively flat. The extraordinary topography is located to the right side of the photo, to the east, uphill. That topography isn't forcing the need to push into the setback area.

Member Stanley said correspondence was mentioned that was not consistent with the recommendation. Mr. Lloyd said the question centered around the ability to build within the Romance Ave area. He said in his response that Romance was abandoned, and you can certainly build in that area. He said Mr. GilanFarr took that as he could build in the setback area. He said Phil has been doing this for 25 years. He said the abandonment would not remove an area of a setback. He said he thought the question was regarding building within the previously abandoned area.

Member Christensen asked about the block wall. Member Christensen said it's page 4, site plan of the Staff report. Mr. GilanFarr said a wood retaining wall runs behind the back of the house, and as it comes around, it becomes a block wall. He showed the existing edge and bedroom wing. Mr. Christensen asked if he intended to extend it. Mr. GilanFarr said it would be removed, but he showed the natural contour to the side of the building. He said the block wall would become the retaining wall of the foundation of the house.

Chair Hill asked about the BMP dripline. Mr. GilanFarr said BMPs go over the property line, which isn't the intent. He spoke about a gutter and downspout into a dry well. He said the email expressly stated removing the old bedroom wing and reconstructing it. The current bedroom wing and the improvements are in the new setback created by the abandonment of Romance Ave. The current building and improvements are within the setbacks created by the abandonment of Romance Ave. Will this proposal be acceptable? We were asked to provide an easement document, and we received a response that appears to be acceptable. He said part of the confusion on our part, even though we have worked 32 years in Incline Village, is we have not dealt with an abandonment of a previous road, so we were trying to find out if the setback still stood the same way. There was confusion due to the abandonment of Romance. He said Roger indicated this would be a 100% increase. He said I'm not sure we have a 1,100 sq. ft. facility, while adding 100 sq ft. is 100%. The slope starts at the highway and goes average of greater than 30% straight up.

The home built created a ledge. Historically, this property went straight up. The next ledge is the East Shore Trail, which is higher above us. They had to create a driveway that "V" s into the property, which is a 25% slope up. The entire property is extremely steep.

Public Comment:

Matt Callahan said he is a part-owner. He said his grandfather built this home back in the 50's. It's a small house. We have had an increased need for the sleeping area through the generations. We are requesting a small extension of the home to enjoy the area. We aren't asking for a crazy building or extensions like what is happening in Incline Village. It's a steep, unique area, and I feel this is the only place to do it. Thank you for your consideration.

Recording Secretary Albarran noted she received two written public comments from Matt Dunlap and Richard and Lilian Dixon. Those comments were distributed to the board as well as posted online. Both were in favor of the project.

Discussion by Members:

Chair Hill said this area is steep and old. It's unbelievable that someone can live there. It's a challenging site to have more than one or two cars. She said she hoped they could expand somewhere else that wouldn't require encroachment into the setback so it wouldn't be a variance. They are limited in their parking and access. They could expand straight up instead of the side yard setback.

Member Pierce said he is looking at the property on google maps. He said it appears that they wouldn't have any issues if they went up. He said he could see the steepness.

Member Stanley said maintaining the runoff seems optimistic. He said he was concerned with interfering with neighboring property.

Member Thomas asked Mr. Lloyd about TRPA and if it should be taken into account as we decide this matter. He asked for guidance. Mr. Lloyd said TRPA has oversight and jurisdiction over all the properties in the basin. He said the question is about the lack of available coverage on this property and whether that justifies meeting the first finding, of a hardship on the property. Mr. Pelham had noted that all the properties are faced with the same constraint. Based on that, it's not a special privilege or unique hardship specific to this property. Member Thomas said his concern is with slope. Where the existing house sits and the area where they want to include, it doesn't affect the slope. He said the contour lines don't seem to be a condition. TRPA is not an issue as to the decisions this board makes. He said he appreciates the input from the neighbors. They aren't the deciding factor. The Board of Adjustment is guided by NRS and County Code. Staff's presentation was thorough. There were no exceptional topography exceptions for this to be approved.

