



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, April 7, 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 1:31 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
Courtney Weiche, Senior 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

Member Thomas 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. Public Comment

Kris Engstrom, a Mogul resident who provided a PowerPoint, said she doesn't understand how grading can be approved before they have a project. She said we have been talking about this for a long time. She said she was concerned about the intersection. She encouraged you to visit this dangerous site if you haven't been there. There are four off-ramps, a five-way intersection, and a train crossing. Someone needs to put a crossing arm. There is a bike trail, bus stop, and recreation use with many cars. Since the City has changed the zoning downtown, they have come up here. There are a lot of fishermen. Westbound entrance from Mogul is not up to standards. It's 230 feet long and cannot be elongated. It needs to be greater than 300 to 500 feet. If you are merging onto highway 80 from Mogul, a truck is supposed to merge at 60 mph, and right now, the fastest you can get on is 30 mph. If you increase traffic, it will make this traffic back up. School buses can barely merge.

Ken Wilson provided photos, and said this is a view from the property looking at the proposed complex. He said he doesn't understand how they will move almost 1 million cubic yards of dirt and contain the dust. He said he had cancer treatment in 2020. Breathing that dust will not be good for our health. What happens when the wind picks up at night after they leave? He said he wanted to talk about the traffic situation. They plan to have 600 employees out there. There is no way the roads can handle the extra traffic. He showed photos of the property lines. There will be noise from the vehicles. Our neighborhood is quiet, and we live there for a reason. He encouraged everyone to come up and look. We appreciate our solitude.

Curtis Rieger, Volunteer Court resident, said he wanted to talk about the views, sunsets, songbirds, and bobcats. Our quality of life will be taken away due to this commercially zoned property. We should have changed this a long time ago. Nobody likes the growth out there. There is one road in, one road out. You have 72 homes and 300 people in the trailer park. In one of the craziest places in the winter, you will add 600 people to the warehouse. The semi-trucks will be an issue and will slide on the ice. He said we live up there, so we know what will happen. What will happen when they jackknife and cannot get emergency vehicles up there. Two years ago, we were evacuated. We had to get everyone out with horses and livestock. Now, to think we have to have the extra responsibility, concern, or safety burden to evacuate 600 extra people. It's not safe. It's not right for the area. It's going to be a debacle. Someone has to be responsible.

Eric Rieger, Volunteer Court, said he is concerned with the project on our property lines and concerned with the dust. He said his property value would decrease as well. He said he is concerned with traffic and privacy with 600 employees next to our property line. We live on a private road. The people, traffic, and trucks will make it difficult to get out in an emergency. He said he is concerned as a new homeowner.

David Dunbar, Volunteer Court resident, said his neighbors' concerns are relevant. The school bus stops; when they get off the freeway, it's a 4% grade. When it's icy, will they have to chain up? He said two roads are not maintained and the developer wants to use them as an evacuation route. The trucks will take the Bordertown exit to Reno Park blvd. He said he has a class A license. There are two CDL stops. The trucks will get off at exit 80 to go around to avoid the CDL stop. Who is going to stop them? He said he took a picture of a truck on the frontage road. He said John said he would stop all the trucks on the frontage road. The engineer at DOT said the bridge was built in 1971 in Cold Springs. He said the engineer wasn't certain but didn't believe it would hold that traffic. He said he would get a report from the engineer. Don't make your vote until you get that. There are too many holes in this project. California's Commissioner Beals said they wouldn't get them a road through Sierra County.

Kenji Otto, Cold Springs resident who provided photos and is running for County clerk, said he lives across from the proposed project. He displayed a photo to represent the view from his property across the valley; this warehouse would destroy his million-dollar view. He said he would be looking at the warehouse and the water tower above it. He said the residents in Woodland Village have properties that point in that direction, and this warehouse will ruin their view. We are

a bedroom community, not industrial zoned. We cannot handle the traffic. The trucks try to go up the ramp during the icy conditions but cannot because it's too icy. If the company that builds the warehouse will pay for fixing the dirt road and the ramps, we can talk. We will pay for it in so many ways. We already pay for it with the congestion at North Valleys. He said Lemmon Valley Anderson Acres has flooded. You are going to condemn those below to annual flooding.

Lori Leonard (Zoom), said she is speaking in opposition to the S3 development proposal. As a previous speaker mentioned, we went through something similar in the past, and the City of Reno deemed it inappropriate use for this area due to several issues relevant to the danger of such a proposal. The biggest concern is road and access. There is one way into this development location. It's a dangerous area. You are dealing with a 5-way intersection. Some of these trains can be a mile long. If you have 2-3 cars waiting at that intersection, the whole intersection is blocked. The area they propose industrial development is surrounded by residential. The sign exiting the highway states 'residential only.' There are also proposals for park sites along this area. There are already more people using this dangerous intersection. It goes against the goal of making safe walking neighborhoods. We are concerned about the danger of the road. You are dealing with the Truckee river and train tracks. It's a dangerous area. There are concerns and we wanted to state our concern and opposition.

Chris Burgarello, (Zoom), North Ridge Ave resident, said he is concerned about fire/emergency egress of the warehouse with 650 cars and trucks trying to get down the road. The property is private. He said he hasn't heard how you get permission to cross private property for an emergency issue. The road crosses Northridge, which is a tight corner. The trucks can't get down South Avenue to Old 395 frontage road. They will have a roundabout down there. You have to enter the residential neighborhood to get to the warehouse. The freeway will have traffic from Reno Parkway which is only on-ramp. We have been evacuated for fires, and it's already congested as it is. We have an issue with the increasing water prices. It will increase more because of this warehouse.

