



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Rob Pierce, Chair  
Don Christensen, Vice Chair  
Kathie Julian  
Peter Ghishan  
Leo A. Horishny

Thursday, January 4, 2024

1:30 p.m.

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

## Secretary

Trevor Lloyd

and available via  
Zoom Webinar

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### 1. Determination of Quorum

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

Members Present: Rob Pierce, Chair  
Kathie Julian  
Peter Ghishan  
Leo A. Horishny

Members Absent: Don Christensen, Vice Chair

Staff Present: Katy Stark, Planner, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Tim Evans, 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

Member Ghishan 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.

### 4. Appeal Procedure

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

## 5. Public Comment

There was no response to the request for public comment.

## 6. Approval of the January 4, 2024 Agenda

In accordance with the Open Meeting Law, Member Ghishan moved to approve the agenda of January 4, 2024. Chair Pierce seconded the motion, which carried on a vote of 4 to 0 with Vice Chair Christensen absent.

## 7. Approval of the December 7, 2023 Draft Minutes

Member Horishny moved to approve the minutes of December 7, 2023 as written. Member Julian seconded the motion, which carried on a vote of 4 to 0 with Vice Chair Christensen absent.

## 8. Public Hearing Items

**A. Amendment of Conditions Case Number WAC23-0015 (Sparks Mustang) for WSUP21-0026** – For hearing, discussion, and possible action to approve an amendment of conditions to amend condition 1(c) for Special Use Permit Case Number WSUP21-0026, in order to extend the expiration date of the special use permit for an additional two (2) years.

- Applicant: Industrial Realty Group
- Property Owner: Sparks Mustang, LLC
- Location: North of Interstate 80, along the frontage road at Exit 23 in Mustang
- APN: 084-090-49
- Parcel Size: 36.57 acres
- Master Plan: Industrial
- Regulatory Zone: Industrial (I)
- Area Plan: Truckee Canyon
- Development Code: Authorized in Article 438, Grading Standards and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Andriola
- Staff: Katy Stark, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3618
- E-mail: krstark@washoecounty.gov

Planner Katy Stark conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Site Plan; Background; Request for Extension of Time; Condition 1(c); Agency Review; Public Notice; Findings; Recommendation; and Possible Motion.

There was no response to the call for public comment.

Member Horishny said he had visited the site and asked for clarification about how much further north the grading was being considered, as well as the location for which the grading variation requests were made. Ms. Stark replied she did not know exactly how much further was being considered beyond what was already at the site. The site had already been 85 percent disturbed before the special use permit (SUP) was sought. The applicant, she continued, wanted to put in a large warehouse, parking, and storage.

Member Horishny indicated the area was flat until a hillside with a steep cut, and he wondered whether the truck parking proposal would cut further into that hillside. Ms. Stark was unsure, but this item did not contemplate the conditions of the original SUP, only the time extension request.

Member Horishny asked why the project could not be completed within two years. Ms. Stark relayed the applicant's response that they needed to review site development options. She had reviewed the building permit in October in which the applicant had tried to meet the conditions implemented in the original SUP, but they were unable to meet some of the slope requirements.

Member Ghishan moved that Case Number WAC23-0015 for Industrial Realty Group for Sparks Mustang, LLC 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. Member Julian seconded the motion, which carried on a vote of 4 to 0 with Vice Chair Christensen absent.

**B. Administrative Permit Case Number WADMIN23-0017 (Lipscomb Garage) –** For hearing, discussion, and possible action to approve an administrative permit for a 4,000 square foot detached accessory structure (garage) that is larger than the residence on the same parcel of land. The residence on the parcel is 2,870 square feet.