Member Christensen said he concurs with Member Thomas.

MOTION: Member Pierce 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 WPVAR22-0001 for Susan Herz-Callahan Family Trust et al, being unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:

(a) 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;

- (b) **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;
- (c) **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;
- (d) **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;
- (e) **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 could not make finding (a) as he does not believe there is a special circumstance for this. Member Christensen seconded the motion which carried unanimously.

B. Special Use Permit Case Number WSUP21-0028 (Dethmers Major Grading) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for Major Grading (WCC110.438.35) to allow approximately 2.1 acres of land disturbance and 1,800 cubic yards of excavation of earthen material, to rectify illegal grading done within the past year, without obtaining appropriate grading and building permits.

- Applicant/ Property Owner: Jordan and Chelsea Dethmers
- Location: 4145 Lone Tree Lane, Reno, on the north side of Lone Tree Lane, approximately 150 feet northeast of its intersection with Bellhaven Road.
- APN: 041-120-11
- Parcel Size: ± 2.29 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 438, Grading
- Commission District: 2 – Commissioner Lucey
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3622
- Email: rpelham@washoecounty.gov

Senior Planner Roger Pelham provided a presentation.

Applicant Representative Stacie Huggins provided a presentation. Jordan and Chelsea Dethmers provided background.

Discussion with Applicants:

Member Christensen thanked the Dethmers for putting in the work, albeit without the proper permit. He said our job is to look at the applications for a grading permit. We aren't averse to what you are doing. He said with his background in lending; there were two criteria in requesting a

loan; one, your history of compliance. You have strict conditions that might not be easy to comply with and two, your willingness to comply. Many people run out of money. He said, he is concerned the Dethmers history is not good and their willingness is iffy. They aren't professionals at this. We cannot change history. He said he is concerned about mitigating erosion, creek, and the downstream users of the creek. He asked for assurance that the applicant would see this through and comply with all the conditions. Mrs. Dethmers said she is a problem solver and finds solutions. This is our dream location. She will make sure there are funds for these plans, especially erosion, to be funded over time. She said you don't know us, but over the last 12 months our county interactions were fast, responsive, and mitigations were done immediately. The county staff has said we have been the easiest people to work with. We will continue to work with the professionals and understand that the permit is revocable at any time, and we need to prove ourselves.

Member Stanley asked about the BLA in process. Mr. Dethmers said the other owner put in a fence himself. We had surveying done and were working with the Engineering department. We dropped off the surveys to be recorded. Member Stanley said he had done a BLA or two. He said they are done pretty fast. Mr. Dethmers said he missed the deadline; he turned it in on September 8th. Member Stanley said what you are doing seems admirable and reasonable regarding land use, but that is not what we are here for. He asked at what point did you hear you were not in compliance. In April, Mr. Dethmers said they received a stop work order; they stopped and called Kevin Costa, code enforcement officer. Mr. Dethmers said they hired an engineer he also noted he hadn't heard if there was a complaint by another neighbor. Member Stanley asked how many missed steps they have up until now. Mr. Dethmers said he wasn't sure; he said he had spoken with someone from the County about fire mitigation but doesn't remember their name. We (Dethmers) moved more dirt than we should have.

Member Thomas asked how the transient people were getting down to that part of the property. Mrs. Dethmers said One Tree Lane dead-ends into a park/trailhead, so it's a busy road. She said we haven't seen anyone down in the lower parcels since moving into the home. We see the traffic going out and see people walking on the parcel above. There was no encampment. Member Thomas asked if Mrs. Dethmers was aware of any transient down on that property. She said that area is off the roadway, and people throw things down into the edge of that parcel. Mrs. Dethmers said she understands the reservations of Staff to give approval on this because of the concerns with the walls, and slopes on the ditches. She said we are certain we can bring them into compliance for future standards. Mr. Dethmers said there are not in compliance on the engineering drawing. We have since adjusted them to be in compliance. They are planned walls; they are not constructed yet. Member Thomas asked prior to grading did you contact the neighbors? Mr. Dethmers said yes, the neighbor is Brian Cason, who is an engineer for City of Sparks. Mr. Dethmers said he has made friends with the neighbors. They were aware of the clear and grubbing. Member Thomas asked when you were grading on the north property; you didn't have your property surveyed ahead of time? Mr. Dethmers said yes, we started ripping out the vegetation. When we purchased the property, the map showed we owned that parcel. The fence was on that side. He said the neighbor's, Mr. Cason, put up a fence 30 years ago. He requested a boundary line adjustment, and he said the neighbor had thought it was Mr. Dethmers' property and not his. We are almost finalized with the Boundary line adjustment.

