



WASHOE COUNTY BOARD OF ADJUSTMENT **DRAFT** Meeting Minutes

Board of Adjustment Members

Rob Pierce, Chair
Don Christensen, Vice Chair
Kathie Julian
Peter Ghishan

Thursday, October 26, 2023, 2023

8:00 a.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 Pierce called the meeting to order at 8:00 a.m. The following members and staff were present:

Members Present: Rob Pierce, Chair
Don Christensen, Vice-Chair
Kathie Julian (Zoom)
Peter Ghishan

Members Absent: None

Staff Present: Chris Bronczyk, Planner, Planning and Building Division
Katy Stark, Planner, Planning and Building Division
Elizabeth Hickman, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Vice Chair Christensen led the pledge of allegiance.

3. Ethics Law Announcement and Instructions for Providing Public Comment via Zoom/Telephone

Deputy District Attorney Elizabeth Hickman recited the Ethics Law standards and the instructions for providing public comment via Zoom/telephone.

4. Appeal Procedure

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

5. Public Comment

There was no response to the call for public comment.

6. Approval of the October 26, 2023 Agenda

Member Ghishan moved to approve the agenda of October 26, 2023. Member Julian seconded

the motion, which carried unanimously.

7. Approval of the September 7, 2023 Draft Minutes

Member Ghishan moved to approve the minutes of September 7, 2023 as written. Member Julian seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Amendment of Conditions Case Number WAC23-0011 (Ophir Hill) for WSUP22-0027 (Ophir Hill) – For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0027 (Ophir Hill). The amendment is related to landscaping.

- Applicant / Property Owner: Burdick Excavating Co. Inc
- Location: 632 Old US 395
- APN: 046-032-02; 046-032-04; 046-032-05
- Parcel Size: 5.29 ac; 2.48 ac; 3.58 ac
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Clark
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building

- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Senior Planner Chris Bronczyk conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Background; Site Plan; Evaluation of Amendment of Conditions (6 slides); Status; Noticing; Reviewing Agencies & Findings; and Possible Motion for Amendment of Conditions.

Mr. Bronczyk noted that, in addition to the conditions listed in the presentation, the Board should also consider approving the amendment of a Board of Adjustment condition. He said the landscape plan submitted in September showed landscaping on all sides of the subject parcels. Eight additional trees would be planted along the street frontage as part of this amendment; this would still meet code requirements for residential use types. He indicated the original approval of this item in July 2023 was based on a site plan from September 2022 because the revised plan was accidentally omitted by staff.

Mr. Bronczyk explained the 1.h. amendment was included because the Planning Department did not accept bonds, only financial assurances. Additionally, the clean-up of 1.g. and 3.h. would entail the applicant submitting an estimate, a design, and a draft financial assurance within 90 days of approval; they already completed that within 68 days. The second part would require them to submit a final financial assurance – a certificate of deposit – within 120 days of approval, or November 3, 2023. He indicated staff has already received that assurance. Mr. Bronczyk stated the building permit for Phase 1 was on hold pending approval of the amendment of conditions.

John Krmptotic, representing the applicant, conducted a PowerPoint presentation and reviewed slides with the following titles: Basis of the Condition Amendment (2 slides); Existing Trees to Remain...; Basis of the Condition Amendment; map; Basis of the Condition Amendment; Proposed Plan for this Condition Amendment App; and photos (5 slides).

Mr. Krmpotic described having landscape screening between the 2.5-acre lots to the north as unprecedented. He said the mature trees along the north and south provided significant buffer and value to the built environment.

Member Ghishan asked whether the original landscaping plan intended to have such intense tree treatment, or whether that was a mistake. Mr. Krmpotic believed it was a mistake as the landscape architect did not know about the mature trees already on the site which exceeded any element of code.

There was no response to the call for public comment.

Vice Chair Christensen noted this amendment had been extended many times and he had voted against it the last time, but the project needed to reach completion. He felt the financial assurances provided incentive to get it done.