Amber Rieger, our City thinks millionaires are more important than the citizens. We want to ensure our property is marked off and fenced to protect our dogs if the project goes through. When it comes to the trailer park and students, John said he could move the bus stop to the other side of the lake. If you are a mother going to work at 5 a.m. and your child walks to the bus stop, you will now have to transport your kid to the other side of the lake to the bus stop. This is an issue. Already, we have 87 fewer bus drivers. The students themselves may be missing school one week a month due to lack of transportation. How will this impact the students and their learning outcomes? There will be a monetary loss for the investors on Volunteer Court. We have invested our life savings into the properties. She said she would like a third-party assessor to come out to do pre and post-property value assessments of the houses and be paid for the difference in an investment loss. The road that is attached to our property has been used to walk our dogs for 15 years, and we won't be able to have that anymore. Soil tests were done and they didn't inform anyone. She was concerned for the safety of her dog. You need to communicate with the community before taking action. There are young kids on those ATV roads. We request those ATV roads be maintained. The project wants to eliminate all the ATV roads. We request those be respected.

Mary Lou Yocum, South Ave resident, said she is concerned with how she was notified about the project. It has been on the County's radar for several months, but we just received a postcard. She said she was informed of the website. We received another notice indicating we live within 750 feet of the project; the notice was for a zoom meeting to allow us to express our opinions on the project. KP investors representative was ok. We brought up the traffic on 395, but his response was that it wasn't his issue. His project will add hundreds of cars to the freeway. He told her to call the DOT. If that is their attitude, what will be their attitude going forward with other issues. A limited number of people were notified but will still be impacted by traffic. There are no services in Cold Springs. There is one restaurant. Where will they be eating lunch? There is no mechanic to get your car fixed. This is not a community for development. It's a residential community.

Barbara Fenne, Mogul resident, said at this time, we request you table Item C of the Reno/Tahoe Business park to give residents time to meet with the Reno/Tahoe business group. The zoom meeting from 2021 was supposed to be recorded and available after, but it was not. Mogul residents require more time with the developer. We want transparency about safety hazards, historic preservation, traffic routing, and why earthwork has taken place when the project has not yet been approved? Why haven't the Mogul residents been given the announcements for the upcoming meetings? She said she knew one person who received one announcement of the County's meetings. Since 2017, when we got involved in this, we have had to fight for our rights to get information. We have a lot of questions that have not been answered. It's our right. Thousands of trucks will impede us with hazardous conditions. How will they take care of routing traffic? They need to extend the westbound route. In 2018, that would have cost a million dollars.

Harold Sollman, a resident who borders the proposed development, said there are many questionable things in the staff report. The staff claims no impact on property values. Commercial warehousing of this magnitude in a residential area always has an impact. Staff also claims that it won't be detrimental to public health, safety, welfare, cause injury to property or property improvements, or be detrimental to the surrounding area. How can it not? The staff claims the site is suitable for major grading. Just because you can, doesn't mean you should. There is a request to vary the standards with a permit to make it feasible. Why make standards if they are not adhered to them? He encouraged you to visit the site before deciding because it would have a negative impact on the entire neighborhood.

Rich Hout, Northridge resident, near the proposed warehouse, said he is concerned about water. Water runs downhill. Those of us who live below the development are in fear of drowning. He said John said they would put in a retention pond to collect water. He said he didn't see that on the drawings. Otherwise, when you get the blacktop and flat roofs, we will have a situation in Lemmon Valley. That is what happened when the warehouses were built on the west side of the highway. It can no longer go into the earth, and it runs downhill to the north end of Lemmon Valley. He said his well was drilled in '88. His static water level in the well was 17 feet. Now, it's gone down to 140 feet. He said he lost a lot of his well. It's verifiable with the well companies in the area. Those are my concerns about water.

Wendy Leonard, running for District 5 County Commission, resident of Cold Springs, across from the proposed warehouse. She asked the board members to listen to those most impacted by this. They have purchased land directly in front of this proposed development which will impact their lifestyle. Take into account what they have had to say and their traffic concerns. If this goes forward, their concerns are listened to and addressed.

6. Approval of the April 7, 2022 Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of April 7, 2022. Member Pierce seconded the motion which carried unanimously.

7. Approval of the March 3, 2022 Draft Minutes

Chair Hill commented on page 12 of the March 3, 2022 draft minutes, under the 'discussion by members,' Chair Hill noted it's supposed to read, 'it's a well thought out plan,' instead of 'throughout plan.'

Member Thomas commented on page 4, that Mr. Pierce made a motion to deny. Under the circumstances for the denial, all items: special circumstances, no detriment, no special privilege, use authorize of military installation were all listed, but Member Thomas didn't believe the denial was based on all of those. The record should reflect what the denial was predicated upon. Member Pierce clarified; that it was the 'no special privileges.' The board members requested that it be verified in the draft minutes.

Member Thomas moved to approve the amended minutes of March 3, 2022. Member Pierce

seconded the motion which carried unanimously.

8. Public Hearing Items

A. Special Use Permit Case Number WSUP22-0004 (Latour Excavation) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for major grading of 9,150 cubic yards of cut material and 4,260 cubic yards of fill material with a net of 4,890 cubic yards to be exported and to disturb 122,204 SF (2.80 acres), for grading of eight new homes sites in the Montreux subdivision.

- Applicant / Property Owner: Ladera Ventures II, LLC.
- Location: 8 lots of Latour Way
- APN: 148-33-01, 02 & 03, 148-322-01, 02, 03, 04, & 08
- Parcel Size: 0.287 to 0.510 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Forest
- Development Code: Authorized in Article 438, Grading and 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
- Email: jolander@washoecounty.gov

Planner Olander provided a presentation.

There were no requests for public comment.

Brandon Pearce, for the applicant, via zoom, provided information about the project and the reason for the Special Use Permit.