Member Thomas asked for the aerial photo of what the property looks like now. He asked if that is a true representation of what the property looks like now. Mr. Dethmers said no, we've cleared more. Member Thomas asked how much more you have cleared in back area to the right of the house. Mr. Dethmers said the majority of the land has been cleared except for the area closer to Lone Tree Lane listed. That's where we got the stop work. Mr. Dethmers explained the boundary line begins at Bellhaven street, and if you draw a line straight through to the back of the grass. At least 85% of the property has been cleared of vegetation. Member Thomas asked the applicant representative regarding the nexus with the vegetation and flooding in the past. Ms. Huggins said the applicants didn't own the property when there was flooding, but there were signs of debris

and signs of flooding or a high-water mark. She said there had been debris movement in the creek area. They were concerned about impacts if they had not cleared the dead brush along the creek. Mr. Dethmers said Steamboat ditch wraps the property. When they turn the water on in May through October, there is a substantial amount of water. The slopes were washing out. He said he was told there was a flood in 2015, 16, or 17. It's been wiped out and has been an issue. He said there are irrigation ditches. He said he doesn't have water rights but he repaired the pipes, so they aren't leaking onto his property. It was destroying his land and washing into the creek.

Member Pierce asked on the map where the ditch goes on the Dethmers property. Mr. Dethmers showed it on the overhead map where the creek runs through his property. Mrs. Dethmers' ditch company requested that there isn't any disruption to the pipe that runs along the road to serve the properties below. Mr. Dethmers showed where the proposed driveway would be. He said he has sleeved the pipes. He said the neighbor has a similar driveway and has done the same thing with the pipe. Member Pierce asked where the gate was. Mr. Dethmers showed where the gates are currently located. He said he wanted to spend the money to do it right. He said he is dedicated to taking care of the gates. He said the neighbors walk on his property to access the gates; he said he created a path for them. He said there had been substantial flooding.

Member Thomas asked a point of clarification; he asked about the three sources of water – Steamboat, Ditch company pipe/irrigation easement, and seasonal stream. Mr. Dethmers confirmed.

Member Thomas took chairmanship during technical difficulties while the recording secretary got Chair Hill back online.

Member Stanley asked the intention to prevent the erosion of the cliff. Mr. Dethmers said he calls it "Lone Tree Wall"; it's a cantilever wall installed by the County. He said we propose a new wall with new landscaping. It's a big open area. Member Stanley asked who performed the grading and horse enclosures. Mr. Dethmers said he and his father; he and Chelsea did the temporary horse enclosures.

Chair Hill had joined the meeting.

In response to Member Stanley's boundary line adjustment, Mr. Pelham said if the Boundary Line Adjustment is approved, it would simply put all that land that had been graded under their legal control. The erection of a structure on an adjacent parcel is still an accessory use; there is an exception to allow accessory as long as it is directly adjacent to the parcel with the main use. In this case, the dwelling, assuming if appropriate permits are obtained. Member Stanley asked how many legal permits didn't get done. Mr. Pelham counted minor grading permit; major grading permit; building permit, possibility for detached accessory structure; storage of equipment; and grading on the other parcel would have required a permit. He said about 3 or 4 permits. Member Stanley asked if they have the option to remediate those. Mr. Pelham said no due to the amount of grading that has exceeded the threshold for a major grading permit. There are paths forward at this point. The first is a special use permit which is what we are requesting today. The other path is what we call a remediation order. Assuming the SUP is approved, they have a set of conditions. If you deny this request, then their path forward is to put the contours back to what they were and reseed with native vegetation to put it back to its natural, undisturbed state. That is done with a remediation order. It's done through the county engineer.