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|---------------------------|--|
| Applicant/Property Owner: | Aaron Lipscomb   |
| Location:                 | 195 E Sky Ranch Blvd, Sparks NV 89436  |
| APN:                      | 534-113-02   |
| Parcel Size:              | 1.002 acres  |
| Master Plan:              | Suburban Residential   |
| Regulatory Zone:          | Low Density Suburban (LDS)   |
| Area Plan:                | Spanish Springs  |
| Development Code:         | Authorized in Article 808, Administrative Permits  |
| Commission District:      | 4 – Commissioner Andriola  |
| Staff:                    | Tim Evans, Planner<br>Washoe County Community Services Department<br>Planning and Building |
| Phone:                    | 775.328.2314   |
| E-mail:                   | tevens@washoecounty.gov  |

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: 195 E Sky Ranch Blvd; Vicinity Map; Request; Site Plan; Front and Rear Elevations; Side Elevations; Evaluation; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

There was no response to the call for public comment.

Member Julian asked whether any community comments were received, to which Mr. Evans responded there were none.

Member Julian moved that Administrative Permit Case Number WADMIN23-0017 for Aaron Lipscomb be approved with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25: Consistency, Improvements, Site Suitability, Issuance Not Detrimental, and Effect on a Military Installation. Member Horishny seconded the motion, which carried on a vote of 4 to 0 with Vice Chair Christensen absent.

**C. Special Use Permit Case Number WSUP23-0035 (Cobble Hill Grading)** – For hearing, discussion, and possible action to approve a special use permit for major grading resulting in a disturbance of up to ±1.02 acres of the site for temporary material processing.

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|---------------------------|--|
| Applicant/Property Owner: | 8900 Lakeside LLC  |
| Location:                 | 8900 Lakeside Drive  |
| APN:                      | 041-130-58   |
| Parcel Size:              | 72.8 acres   |
| Master Plan:              | Rural (R) and Rural Residential (RR)   |
| Regulatory Zone:          | 16% Medium Density Rural (MDR), 78% High Density Rural (HDR) & 6% General Rural (GR)           |
| Area Plan:                | Southwest Truckee Meadows  |
| Development Code:         | Authorized in Article 438, Grading Standards and Article 810, Special Use Permits              |
| Commission District:      | 2 – Commissioner Clark   |
| Staff:                    | Julee Olander, Planner<br>Washoe County Community Services Department<br>Planning and Building |
| Phone:                    | 775.328.3627   |
| E-mail:                   | jolander@washoecounty.gov  |

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; map; Background; Evaluation; Cobble Hill Custom Lot Subdivision; site plan; Processing Machinery; decibel map; Amended Condition; Neighborhood Meeting; Noticing; Findings; and Possible Motion.

Ms. Olander indicated the material processed on the property would be used in the development of the subdivision; once completed, the onsite material processor would be removed. She noted the decibel map was provided by the applicant.

Dave Snelgrove with CFA Bowman conducted a PowerPoint presentation and reviewed slides with the following titles: Property Location; Request; Approved Grading; Overall Site Exhibit; Project Grading-Site Plan; Project Site Plan; Noise Modeling Report; Example Noise Barrier; Anticipated Equipment; Material Processing (2 slides); Summary; and Site Design History.

Mr. Snelgrove remarked that traffic was a concern during the tentative map application process, and a different site was originally considered for the material processing. No application was ever submitted because the applicants needed to better understand the noise information. He believed noise levels would be below the County threshold even without the sound barrier, though that was included in this proposal. He pointed out large, noisy equipment was already approved for the site which was closer to neighboring residences than the processor would be. He indicated doing all the material processing on one lot would help assure that all the grading for any future custom home development would already be done on that lot.

Analyzing noise, Mr. Snelgrove continued, was what Behrens and Associates, the company who prepared the noise modeling report, did. He said a well drilling project occurring near Pyramid Highway, which would produce similar noise levels to this project, was much closer to homes than in this proposal. He explained the decibel levels generated from the machine were the reported levels from three to five feet from the machine, but County thresholds were measured at property lines. He added that noise levels were not cumulative.