Member Ghishan moved that Amendment of Conditions Case Number WAC23-0011 be approved in order to amend conditions of Special Use Permit Case Number WSUP22-0027 (Ophir Hill) for Burdick Excavating, 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. Vice Chair Christensen seconded the motion, which carried unanimously.

B. Special Use Permit Case Number WSUP23-0013 (25 Arabian Way) – For hearing, discussion, and possible action to approve a special use permit for unpermitted major grading. The unpermitted grading consists of approximately 18,000 cy of cut, 18,000 cy of fill. The cut and fill encompass an area of 4.77 acres; however, the entire site has been cleared of vegetation. The overall disturbance is 25.6 acres. The submittal includes two (2) grading proposals, one which includes 5,000 cy of import over an area of 1.2 acres to remediate the unpermitted grading; the other includes 8,000 cy of import over 1.38 acres.

- Applicant / Property Owner: Mark and Michelle Williams
- Location: 25 Arabian Way
- APN: 078-142-22; 078-400-01; 078-142-16; 078-142-15
- Parcel Size: 24.18 acres; 0.4 acres; 0.3 acres; 1.30 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: Low Density Rural (LDR)
- Area Plan: North Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Senior Planner Chris Bronczyk conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Request (2 slides); Current Conditions; Grading Proposal #1; Grading Proposal #2; Revegetation; and Possible Motion.

Mr. Bronczyk emphasized that staff and the applicant's engineers worked together to remedy the unpermitted grading and conform the project to code. The applicant was asked to submit a project as if the parcel had had no grading on it, one that would meet all code requirements without modifying any standards. Both grading proposals were intended to reach that goal, though staff preferred one over the other.

Regarding proposal 1, the rockery walls did not meet current codes according to the Engineering department. The second proposal, Mr. Bronczyk continued, would see a reduction of the existing cut from 19 foot 6 inches to less than 10 feet, which would be in compliance with code. Staff recommended approval with conditions, and he explained why the proposed motion included both a denial and an approval.

Nathan Robison, representative for the applicant, thanked the Board for hearing the item, staff for working with them on the project, and the property owner. He invited any questions.

Member Ghishan asked for some history of the unpermitted grading. Mr. Robison explained there was frustration with an original building permit in 2019, and since then the applicant fired their original engineers and hired his firm. During this time, the applicant lived in a fifth-wheel on another property, to accelerate the project so they could live on their property sooner, and since Washoe County had not issued a written stop-work order, they began earth work. He noted they quit work immediately when the County made them aware, though he acknowledged the work would be difficult to clean up. He thought the solution recommended by staff was the best one and confirmed the applicant was fine with denial of proposal 1.

There was no response to the call for public comment.

Member Julian said Mr. Bronczyk had previously answered her questions and she was comfortable approving the item as long as proposal 1 was denied.

Member Julian moved that grading proposal #1 for Special Use Permit Case Number WSUP23-0013 for Mark and Michelle Williams be denied and grading proposal #2 be approved, 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: consistency, improvements, site suitability, issuance not detrimental, and effect on a military installation and the North Valleys Area Plan Policy NV.12.3. Member Ghishan seconded the motion, which carried unanimously.

C. Special Use Permit Case Number WSUP23-0024 (Mt. Rose – Ski Tahoe Tubing Hill) –

For hearing, discussion, and possible action to approve a special use permit for a tubing hill with up to 15 lanes and a conveyor belt for transporting tubers up the hill. The request constitutes an expansion to an existing Destination Resort. The grading proposal includes 33,000 cubic yards of cut, 9.27+/- acres of disturbance, and 8,000 cubic yards of fill. The applicant is also requesting to vary grading standards as part of the application, specifically 110.438.45(c) to allow for finish grading to vary from natural slope by more than 10 feet and 110.438.50(a) to allow for rip rap. Additional standards to be varied are Section 110.410.25(c) & (g) to remove the requirement for wheel stops and parking area lighting, as well as Section 110.412.50(a) & (f) to remove the requirement for one tree for every 10 parking spaces and the placement of a tree no further than 12 parking spaces apart within a parking area. This applicant is also requesting to vary standards in Section 110.204.05(d)(1) to remove the requirement for parking courts (50 parking spaces or less, separated by landscaped areas).