Mr. Pelham answered the question brought up earlier; code enforcement is complaint-based. He said he could not say who, what, or when the complaint was filed.

Public Comment:

Brian Cason via Zoom, adjacent property owner, read the letter he submitted. The flooding occurred because of the thick dead undergrowth in the creek. The Dethmers are humble, kind, and respectful neighbors who were excited to improve the property. They looked forward to providing grazing land for their beloved horses while striving to maintain the character in the area. Their plan was to plant a multitude of trees, plants, shrubs, and grass that would benefit the location that had been overgrown and at wildfire risk. As a neighbor, I believe the improvements will bring value to the area. Grading of the parcel has provided access to the irrigation ditches running through the property for maintenance and helped prevent water loss caused by overgrown vegetation. This has caused flooding to the properties below, wasting precious water resources drawn from the Truckee River. The Dethmers have reduced dead vegetation and made improvements at their own expense with the permission of the ditch authority. Repairs have prevented water loss and evaporation. Drainage into the unknown creek has been improved to help run off contained. These improvements have benefited cleaner water resources and provided improved habitats for waterfowl and other wildlife. Wildfire has become a heightened concern in the area due to the decline of moisture due to changes in the weather pattern. Creating defensible space and healthy vegetation in the area are the best methods to reduce fire threats. The lot posed a fire risk to all neighbors. Grading the property has reduced water loss, reduced flooding, and reduced wildfire. In addition, their plan for the property will improve the esthetics of the property, with wildlife and horses roaming the property. They plan to bring the natural beauty back to the land by planting native trees and plants. They will provide esthetic beauty. Their ultimate goal is to be an asset to the community they call home.

Chair Hill called for a recess at 3:37. Resumed meeting at 3:43

Discussion by Members:

Chair Hill said the Dethmers removed all the vegetation from the lot. She said she isn't sure how that is helping the flooding. They did remove it from the ditch, that helps reduce flooding. She said she doesn't feel the need to put the property back to the way it was, but the Dethmers should vegetate the barren land. It would take major irrigation and restoration. She said they would have to provide plans for remediation to the barren land.

Member Pierce said yes, they did work without a permit. They said they didn't know, and they apologized. He said he visited the property and saw what they had done. He said he didn't think it was that bad. He said he saw the ditches and the gates. He said in his opinion; the Dethmers improved the property. He said the proposed landscaping and access road with the permitting processes; He said he thinks it's a good project. He would be in favor of the project with the new access road.

Member Stanley said we see these projects all the time and always complain about papering over past errors. That has always been a concern with this board. It's a tough situation. All of us want a good outcome for everyone. We don't want a denuded area. He wonders how something like this can be done when the land hasn't been surveyed. Some of the work happened accidentally on someone else's property. He asked how we proceed when we don't know whose land has been impacted. Chair Hill said why not let them vegetate it and have horses there and have an extension of their property. She said she knows it's an accessory use, but why don't they merge the two properties into one property with primary uses and horses. Without that driveway, they would have to use the existing driveway, which is too narrow. They could make improvements to widen it. She said she doesn't think a driveway on the adjacent property is that big of a deal. This is a substantial monetary investment to build aa driveway, bridge, and pasture land. Hopefully, they will do it right.

Member Pierce said we need to look at potential fire hazards with the remaining native vegetation on the property. Chair Hill said she agreed.

Member Stanley said the conservancy group that provided comment noted they recommended native seeding which had to do with the trailhead at Ballardini. They were concerned with non-native seeds getting into the protected space there. Member Pierce said that's up-stream from that property. Chair Hill said we could require they use native grasses. Member Pierce said it's part of the standard conditions.