Member Thomas said the staff report included an ariel view of the eight lots. He asked if that an accurate reflection of what those lots look like today. Mr. Pearce said yes. Member Thomas asked if grading had started at the property. Mr. Pearce said no.

Member Stanley said he had procedural questions for Planner Olander and Secretary Lloyd. He asked why TMFPD, RTC, Parks and Open Space were not consulted regarding this project. Those seem to be apparent agencies to be contacted for comment. Secretary Lloyd said it's standard that we submit all of our applications to Truckee Meadows Fire Protection District and RTC. They receive the agency review memo and all of the applications, including all three items that will be heard today. Parks is different. Many projects will rise to that level; however, this grading application on existing lots might not impact trails, parks, or open space. He said he doesn't believe it impacts that would involve review by Parks. Planner Olander said this was not routed to Parks. We look at who is impacted by this application, and this is not an RTC road; it's not under their jurisdiction. She said she reviews the surrounding area and makes the judgement and determination. Member Stanley said he is looking at the matrix. He said he doesn't see RTC or Fire. Secretary Lloyd said we do send it to them as reviewing agencies. Planner Olander said it might have accidentally been left off. She said she might not always send it to Truckee Meadows Fire for review; it's a staff determination. It will depend on the item. 99% will go to Truckee Meadows Fire Protection District. RTC and Washoe-Storey Conservation District are standard and receive everything but don't always comment. This is a grading permit and will not impact

Truckee Meadows Fire. She said she doesn't see a fire issue here. She noted it was sent to RTC, but they didn't respond.

Member Stanley asked about the hours of operation. Planner Olander noted the hours of operation are in the conditions of approval which are 7 a.m. to 7 p.m., Monday through Saturday, which is standard. It can be varied. Member Stanley asked that it be varied. He said infill projects have special considerations, such as the project at the Tahoe Biltmore. Secretary Lloyd said it needs to be conditioned. It's currently conditioned as 1.E.

Chair Hill asked if the Fire District needs to review the plans prior to going to the building department. Secretary Lloyd confirmed they do.

Member Thomas said he wanted to make the board members aware. Member Thomas said when he had asked the applicant earlier if grading had been done, the applicant said no, it had not. He said he was at the site yesterday and took several pictures. The whole site has been cleared of vegetation. There was a big piece of machinery. They have cut one pad. He said he is concerned that we have a SUP before us for grading while, at the same time, before its been heard by this Board that action has been taken on the site. There is miscommunication. Mr. Pearce said we haven't started grading. We started cutting down trees and grubbed the sagebrush. He said we have not cut any pads; what you are referring to is under a different permit. In 2009, two or three lots were cut by a different company.

Chair Hill asked if any construction had commenced on the retaining wall. Mr. Pearce said absolutely not. Nor have we been removing dirt because that is what this SUP is for. We are private owners of each individual lot. He researched if he could cut down trees on his private property. He said we plan to landscape these properties before they are occupied. We will submit a permit for the retaining rock wall and a building permit per lot.

Member Stanley asked if there was a neighborhood meeting. Secretary Lloyd said no, this application came in before the launch of the new process. With some of these SUP's or discretionary applications it is going to be a determination prior to submittal if they need a neighborhood meeting. There will be some applications that will not have gone to a neighborhood meeting.

Member Thomas said he appreciated the applicant's clarification, but he had pictures showing an excavator moving dirt and piles of rock on the property. He said he was concerned if it was perceived that this would be preapproved with no consideration. There has been activity on that property. He said with his years serving on this Board as to why we are here and what we are specifically looking at – request for approval, move forward on grading as contained in this SUP.

Member Stanley requested to see Member Thomas's photos and that they be part of the record. Member Thomas asked for guidance from DDA Large. DDA Large recommended regarding the SUP before this Board, whether you can make the findings consistent with Washoe County Code 110.810.30 is separate and apart from any grading that has taken place on the property to date. If you believe a code violation has occurred without a SUP, you can report it to code enforcement. If code enforcement becomes aware, visits, and observes the site and finds grading has triggered major grading, they can site the property owners. He recommended you submit the photos to code enforcement. Planner Olander apologized for not including the fact that they had removed some trees from the property, however 50 cubic yards of material can be removed without a permit.

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 approve with conditions Special Use Permit Case

Number WSUP22-0004 for Ladera Ventures II, LLC., with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest 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 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.

Chair Hill seconded the motion, Member Stanley was also in favor but noted "with concerns as stated." The motion carried unanimously.

The Board took a recess at 2:45 p.m.

The Board resumed at 2:53 p.m.

B. Special Use Permit Case Number WSUP22-0005 (KP Investments) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for development of an industrial complex. The proposed grading will result in 77.5 acres of disturbance, 405,000 cubic yards of export, 390,000 cubic yards of import and a net remainder of 15,000 cubic yards which will be dealt with on site. The total amount of cuts is 910,000 cubic yards and the total amount of fills is 895,000 cubic yards. 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).

- Applicant: KP Investments, LLC.
- Property Owner: Christman Living Trust
- Location: 0 Reno Park Blvd
- APN: 081-121-32, 35, 39, 42, 43, 44, 46, 50, 51 & 081-131-24.
- Parcel Size: 13.9 ac; 0.057 ac; 14.4 ac; 0.057 ac; 32.7 ac; 0.057 ac; 58 ac; 5 ac; 7.3 ac; 4 ac.
- Master Plan: Rural; Industrial; Suburban Residential
- Regulatory Zone: Public and Semi-Public Facilities; General Rural; Industrial; Medium Density Suburban
- Area Plan: Cold Springs
- Development Code: Authorized in Article 810, Special Use Permits, and Article 438, Grading
- Commission District: 5 – Commissioner Herman
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Planner Bronczyk provided a presentation.