Mr. Snelgrove noted that, not only would this proposal cut down on the number of truck trips generated, it would also prevent wear and tear on the roads. He stated the equipment would be equipped with spray bars to help control dust. Regarding wells, he said most large homes produced under the maximum allotment of two acre feet of water.

On the call for public comment, Mr. Art O'Connor said he was a registered civil engineer. He noted the parcel was surrounded by residential properties, yet the process was an industrial one. Though the applicant said the intent of the project was to make gravel, the proposed crusher did not make gravel and another piece of equipment would be needed to make gravel for road base. Running both machines, he remarked, would increase the noise beyond the County's limit. He contested the project would only result in 88 truck trips, not 1,800, and he asked the Board to deny the request.

Mr. Pete Digrazia was called but was not present to speak.

Mr. Rich Lorson said he participated in two onsite meetings in 2023 where some of the water issues were discussed. He provided statistics about the size of the crusher and how much rock it could crush per day. He believed the proposed machine was chosen for cost purposes and not to reduce truck traffic. The cubic yardage of material was never given in the planner's report, which he said would be necessary to determine how long the machine would run and how loud it would be. He displayed an image showing that the decibel levels were recorded when the machine was not actively crushing rock, so the modeling data used in the survey were wrong.

Ms. Rhonda Shafer mentioned two other speakers wanting to speak in opposition to the project who they were unable to attend this meeting. She thought it was inappropriate to put a rock-crushing machine in a residential neighborhood for 180 days, citing issues such as noise, dust, and a reduction of air quality as concerns. She wondered whether the business purchased an expensive machine without the necessary approval and spoke about a different project where she felt the contractor was sensitive to the needs of the neighbors. She wanted the County to comply with Code requirements to protect residents.

Ms. Joanne Zuppan indicated she lived one building away from the subject parcel. She brought up a neighborhood meeting she attended at which she and other neighbors opposed the proposal. Residents did not agree with the duration of the rock crushing project, and she expressed concern about inconsistencies in the noise control report. She believed the issuance of a permit would be detrimental to public health, and a residential neighborhood should not be a location for an industrial site. She asked the Board to deny the application.

Mr. Patrick Douglas was called but was not present to speak.

Ms. Jo Vanderbeek commented she lived two houses from the subject parcel, and she felt a loud industrial plant belonged at an industrial site. She said the applicant tried to do something similar on another property but abandoned the idea, and this project should not have been conditionally approved. She pointed out discrepancies in the report concerning the length of time the crusher would be used, and residents were originally guaranteed there would be consequences if the machine were used longer than three months. She noted residents did not approve the working hours at the neighborhood meeting she attended, and she did not believe the sound walls would help the neighborhood. Dust control would also be a major issue.

Ms. Jill Brandin stated there was no mention of turning the site into a rock crushing site when the development was initially approved. She believed a residential neighborhood was not appropriate for a rock crushing plant. Issuance of the permit, she went on, would be detrimental to public welfare and injurious to the properties of adjacent owners. She did not believe dust and noise could be sufficiently mitigated, and she raised concerns about flaws in the noise study and

changes to the expected hours of operation. She did not think the combined decibel level of all the industrial activity would comply with health and safety codes. The noise barrier would not be tall enough, and it was open to the north where there was a concentration of homes. She asked the Board to deny the special use permit (SUP).

Member Julian asked for clarification about some of the public commenters' statements that the noise study only provided decibel levels for when the machines were on, not when they were actively processing materials.

Via Zoom, applicant Roger Davidson said the machine would be leased by the sitework contractor and used on the site. They were told it was the largest machine that A & K Earth Movers routinely used, and that company further provided the decibel levels of the machine in operation, which included the process of striking the conveyance. He thought neither the manufacturer or A & K were experts on the additional noise that would be generated when rock was added.