- Applicant / Property Owner: Mt. Rose Development Company
- Location: 0 Mt. Rose Highway, Reno, NV 89511
- APN: 048-112-12 & 048-112-13
- Parcel Size: 340.93 acres & 41.42 acres
- Master Plan: Rural & Commercial
- Regulatory Zone: Tourist Commercial (TC) & Parks and Recreation (PR)
- Area Plan: Forest
- Development Code: Authorized in Article 810, Special Use Permits

- Commission District: 2 – Commissioner Clark
- Staff: Kay Stark, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3618
- Email: krstark@washoecounty.gov

Planner Katy Stark conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Site Plan (2 slides); Project Site; Project Evaluation – Major Grading (2 slides); Preliminary Grading Plan; Major Grading; Project Evaluation – Major Grading; Grading – Request to Vary Standards (2 slides); Request to Vary Standards (3 slides); History & Background; Tubing Hill Project; Tubing Hill Layout; Master Plans & Regulatory Zones; Mount Rose Resort Services Area; Tubing Hill Signage (2 slides); Lighting & Parking; Access & Traffic; Landscape & Revegetation (2 slides); Forest Area Plan Evaluation (6 slides); Neighborhood Meeting; Conditions of Approval; Agency Review; Public Notice; Findings; Recommendation; and Possible Motion.

Regarding the applicant's request to allow construction activities between 7:00 a.m. and 7:00 p.m. every day, Ms. Stark noted the subject parcel was in a remote area without nearby neighbors. Because of that, staff supported that request. She added that, should this item be approved, the amended conditions should be included in the motion.

Member Ghishan asked whether there was a requirement to plant trees because the proposal would remove trees. Ms. Stark said the applicant was choosing to add 122 trees around the perimeter of the parcel. Secretary Trevor Lloyd added there were code requirements for a certain number of trees based on parking requirements, but he believed in this case the removal of existing trees could be used to accommodate the requirement for the total number of trees. The planting of 122 trees was being offered by the appellant.

Member Ghishan inquired whether there would be access between the tubing and skiing areas. Ms. Stark said guests would be able to access each through the Mount Rose property, and the warming hut would serve both areas. She confirmed Member Ghishan's supposition that access to the tubing area already existed. In response to a follow-up question, she noted the Nevada Department of Transportation (NDOT) provided some conditions, which were included in the conditions of approval.

Member Julian asked whether the parking lot would be visible from Highway 431 through the trees. Ms. Stark responded that would be addressed in the applicant's presentation. Member Julian further asked whether the area was currently being used informally by the public. Ms. Stark said she was not aware of that, though the applicant might know more.

Greg Gavrilets, General Manager of Mt. Rose – Ski Tahoe, conducted a PowerPoint presentation and reviewed slides with the following titles: Tubing Overview; Example Tubing Hills (3 slides); Tubing Operation; Proposed Tubing Location; Site Landscape Plan; and Tubing Facility Overview.

Mr. Gavrilets explained the proposal involved construction of concave lanes to create a controlled environment. In response to Member Julian's prior query, he indicated parts of sleds were typically found on the mountain during cleanups of the area. Through this project, they hoped to deflect some pressure off the meadows and provide a safer environment for people to enjoy snow. He felt tubing was a cheaper way for entire families to enjoy winter sports.

Mr. Gavrillets mentioned the tubing area was designed for families, so it would only be open on weekends, except perhaps during the week of Christmas. He hoped the proximity of the tubing hill to the ski area would encourage people to eventually explore skiing; this was one reason why the warming hut and the hill would be placed adjacent to the north rim ski run. It would also alleviate congestion at Mt. Rose's dining facilities during peak times. He remarked grading would be used to form the hill and a flat run-out.