John Krmptic, the applicant representative, provided a presentation.

Public Comment:

Tom Dowell, owns a business adjacent to the proposed project, said we whole heartily endorse that it be approved. The biggest thing that impacts us is South Reno Park Blvd. improvements. He said that is where the majority of the traffic impacts this project and would help our business access. He said it would help the 300 or so people in the trailer park. Part of the project would bring the road up to County specs. It would serve well. We cannot have school buses go to the trailer park; once it's improved, the bus can go into the trailer park. He said we need more businesses and jobs out in the North Valleys. We have so much traffic coming into Reno now, we need businesses, so people don't have to commute into Reno every day.

Ken Wilson, Volunteer Court resident, provided photos. Contrary to the gentlemen, he said we don't understand how 650 vehicles can help Cold Springs. There is no infrastructure. There is no restaurant or businesses. You cannot keep them off of Virginia Street, the frontage road to the highway. It's an old two-way road. You do not have the infrastructure to handle this. It's not feasible. It's going to hurt us on Volunteer Court. How are they going to keep the dust down doing that much grading? They will use a lot of water which is a precious resource. We will monitor the dust and know who to call and complain to. When they leave for the day, the ground will dry, and the wind will pick up the dirt. We will take the brunt of it. The only one benefiting from this is the KLS planning. No one in Cold Springs will benefit from this.

Curtis Rieger said, as of 2020, 10,053 residents live in Cold Springs. We are hard-working taxpayers. We should have been included from the beginning. There are a bunch of older adults who don't know how to get on zoom. The projects are non-trust and non-transparent. There are present dangers that cannot be overlooked. There are trucks, and traffic is going to be astronomical. It's brutal out there with the wind. He asked if the 650 workers will have four wheel drive. The off-ramp is awful. All the roads are horrible. We are neglected out here. South Avenue is where they propose having a gate and proposing emergency access. He said he has personally maintained that road and takes care of it during the winter. We need that paved as well as Volunteer Court paved. There is a lot they aren't considering.

Eric Rieger said he is concerned about the wages at the warehouse. There are no apartment buildings. Can they afford to purchase and make a livelihood off the wage?

David Dunbar, South Ave resident, said he is concerned about the safety and security of the community. We are all impacted. It takes 30-40 minutes to deal with the traffic. Read the signs on your chamber walls. We need South Ave., and Volunteer Court paved. There is no emergency access. It's a one-lane private road. He said Remsa picked up his stepfather, and the firefighters had said the road was bad. It's been an undeveloped road for 60 years. It's not adequate. He said he is concerned with jackknifed trucks on the bridge. He said the snow would pile up on the roads. He said he is concerned for all of the North Valleys. The whole community is impacted. Learn from the mistakes in Las Vegas. The great basin water is impacted. We are all charged for that. They should pay for that.

Kenji Otto, candidate for County Clerk, provided photos. He said this project impacts him. He said he could see the water tower and will be able to see the warehouse. He said he doesn't believe it complies with Cold Springs Master Plan. The community hasn't been considered as a whole. We are a valley. He said he learned about this project when he attended a CAB, and Dave Solaro gave a presentation about the HUB site. He said he could not find the videos and minutes from

the neighborhood meeting. He demands KP investments upgrade the roads to semi-truck standards. They should purchase the private roads and deed them to the County. They should put the telephone lines underground. They should put sewer lines in. They should put signs forbidding semi-trucks from going south. The dust situation comes from White Lake.

Amber Rieger, showed a petition that has been entered into the record. She said she used a community Facebook page for the petition. She said we have 100 comments on record that KP investments needs to look at. It's the entire community. She said she wanted to comment on the Special Use Permit Findings parts C and D for site suitability. It is not suitable because we have to move a mountain to fill in 65 foot ravine. That's 910,000 cubic yards of dirt. You are moving close to 1 million cubic square yards. It doesn't make sense. In the project proposal, it states no trees will be harmed. There are no trees, just sagebrush that will be demolished. It's old growth. It's important to hold groundwater. She read the Issuance Not Detrimental finding description – it is not in the character of the surrounding area, our community. It's detrimental to the people's way of life in the area. It's important to understand they have already purchased the land, there is the possibility to go through, but we want our concerns to be taken into consideration and the roads to be built. The ATV roads will be protected. It's a safety hazard to the children.

Steven Ficarrotta, Volunteer Court resident, lived there for 19 years. He said he lives on an acre and a half. He shared a picture of his view. He said it wouldn't be quiet anymore due to the trucks. He said there are stars at night. There is natural water flowing through his property and underneath the road. The portion of the culvert cannot handle more water. He said every 2-3 years, we have to backhoe to clear that ditch. The warehouse should not go through whatsoever. He said the wildlife would be destroyed forever. He said he has two rescue horses. This is a terrible idea. He said he didn't have any other place to put the horses.

Michael DeMartini (Zoom) said he is a civil engineer and expert in water and flooding. He said he had been involved with the division of water resources. He said he is not aware of any applications that have been made for the storage of water on this property. He said he is familiar with the White Lake. He said he was an expert witness regarding the suit against the City of Reno. He said he has monitored the water of White Lake and is familiar with how much water is generated by this project. My concern is with the water. He said he is in control of the waters of White Lake with a permit approved by the State engineer. He said he is concerned about how much water will come off this project and how it's handled. He said he estimated 2 million square feet of impervious area that would create around 4 million cubic feet of water that will run off into the White lake. It needs to be controlled in quality and quantity. He said he is willing to work with the developer to provide information to understand how they might mitigate the runoff. The impact is much more significant than what was estimated. Approximately 4-8 times larger. He extends his expertise to the developer and Board of Adjustment to understand the impacts.