Member Thomas said these are interesting situations that come before the board. The actions have been taken and come back to the board for approval. It's a tough situation for us. Whether it was an accident or not, in the past, it has not sat well with the board to address these issues. We are put in a compromising position. If we say it's ok and it opens the door to the next person. Or for us to say no, that wasn't fair to you because that wasn't your intent. You never gain experience until the moment after you need it. They are some issues though, Mr. Dethmers was grading on someone else's property. He should know his boundaries. A survey should have eliminated that. Member Thomas said he has hiked the Ballardini Ranch and loves the area. He said what the Dethmers have done is vastly different than what was out there. There are no permits for the horse's facility onsite. We need to rectify that. It should have been done ahead of time. Code enforcement is complaint-driven. Someone took issue with what was being done and brought it to the County's attention. We have some options – but a compromise here is if you are willing to plant a number of trees, revegetate a certain percent, and create a screen from the neighbors. Mrs. Dethmers said they would be happy to do that.

Member Christensen said he hadn't visited the site. He said, taking in the totality of the promises and assurances, he said he doesn't like this and thinks we should deny it. He said he thinks that denying it would allow the applicant to develop more of a plan. He said he isn't in favor of approving of what they have done. They need to come back with a more detailed plan and assurances the work will be done. He said he has doubts that scope of the project will ever get done. He said we aren't the final say. It's an unfinished plan. Chair Hill said we couldn't approve this without a remediation and vegetation plan. She asked if we can continue this item? Mr. Pelham said he heard some options – continuance contingent on a comprehensive landscape plan which is possible. The applicant would have to request that. They have a timeframe. The second option would be denial and assuming they come back with another SUP. They would have to be moving forward with a remediation plan. Code provision limits applying for the same SUP more than once. The new SUP wouldn't be able to be applied for at least 12 months. Mr. Lloyd said if the board denies without prejudice, they can bring it back at any time. It eliminates that 12 month waiting period. They can come back with a better plan with what they are proposing to do. We don't know what they are planning to do regarding additional work. Mr. Pelham said we do know what they plan to do within the context of the current permit. Those contours that were shown on the grading plan were proposed to be done at this time. What is proposed to be done right now is not what is shown on the plan. It's part of it. The plans show what they want to do in the end. Chair Hill said we want to know their stabilization plan, revegetation, stables, arenas. Mr. Pelham said the conversation is narrowly tailored and focused on the contour of the land. The grading and associated impacts. He said he didn't want to get too far afield.

DDA Large said what is before you is a SUP for major grading. A remediation plan can be a portion of that. Regarding other plans for structures that are not part of this SUP and won't be part of a future SUP. We need to keep it focused on what is before you pursuant to this SUP and whether it meets the county code. Mr. Lloyd said we have a plan; we know what they want to do. There are conditions and requirements for some, for stringent reclamation and revegetation of the site, and recommend the board moves forward today with a decision provided in the staff report. If you feel additional conditions, it's the board's purview as they see fit.

Chair Hill asked if we deny, we can deny without prejudice so they can come back within 12 months.

Member Stanley asked if the property line impacts our decision regarding the major grading. Mr. Lloyd said we do know where the property lines are. Member Stanley said it was his understanding that the survey hadn't taken place and questioned where the actual grading is on the property. DDA Large said the application that is before you is about the major grading on the applicants property; grading that has occurred on other properties is between neighbors. We do not involve in disputes with neighbors. DDA Large said he wanted to discourage this board from ever making a decision based on a non-belief a project would be followed through with. This board issue permits whether or not the findings can be made pursuant of county code. Whether or not you believe they are financially in a position to complete this is not a condition of approval this board can make.

Member Pierce said no disrespect to the board members, according to their SUP, it's clear to what they want to do. It's for horses, pasture, access to parcel; there is pasture grass and native sage as needed on the application. They have answered the questions. He said the graded area on the other parcel; there was a fence there. They moved a little bit of dirt. He said the doesn't feel this is a big deal. We need to focus on the permit and move forward on this.