In addition to the structural material that would be made, Mr. Davidson noted they would also make significant amounts of riprap and other materials for ditches and drainageways. A & K calculated the amount of tonnage each truck could handle and how many truckloads would be needed; the figures were not manufactured, they were calculated. In response to criticism that the machine was industrial, he pointed out all the equipment onsite was industrial, and some of the existing machinery was as loud as the rock crusher would be. He said he had asked Behrens & Associates how they could better insulate neighbors from noise, and they suggested the screening in the proposal. Each piece of equipment would have copious water applied to it when it was turned on, and great lengths were taken to control dust, including ceasing operation when it was windy.

Mr. Davidson indicated all material generated from the rock crushing process would be recycled back onto the site. Exporting and importing other material would have a huge impact on roads and traffic. He acknowledged that the work done on the site would be noisy and intrusive, but they tried to be respectful of the neighbors. He praised A & K for their professionalism and indicated the applicants worked with every part of their organization to create things that would be a credit to the neighborhood.

Member Julian relayed her understanding that the decibel levels quoted in the presentation, which were under the County's threshold, were all measured before the addition of any rock into the machine. Mr. Davidson responded the experts at A & K and others in the machinery business said the noise generated by material going through the machine would depend on the size, shape, feed rate, and hardness of the material. According to them, the addition of materials would increase decibel levels by 5 to 7 decibels near the machine, not at the property lines.

Member Julian asked about the possibility of needing a second machine. Mr. Snelgrove said that would take place during the sorting process, which did not need an SUP or any type of review. Mr. Davidson added they were in the process of sorting material on their Glenhaven project, and that was taking place much closer to those neighbors than this would be; someone could stand close to the sorting machine and not be hurt by the noise. In response to a further request for clarification, he noted the rock crushing machine could also sort material, but it was not efficient at doing so. He explained the sorting process, followed by Mr. Snelgrove describing which types of materials would be used in which areas of the project.

Member Ghishan sought further explanation about the calculation of truckloads and how many days it would take trucks to haul that much material. Mr. Snelgrove reviewed a slide titled Estimate of Material Processing and Truck Trip Reductions, noting that A & K performed all the calculations. He stated it would take 30 to 45 days to crush the material, though the work would only be performed intermittently.

Member Ghishan inquired about the point in the process at which an SUP would be needed to operate the crusher. Ms. Olander replied by saying that, because this would be a temporary use, there was nothing in code which addressed that. This type of temporary use site could not be compared to a mining site. She advised the Board that this item dealt with major grading on the site where the rock crusher would be used. Secretary Trevor Lloyd added there was a use type in the code addressing temporary aggregate facilities, but the minimums that triggered that use type were not close to being met here. That was why this was being brought to the Board as a grading SUP. The minimum threshold to be considered a temporary aggregate facility was 100,000 cubic yards of material, but the volume of this material was enough to trigger the need for an SUP.

Member Julian asked what recourse the community would have if the decibel level of the machines while processing materials exceeded County maximums. Ms. Olander said that if Code Enforcement were notified, they would need to qualify whether the maximum levels were being exceeded. Members of the public could contact Code Enforcement through Washoe 311.

Member Julian referenced an email from the Public Health Department about the applicant receiving dust permits, and she wondered whether those permits pertained to the rock crusher or to the previously-approved project. Ms. Olander replied the applicant needed to determine when a dust control permit was necessary, and the Air Quality department would also enforce those requirements. It was her understanding that dust control permits were needed on the property for the tentative subdivision map, which would cover the whole site.

Member Julian expressed concern that the addition of the crusher would escalate the amount of dust beyond what was originally envisaged when permits were obtained. Member Olander said Air Quality believed the original permits covered all activity on the site, and a specific permit would not be needed to operate the crusher. She confirmed Member Julian's assumption that residents could also contact Washoe 311 with dust complaints.

Chair Pierce opined the applicants were doing everything they could to mitigate the issues, acknowledging that tractor noise would result. Additionally, standalone screeners could be used, and any issues that were outside the permit could be addressed by residents by contacting Code Enforcement. He expressed support for the SUP.