DDA Large noted there were pictures submitted as part of the public comment that are being circulated to the Board and will be put into the public record for this item.

Chair Hill brought the discussion back to the board and asked if there were any questions for the staff and or applicant.

Chair Hill asked about the condition of approval for the proposed development for roadways that are currently not maintained by Washoe County. The conditions states, at the time of entitlement, the applicant would need to demonstrate that an appropriate right of way can be acquired if owned and maintained by the County. Mr. Krmpotic said we would build a road to county standards, dedicate it to the County and have it be maintained by the County. Mr. Krmpotic showed the roads mentioned by the public members. He said the emergency access is at the property line.

Chair Hill asked the question about services for 650 employees. Mr. Krmpotic said Bordertown is nearby, which has services. Secretary Lloyd noted what is being considered is the major grading request. We don't have a project in front of us. We need to focus the questions on the grading. Chair Hill said traffic is mentioned in the application.

Member Stanley said the roads are unmaintained. He asked if there were plans to improve the roads. Mr. Krmpotic said we just discussed it briefly; we could take a break to discuss improving those roads. We did talk about South Ave. to bring it up to fire access standard. It's gated fire access. He said he would put forth that condition.

Member Stanley asked about lighting. Mr. Krmpotic said it would be dark sky compliant. Secretary Lloyd said this would come at a later date with a project; we need to stay with the proposal. Mr. Krmpotic said he is volunteering the conditions they are willing to do.

Member Stanley asked about the trees and the dust. Mr. Krmpotic said they are planting 880 trees. Mr. Krmpotic said it would be a mix of code-sized trees. Evergreen and deciduous. He said we could design the seed mix. He said they go in after the grading is complete. They will have a standby water truck to stay ahead of dust control. They are on site after work hours. Member Stanley said the AQMD control vigilance over any dust event. He asked if the equipment would be there to address overnight dust. Mr. Krmpotic said it's proactive.

Member Stanley asked about the drainage ditch and water flow that was mentioned during the public comment by DeMartini. Mr. Krmpotic said we would meet with him. In his presentation, Mr. Krmpotic said he mentioned the ability to capture the water and detain it to reduce the volume going to the east. It's manageable. Member Stanley said the detention area is extensible. Mr. Krmpotic said our engineer sized it with conservative oversizing measure. If we needed more, we could do that. It's a safety factor built-in. Member Stanley thanked him for his transparency.

Member Christensen asked about the prevailing winds in the area. Mr. Krmpotic said they are west, northwesterly heading southeasterly or easterly. Member Christensen said the wind is coming towards the folks that live out there. Mr. Krmpotic said it's manageable. Member Christensen said everyone is watching the dust. Mr. Krmpotic said we will stay ahead of it with a water truck 24/7.

Member Thomas said this Board is here to discuss the grading; it's not here to discuss the employees, and services available. He said it's not in the purview to make those decisions, but from an ancillary point of view it is to get answers to the questions. You are willing to pave South Avenue and upgrade Village or Reno Park, leading to the industrial woods. Mr. Krmpotic said that did not come up. He said he understood South Avenue and Volunteer. Mr. Krmpotic brought up the map to show road improvements and the majority of the truck traffic. Village Parkway, Virginia street, will have 100% of the truck traffic. He showed South Avenue, Volunteer Court. Member Thomas asked about Reno Park Blvd. Mr. Krmpotic said that it will be built and dedicated. Member Thomas asked him to point out the retention ponds. Mr. Krmpotic showed the detention area with additional areas to increase if necessary. There are three detention basins on the other side. Member Thomas said all the trees would be a visual barrier to the community. Across the valley from Cold Springs, they would see a building, but over time, the visual impact would be reduced with the growth of the trees.

Member Pierce asked about the land buffer drainage PowerPoint slide. Someone mentioned a gate and firehouse. Mr. Krmpotic showed the firehouse. The road goes up through the south. He showed the gate at the property line. Member Pierce asked why they wouldn't want open access. Mr. Krmpotic said the fire access standard is for fire access only. Mr. Krmpotic noted Paul reminded him that volunteer firehouse is closed. Member Pierce said he noticed a big drain by White Lake. Mr. Krmpotic said the ponds will go above that. Member Pierce asked about access

to the public lands. Mr. Krmpotic said he spoke about that with Sophia from Parks and Recreation. There is a master plan; however, we have no control over crossing the tracks. If the County is ok, we will volunteer a condition to make it per the master plan but have no control over the tracks. Member Pierce asked he couldn't see how the health and safety of the residents aren't going to be detrimental. He asked Mr. Krmpotic to address that finding: Issuance not detrimental. Mr. Krmpotic said the conditions are the mitigations to ensure the health, safety, and welfare of the people who live in the east. We are improving fire access with the condition, the improvement of South Avenue. He said it doesn't exist today. There has been no opposition from the people on the other side by White Lake. Mr. Krmpotic said there are no CCRs and HOA standards to protect their views. He said they are following the planning standards on the building height and separation from building to building. It's a big separation. We are preserving their views. It's the best we can do. He said it's a football field-sized separation.

Member Stanley asked about setbacks and screening. Mr. Krmpotic said a 8 ft. wall was proposed on the site. The trees will screen the wall. The wall mitigates the security, noise, and dust issue. Member Stanley asked if the distance between the wall and the building would be space for parking; Mr. Krmpotic said yes, circulation. It's nonpermeable. There was no thought of pavers. He said there would be stormwater management with detention standards. Member Stanley asked if he could expand the retention if needed. Mr. Krmpotic confirmed.