Member Thomas said we aren't here to discuss the permit on what they want to do; we are here to discuss their major grading. They have good intentions for what they want to do. We have a few options on how to handle this. Mr. Lloyd said he recommends the board looks at the plans as proposed and separate the fact that there has been grading that has been taken place on their property. We need to make that determination based on the site plan and grading proposed whether or not there was past grading, legal or otherwise.

Member Pierce said he reviewed it and believed its appropriate. Chair Hill said she thinks it's appropriate; unfortunately, it was done without a permit. Chair Hill said if we deny, she recommends denying without prejudice to come back with a more detailed grading plan. Member Stanley asked for Mr. Pelham's opinion on the middle road. Mr. Pelham said the construction of the new driveway from Lone Tree Lane requires the construction of two retaining walls, grading, and a bridge. Access to the back portion of the property exists; it has been graded. Approval with the road requires a certain number of cubic yards of grading. If you eliminate that driveway, that will reduce the amount of grading required to construct the driveway. Generally speaking, less grading will generally have less impact. Member Stanley asked if they could come back and apply for the bridge. Mr. Pelham said yes, they can come back and request it. Member Stanley said the middle road sounds like an appropriate solution without the driveway. They can come back later. Chair Hill said she could support that. Member Pierce said it's was mentioned to get in and out with a horse trailer is difficult with the existing driveway. He said he would like to see the access driveway approved because it's a safety issue. Member Stanley said the dog-leg on the driveway makes it hard, but they have been able to do it.

Member Thomas said he would not be opposed to the motion for approval without the new driveway. There has been a lot of grading going on. A new driveway can be addressed down the road with the dust settled. He recommends that the letter from the Frost Ranch Association is taken into account as part of the conditions. He recommends identifying the number of trees to revegetate the property to its original form. Member Pierce said 20 trees by the road to help screen the property and provide privacy for them. Member Pierce asked if we approve this SUP without adding the driveway, can they come back and request the driveway. Mr. Lloyd said yes.

MOTION: Chair Hill 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 WSUP21-0028 for Jordan and Chelsea Dethmers, with the conditions: Including the conditions provided by the Frost Ranch Association; including the provision of adding a minimum of 20 trees at the height of six feet to be planted within a two year period, and conditions included as Exhibit A to this matter including condition #1d, which prohibits construction of a new driveway, having made all five findings in accordance with Washoe County Code Section 110.810.30:

- (a) **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.;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for Major Grading, and for the intensity of such a development;
- (d) **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;
- (e) **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.

C. Special Use Permit Case Number WSUP21-0030 (TMWA Pump House) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for the construction and operation of a new wellhouse and a new infiltration basin on the property and for major grading to create a permanent earthen structure greater than six feet in height. The project will include required improvements to the site, including pavement, landscaping and screening as required by Code. As part of this project, the existing wellhouse, water storage tank, and subgrade booster pump station are proposed to be demolished. As part of this project, the applicant also seeks to vary the Code requirements for paved parking, loading and maneuvering areas and to allow portions of those areas to be stabilized with road-base material. Additionally, the applicant is asking to vary the landscaping buffer as well as the requirement for a solid wall or fence adjoining the neighboring property to the east.

- Applicant / Owner: Truckee Meadows Water Authority
- Location: 13175 Brush Lane, Reno, NV 89511
- APN: 049-171-09
- Parcel Size: 2.433 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest (SW)
- Development Code: Authorized in Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3618
- Email: krstark@washoecounty.gov

Senior Planner Roger Pelham provided a presentation in place of planner Katy Stark.

Applicant representative Ben Jesh, Truckee Meadows Water Authority, provided a PowerPoint presentation. Liz Piercing, Stantec representative and Cynthia Albright, project manager, spoke about the landscape plan.

There were no requests for public comment.