Planning Manager for Ski Tahoe, David Snelgrove concluded the PowerPoint presentation by reviewing slides with the following titles: Master Plan & Zoning Maps; Mount Rose Resort Service Area (MRRSA); Site Access; Site Landscape Plan; Proposed Signage; Site Photos; Site Photos – Visual Screening From Highway (2 slides); and Anticipated Next Steps.

Mr. Snelgrove indicated projects in this terrain and elevation involved different requests than those in more suburban environments. He noted the site access, which already existed, was originally designed to handle residential uses, and since it was meant to accommodate more than 400 residential units, the access was probably over-designed for the traffic likely generated by the tubing hill. He believed the warming hut would provide a less-crowded alternative for skiers who wanted to use the restroom or buy a drink. The property would have a different branding than the Mt. Rose ski area even though it would be located on the Mt. Rose property. The current slope of the tubing area would need to be re-graded to obtain a steeper slope.

Mr. Snelgrove stated most of the trees located along the highway and the right-of-way, as well as those 100 feet beyond that, would be retained, though some trees closer to the grading area might require removal. He spoke about a requirement of at least 50 percent screening, adding the existing vegetation would provide well more than that. He said the Truckee Meadows Fire Protection District and the Forest Service had cleared some nearby trees for fire safety and to remove trees killed by bark beetles. The allowance of a seven-day-a-week work schedule would build in some flexibility if there was a particularly heavy winter season. He added the application involved variances of some typical standards, many of which were requested to accommodate snow clearing.

Member Julian wondered whether skiers would be able to use the tubing hill parking lot for to access the ski lift near the bottom of that hill. Mr. Snelgrove felt that would be inconvenient, though parking at the northeast corner of that lot might make more sense.

Member Ghishan asked whether the Board should consider the separate branding of this attraction when considering the exception needed for the signage along the 2.5 miles of frontage. Mr. Lloyd replied this was a separate project from the Mt. Rose ski resort, and because this project was specifically for the tubing hill, they would be entitled to one off-street sign. Mr. Snelgrove clarified the code specified one sign per project; in addition, this project was located on a different parcel.

There was no request to the call for public comment.

Vice Chair Christensen commented on the thoroughness of the presentation and the impact of the project. He apologized to the applicant for causing the prior Board of Adjustment meeting to lack quorum. Citing traffic hazards caused by skiers who parked along the highway to ski off-road, he said he looked for ways to dislike this project but could find none. He praised staff and the project engineers and said he endorsed the project with the proposed amendments.

Member Julian expressed support for the project, hoping it would mitigate traffic in the meadows. Bringing up parking concerns in Incline Village, she hoped the Mt. Rose Ski

Corporation could work with Washoe County to develop parking at Mt. Rose to possibly shuttle visitors to the Tahoe basin.

Member Ghishan said he was a skier, and he supported the project. Chair Pierce added his support, opining this would be a good addition to the area.

Member Julian moved that Special Use Permit Case Number WSUP23-0024 for Mt. Rose Development Company be approved, including expansion of the existing Destination Resort, major grading, finished grading that varies from the natural slope by more than 10 feet, the use of rip rap in the location specified in this report, the removal of the requirement for wheel stops and curbing in the parking area, the removal of the requirement for parking area lighting, the removal of the requirement for one tree every 10 parking spaces, the removal of the requirement for the placement of a tree no further than 12 parking spaces apart within the parking area, and the removal of the requirement for parking courts (50 parking spaces or less, separated by landscaped areas), with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and Forest Area Plan Policy F.12.3. Vice Chair Christensen seconded the motion, which carried unanimously.

9. Chair and Board Items

A. Future Agenda Items

There were no future agenda items.

B. Requests for Information from Staff

There were no requests.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

Secretary Trevor Lloyd indicated the Safe Embrace facility denied by the Board would be heard on appeal at the November 28, 2023 Board of County Commissioners meeting.

B. Legal Information and Updates

There were no updates.

11. Public Comment

There was no response to the call for public comment.

12. Adjournment

The meeting adjourned at 9:22 a.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on December 7, 2023

Trevor Lloyd
Secretary of the Board of Adjustment