Member Thomas said we are only here to discuss the grading. He said he agreed with Member Pierce and struggling with the finding: Issuance is not detrimental. He said he continues to break it down; he said he believes the applicant is making attempts to mitigate the community's concerns. There is progress everywhere we go, but it's important to address the detriments to the surrounding areas. Whether we look at Lemmon Valley, which used to be open space, South Meadows used to be open space. Stone Gate is slated to go in right next to you. This is a commercial piece of property. The grading is for commercial use. Improvements are coming to the area to help mitigate the community's concerns.

Member Stanley said progress happens. The willingness and design to address concerns are impressive. We are looking at grading permit only. The applicant doesn't drive the other components and concerns mentioned; the County drives them. If you have an issue, put in your two cents. This meets the codes, and they take it further to pave roads. They are willing to meet with DeMartini and are receptive to other concerns. He said a number of the concerns are being addressed.

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 WSUP22-0005 for KP Investments, 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:

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs 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.

Deputy District Attorney Large asked Member Stanley if his motion also included the conditions volunteered by Mr. Krmptic regarding the paving of South Avenue and Volunteer Avenue and the condition of a water truck to be on-site 24/7 to ensure dust is mitigated. Member Stanley replied yes. Member Thomas seconded the motion. The motion carried unanimously.

The Board took a brief recess.

C. Special Use Permit Case Number WSUP22-0006 (Reno Tahoe Business Gateway) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for major grading necessary to facilitate future development on the project site. The applicant is proposing excavation of 127,400 cubic yards of material, and 104,040 cubic yards of fill material with approximately 27 acres of disturbed area – most of which has already been previously disturbed. The applicant is also requesting to vary the standards of section 110.438.45(c) to allow finished grades to vary by more than ten (10) feet from the natural slope.

- Applicant: S3 Development Co.
- Property Owner: Riverview Estates Properties LLC.
- Location: 10355 Mogul Rd. Reno, NV 89523
- APN: 038-181-01 (1.865 acres)
038-172-14 (26.03 acres)
- Parcel Size: 27.98
- Master Plan: N/A
- Regulatory Zone: Industrial
- Area Plan: Verdi
- Development Code: Authorized in Article 820, Amendment of Master Plan and Article 821, Amendment of Regulatory Zone
- Commission District: 5 – Commissioner Herman
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- Email: cweiche@washoecounty.gov

Senior Planner Weiche provided a presentation.

Member Thomas said he doesn't have Exhibit E. Senior Planner Weiche said we would get that printed and distributed. Member Thomas noted he received emails from some individuals.

He said the Reno Planning Commission denied this application and appealed to the Reno City Council, where the denial was upheld. He asked if that action affected this Board, considering the Sphere of Influence was in effect. Do we need to consider that? Secretary Lloyd said originally, this property was in Washoe County; over the years, it was brought into the Reno Sphere of Influence, where applications for similar projects were brought forward to Reno. No, the City's determination has no barring. There is a different code of standards, list of findings that need to

be made. He said this Board needs to consider if the project satisfies the County's findings to approve the project? Member Thomas said the master plan had not been amended. He asked should we be taking this under our purview or wait until the master plan is approved? Secretary Lloyd responded, the long-standing practice of Washoe County, is that even if there was no zoning or master planning on a property, we cannot hold a property or project hostage. However, in this case there is existing zoning. We recognize the property is zoned industrial. There is no need to wait until the master plan is adopted. The City never annexed this property. It was in the Sphere of Influence. The zoning was industrial in the city and currently is industrially zoned with the County. The applicant has a right to request the special use permit. A master plan land use adoption will not hold up this request. DDA Large agreed. He said the current zoning is industrial zoning. The master plan amendment is currently out there and is going on. This is an SUP for grading. It will either be industrial or commercial, and grading will be allowed for either. Whether you can make the findings or not is at the discretion of the Board.

Stacie Huggins, for the applicant, provided a presentation.

Secretary Lloyd said in answer to Member Thomas' question about the neighborhood meeting notes; it's Exhibit C of the packet, not Exhibit E. It is there.

In response to Member Thomas' inquiry about condition 1a, Chair Hill said it's Condition 1b, after the Master Plan amendment. DDA Large noted its condition 1b. There has been a revision requesting the removal of the second sentence of Senior Planner Weiche's condition as presented. Senior Planner Weiche said she incorrectly referenced Condition 1a; it's 1b. The recommended revision is bolded on the slideshow. They are requesting the second sentence be stricken. Chair Hill asked if it's so imperative that you cannot wait a month. Mr. Gordon, the applicant representative, said we have waited for this master plan amendment since its approval in December. It's already been four months. The project is ready to move forward. The second sentence ties a future building permit to a master plan designation. The building permit is not relevant to the master plan designation we get. We are zoned industrial with a table of uses for industrial. Whether we are given an industrial or commercial master plan designation, it'll fall within the use table that we have to follow. He said they would have to go to County Commissioners, Regional Planning with a governing board; we are looking at November or December. We are waiting around while we already have a use table that dictates how it should be approved.

In response to Chair Hill's question of whether Senior Planner Wieche is supporting the amendment, DDA Large stated, staff is recommending the condition in the presentation – future building permits on the master plan amendment. Chair Hill asked the applicant if they were ok with staff's recommended revision. Mr. Gordon said no, we appreciate the staff's efforts, but we really need the second sentence removed. It doesn't matter what master plan designation is given. The table shows the allowed uses. To put a condition in here that would limit us another 7-8 months. We have financing and non-fundable deposits. We need to move forward with the building permits so long as it complies with the 20 years of industrial zoning. We ask that the second sentence is removed and we can move forward with grading only today. We cannot be stuck here for a master plan designation.