Member Julian stated she wished the application better highlighted that decibel levels would be louder with the addition of rock. She expressed appreciation that the project would reduce the amount of traffic in the area, which she described as heavy. She wondered whether there would be any noise testing at key neighborhood locations while the machine was operating, specifically performed by the developer and not residents. Additional mitigation might be needed if the noise was too loud.

Chair Pierce responded that would need to be evaluated by Code Enforcement and it was not in the Board's purview to place conditions on that. He believed the applicant was trying to mitigate the issues, and it was an assumption that the machine would exceed decibel levels.

Member Julian referred to the staff report, arguing it was the Board's role to propose mitigating efforts to make a project less detrimental to the community. She agreed the developer made an effort to respond to the community by reducing the number of days and hours the machine would be in operation. She repeated her question as to whether the developer could conduct noise tests at five sites when the machine was in operation.

Mr. Lloyd commented the Board had the purview to add such a condition, though enforcement of it could be problematic.

Mr. Davidson stated he agreed in principle but pointed out it would be difficult because construction activity was never performed with only one machine working at a time. Different machines operated on different parts of the same project, and the most noise would come from machines closest to the property lines. He thought the noise levels caused by drainage improvements would be louder than the noise generated by the crusher.

Member Julian asked whether the developer could ensure that the fence quality met the consultant's recommendation, to which Mr. Davidson replied the specific make and model of screening would be obtained based on the recommendation of the sound engineer. The developer originally planned to install a 20-foot screen, but experts were hesitant to recommend that because of potential winds. He commented the developer would be willing to reconsider the taller screen if it were deemed safe by sound engineers.

Member Julian wondered whether the condition could specify that the screening needed to meet the quality as recommended by the consultant. Ms. Olander explained County measured sound over a 24-hour period and averaged that sound over an hourly rate; it was not merely a measure at one given moment. Member Julian said that was not made clear in the consultant's report. Chair Pierce mentioned most back-up beepers registered at 92 decibels.

A brief discussion ensued about where in a possible motion Member Julian's suggested screening condition could be placed. Ms. Olander opined the recommended motion in the staff report already encompassed that.

Member Horishny moved that Special Use Permit Case Number WSUP23-0035 for 8900 Lakeside LLC 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 as amended today by item 1.e. in the staff report. Chair Pierce seconded the motion, which carried on a vote of 4 to 0 with Vice Chair Christensen absent.

## **9. Chair and Board Items**

### **A. Future Agenda Items**

Member Julian requested an item focused on neighborhood meetings, including ensuring that comment cards were shared with the Board of Adjustment. She saw value in getting a summary of the feedback from community members because listening to entire meetings was impractical. In absence of a summary, the staff report could contain links to the recording and comment cards.

Member Horishny agreed with the request. Regarding the piece of equipment discussed in Agenda Item 8.C., he wondered whether noise standards needed to be reconsidered. Deputy District Attorney Elizabeth Hickman noted Development Code standards were not within the purview of the Board of Adjustment, only implementation of those standards.

### **B. Requests for Information from Staff**

Chair Pierce requested that a printout of the Principles of Findings be provided to Member Horishny. Secretary Trevor Lloyd said copies would be distributed to all members.

## **10. Director's and Legal Counsel's Items**

### **A. Report on Previous Board of Adjustment Items**

Secretary Trevor Lloyd noted the Silver Circle Ranch appeal would be heard by the Board of County Commissioners on January 16, 2024. Additionally, he informed the Board that no appeal was received on the Boulder Bay/Waldorf Astoria project.

### **B. Legal Information and Updates**

There were no updates.



**11. Public Comment**

There was no response to the request for public comment.

**12. Adjournment**

The meeting adjourned at 3:18 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on February 1, 2024

*Trevor Lloyd*

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Trevor Lloyd  
Secretary of the Board of Adjustment