Discussion with Applicants:

Member Stanley said he appreciated the landscape plan and darks skies measurement. He asked about noise impacts. Liz Piercing responded that when the pump runs above grade, it will be housed in a block building. There should not be a sound issue. You won't be able to hear it from the adjoining property when the pump runs. Member Stanley asked if there had been any construction there. Ms. Piercing said there is construction on the school property, not ours. Mr. Jesh said the drilling of the new well was a few years ago. We placed large sound walls. Member Stanley said there are two landscaping designs. Those are different. Ms. Albright said it's the same. Member Stanley said he sees them as different. Ms. Albright said there was an earlier version. He said it's L-12. Ms. Albright said this is the latest plan. As mentioned earlier, we focused the landscaping on the northeast corner and south side of the building. There was an earlier plan, but it didn't make sense. Member Stanley said the request is for less landscaping and placed it in more efficient ways. He said he is concerned with the street-side (west, east view). He wanted to bring up the notion that trees protect the view from the roadway and Sage school. It's on the westerly side. Ms. Albright said we can relocate some of the trees on that side if there will be a road eventually constructed where there is now gravel. Recording Secretary Kerfoot displayed L-12. Ms. Albright said it's an old version and noted the new version is the colored plan. Ms. Albright said the old plan is obsolete, but we can relocate the trees. He said he could add that to the conditions.

Mr. Pelham provided clarification – is it relocating 3 trees, or adding 3 trees. Member Stanley said he recommends they add additional trees.

Member Pierce asked about the slide with native plants. It wasn't included in the packet.

Discussion by Members:

Chair Hill said these projects are needed in the community. It was a well thought-out plan and presentation.

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 WSUP21-0030 for Truckee Meadows Water Authority, with the conditions included as Exhibit A to this matter, and the additional condition of three additional trees, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the finding associated with the Southwest Truckee Meadows Area Plan finding SW.2.14.

- (a) 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;**
- (b) 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;

- (c) **Site Suitability.** That the site is physically suitable for a wellhouse and an infiltration basin and for the intensity of such a development;
- (d) **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;
- (e) **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. Southwest Truckee Meadows Area Plan Finding SW.2.14 The community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

Member Thomas seconded the motion, which passed unanimously.

9. Planning Items

A. Neighborhood Meeting Process [Non-action item]

Secretary Lloyd gave a presentation.

Member Thomas asked if that is for any SUP. Mr. Lloyd said not necessarily for every SUP. He said pre-application is a time for vetting. Those that impact a neighborhood or community, those would have a neighborhood meeting. Member Thomas asked about a setback; Mr. Lloyd said probably not. The board members requested the PowerPoint slideshow. He wanted that sent out to the neighborhood groups. Mr. Lloyd thanked Ms. Kerfoot for all of her efforts with the website. Chair Hill asked if this pre-application meeting costs money; is there a filing fee. Mr. Lloyd said the only fee comes with application submittal. The responsibility is on the applicant to provide the meeting location. The document and application will be put on the website. He said we will assist the applicants along the way. There will be areas for improvement through the process. Chair Hill said she hopes the developers consider the public comment. She said she wished this process was in place for the Boulder Bay process. She said the public comments were positively received during a neighborhood meeting held at the Chateau for the condo proposal for downtown Incline Village.

10. Chair and Board Items

A. Future Agenda Items

None

B. Requests for Information from Staff

None

11. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

Member Pierce inquired about last month's item William-Scotsman which was set to come to the board during the March meeting. Secretary Lloyd clarified that the applicant had requested an additional month. He said it would likely come back in April. It will be re-noticed and come back to the board.

B. Legal Information and Updates

None

12. Public Comment

Clay Thomas said he took a moment to recognize Donna Fagan. She will be missed. She was helpful and a pleasure to work with.

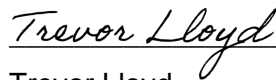
Chair Hill shared her challenges with a recent broken arm and is grateful for using zoom for the board meeting.

13. Adjournment

The meeting adjourned at 5:18 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on April 7, 2022



Trevor Lloyd
Secretary of the Board of Adjustment