Member Thomas asked for clarification; the master plan, it'll only be industrial or commercial. He asked if it could become residential or anything else. Secretary Lloyd said it's difficult to speculate what it could be. Staff is recommending that the County initiate an amendment with an industrial land use consistent with the existing zoning. Potentially that could be denied, and the County Commission could instruct it go back to planning with another designation. It's not likely. The county commission could adopt any land use. Member Thomas said if we take it out and the master plan changes to something different, the applicant would not be bound by the condition if

we remove it. Secretary Lloyd said that is why we ask the condition remain. We don't want to establish a use being established that is not consistent with the ultimate land use on the property.

Member Stanley asked if it's traditional or an adjustment that the second line be deleted. That is a requested amendment; it's not standard. He asked if that was code or planning recommendation. Secretary Lloyd said it's a planning recommendation. Member Stanley said just for grading; we don't have to address the issue of the ruling of the master plan. Secretary Lloyd said the request for major grading is not subject to the master plan amendment. Member Stanley said the master plan does not govern this grading permit. Secretary Lloyd confirmed. That is correct.

Mr. Gordon said he had never seen a grading use permit like this. The second sentence is holding a building permit which is a separate process; it's tying it to a discretionary approval of a master plan amendment. This deviates from the norms. Let us work with staff on these issues. Tying the unique condition to grading permit is the problem we see.

Public Comment:

Paul MacNeilage, provided a PowerPoint, Mogul resident. In 2019, the Reno City Council denied it. The owner then is the owner now. The incompatibility and safety of truck traffic were the concerns. We weren't aware of SOI roll back to Washoe County. They refer to this as jurisdiction shopping. It didn't work in the City, so they took it to the County. In Fall 2021, the developers met with the community. The developer said they would share the recording with the community. We emailed them and asked for the recording. They couldn't find it. All the pledges were lost. There is the developer's representation in the letter. We don't have access to the recording. There is an NV State historical marker at the scenic overlook, which refers to traditional uses by the Washoe tribe. There are historical markers and petroglyphs on the boulders in the area. This sign has gone missing. He said he had a picture of it in 2021. It's a State historical marker. Please work for the community and protect the resources and safety of the community. Do what's best for everyone. Make sure traffic infrastructure is improved before development proceeds.

Emanuela Heller-MacNeilage provided a PowerPoint and said she cannot make finding A: Consistency. The proposed use is inconsistent with the master plan and Verdi area plan. The community development department met with the community that came up with vision to manage growth that respects the area's rural heritage by addressing the conservation of natural, scenic, and cultural resources. Coming from California on I-80 at the historical marker, you see Truckee Meadow and the national forest. It's undisturbed there at the development site. The historical marker is about the westward migration. The State Historical preservation office came to research artifacts from Washoe tribe and constructed a sign that described the occupation of the Washoe Indians. The sign was illegally removed. We have cultural resources in the records of the preservation society. Mogul is Verdi rural character plan. It's not industrial. Mogul has been 98% residential. This grading will bulldoze of the historical artifacts.

Tom Potts, 35 year Mogul resident, said he is concerned about railroad. He said he worked for the railroad and was concerned about the dangers of being so close to the railroad. This is the Union Pacific's mainline; they are very long trains. It's 12,000 horsepower. He said there are 20 seconds from when the gates closes and the trains go by. It will be dangerous for trucks and trailers. It would take the train ½ mile to come to a stop. It's a dangerous stop. When this was originally set up for industrial, we didn't have Sommerset yet. What's going to happen with all the traffic and trucks. Why do we need the noise and confusion for 12 hours of the day. It's rough on us. We enjoy that beautiful spot and take walks. We won't be able to do that with all the truck traffic.

Matthew Potts, Mogul resident, said we've been fighting this for years. Reno decided this was not a good idea. Hillary Schieve said it wasn't appropriate. He said he is a motorcycle safety instructor. The on-ramps are very short. A lot of fatal crashes are due to speeds in vehicles. He advised the board members to drive the on/off ramps. He said he couldn't imagine what it's like for a truck to get up to speed on those ramps. You have an opportunity to make a good, safe decision. We need to find a good use for this. Heavy truck traffic is not beneficial. It's dangerous with the trains. There is a high potential for injuries. We like to walk as a community. He said his daughter likes to watch the train go by. There are fishermen and people floating the river. It's a nice recreation area. We are proud of our area.

Barbara Fenne, speaking on finding D: Detrimental. The Mogul residents think it will be detrimental in many ways. We appreciate being informed of what is going on. Things have changed on the plan that we are finding out about. If we could be notified in a timely manner that something important is happening. She said she understood there was a 10-day notification. The developer paid for studies done in the area, but it excluded any ideas or anything related to the neighborhood. The noise study was done when it was quiet on I-80. She said grading is going on. She said she had been to the scenic overlook, and the roads were leveled out. Soil is being moved. They have machinery down there. She showed a map on the overhead. She said the area had been flattened. It's not in public view. There is huge piles of dirt and rubble that is very fresh.

Rachel Solomon (Zoom), Mogul resident, 5th house up from Highway 80. She said she didn't want the development to go in. She said she has two boys in elementary school who ride their bikes to their friend's house. It's a safe underpass right now, but she won't be able to let her son ride her bike with all the truck traffic. She moved here from San Diego for the lure of the community. My kids can ride their bikes unattended. It's a safe place to do that. She said she would like to preserve that. Don't let the corporation run over our community interests.

Lori Leonard (Zoom), a 10-year Mogul resident, said we live across the railroad tracks and understand the danger of this facility. This proposal has come up with the City of Reno and was denied due to concerns. The primary concern is the road infrastructure and safety concerns related to increased traffic near the highway, railroad tracks, and river. Mogul is a residential area. It's not safe to have truck traffic come through residential. They would come through the five-way stop towards railroad tracks. There are going to be additional people coming to this area. We know that trains can come from either direction. There are two sets of tracks. You cannot see if a vehicle is coming from the other side. It's dangerous. We have had accidents in that intersection. It's irresponsible to decide whether development can go in this location. Our community needs ways to connect to open space. Instead of a gateway to industry, it's a gateway to our forest. Please come visit.

Caryn Neidhold (Zoom) said she has issues with finding D. It is detrimental to the area, Mogul neighborhood, and homes adjacent to the project site. She said she wanted to emphasize that the trucks going through the intersection would endanger our residents. It's the only way to get to the site. The builder wants to remove the sentence because the pre-1993 zoning actually doesn't make sense. A lot has changed since then. You cannot change the bridge; there isn't enough room for trucks and pedestrians. We need a thorough traffic study. Traffic changes with the weather as well. Trucks can't get up to speed on I-80. Kids use the underpass to walk to buses. There are too many factors to have trucks coming through for grading on the site. We will have problems with traffic on the underpass. Please come and see and watch. It's a frustrating thing. Residents are frustrated the developer is changing their tune. We have had discussions, and the important points get forgotten. SUP finding D is detrimental to the area.

Member Stanley thanked the planner for reaching out to the agencies. He asked about the historical markers. Senior Planner Weiche noted Ms. Kirschenman, Park Planner, provided

conditions of approval in Exhibit A. She read the condition. In the agency's comments, she said Sophia included an attachment as part of her comments. It's part of the conditions. The condition is intended to protect and prevent impacts on that location and historical marker. Member Stanley said this is for grading, and it's located where the grading is to occur. DDA Large noted they have to meet the conditions of approval that are listed in the packet.

Chair Hill said the homeowners are passionate about the environment and neighborhood. She said she is having difficulty seeing this as a suitable location with the river, park, cultural resources, and the Verdi area plan. Hard to see it consistent with the master plan and Verdi Area Plan. It's hard to make the finding: Consistency.

Member Pierce said he has difficulty making the findings: Consistency; Improvements and, Issuance Not Detrimental. He said he was struggling with the other findings. He would have a tendency to deny the application.

Chair Hill added, detrimental to the surrounding area.

Member Stanley said he is having a hard time understanding the finding: Issuance Not Detrimental – he said he cannot understand the preservation of the landscape, historical, and cultural features with the grading. He said he understands the legal mechanics of the issues and the order in which they are issued. He said he could not make the finding: Issuance Not Detrimental.

Member Christensen said he is stricken with the fact it has been zoned industrial. The folks who moved into the Mogul area should have known this is an industrial or commercial designation by Master Plan. He said he has a hard time with sympathy. The landowner has the right to use this property for industrial or commercial purposes. He said he is sympathetic to landowners but also the property owner. He said he is torn. The narrow purposes for this application, he said, he tends to approve it. We aren't setting a precedent by allowing grading on a commercially zoned property. He is ok with going through with this. It's a long-standing history of commercial zoning, but it's not without consideration. It's what is right and what is fair. He said he disagrees with his colleagues.

Member Thomas said he heard both sides. This is a difficult application for various reasons due to its unique location. City of Reno denied it. Now, they are submitting it to us. We are an independent Board but wonder why they denied it, and nothing has changed. The Mogul's residents' favorite sign out there is 'no service,' but it cannot be that way forever. Sommerset and Verdi are growing. We addressed the issue of the railroad. This is on the northside of the tracks. Not everyone has to cross the tracks. It's next to the storage facility. He said he is not comfortable with approving this project. He said finding: Issuance Not Detrimental cannot be made. More research, clarification has to be done. He said he is concerned with the exit at Highway 80. There is not enough evidence to support this moving forward.

Member Stanley asked about a continuance. Secretary Lloyd said statutorily, due to constraints, it would require the applicant's consent to agree to a continuance.

Member Pierce said earlier the applicant requested the master plan wording be removed. Parks and Open Space specifically talked about the master plan. With everything being said, Member Pierce was ready to make a motion.

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 Special Use Permit Case Number WSUP22-0006 for Riverview Estates Properties LLC, with the conditions included as Exhibit A to

this matter, not having made all five findings in accordance with Washoe County Code Section 110.810.30: Specifically, Consistency, Improvement and Issuance not detrimental.

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi 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 mix of industrial type uses, 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.

Chair Hill seconded the motion. The motion carried unanimously.

Secretary Lloyd recited the appeal procedure.

9. Chair and Board Items

- A. Future Agenda Items - None
- B. Requests for Information from Staff - None

10. Director's and Legal Counsel's Items

- A. Report on Previous Board of Adjustment Items -

Secretary Lloyd noted on March 22, 2022, the Board of County Commissioners heard the appeal for Resort at Tahoe project, and they upheld the Board of Adjustment's decision. It was requesting grading similar to this applicant.

- B. Legal Information and Updates - None

11. Public Comment

Emanuela Heller-Macneilage thanked the Board and staff for the report. There are a few things that weren't in the report. These two lots have been zoned industrial for 40 years, but the City did a land use overlay of commercial use over it. With the context of the Reimagine Reno Master Plan, industrial use might have been too much. She said she would like that included in the next report and part of the record. The applicant is not the owner. The owner is Riverview Estate which bought this for \$1.2 million. The applicant is not the current owner; he is a potential buyer for \$5 million, four times the original purchase price. It's a lot of money. When you feel bad for the owner, they have had it for 14 years. She said she would feel bad for the homes and people who live there. Member Pierce advised her to follow the process as it may be appealed.

12. Adjournment

The meeting adjourned at 5:54 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on May 5, 2022



Roger Pelham, Senior Planner