



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, FAICP, Community Development Director
Nathan Edwards, Legal Counsel



Washoe County Board of Adjustment
Richard "R.J." Cieri, Chair
Philip J. Horan, Vice Chair

Mary S. Harcinske
Andrea Manor
Robert F. Wideman

WASHOE COUNTY BOARD OF ADJUSTMENT

MINUTES

December 4, 2008

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, December 4, 2008 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

Chair Cieri called the meeting to order at 1:32 p.m. The following members and staff were present:

Members present: Richard "R.J." Cieri, Chair
Mary S. Harcinske
Philip Horan
Andrea Manor
Robert F. Wideman

Members absent: None

Staff present: Adrian Freund, FAICP, Director, Community Development
Kimberly H. Robinson, Planning Manager, Community Development
Roger Pelham, Senior Planner, Community Development
Sandra Monsalve, Senior Planner, Community Development
Trevor Lloyd, Senior Planner, Community Development
Grace Sannazzaro, Planner, Community Development
Don Morehouse, Planner, Community Development
Nathan Edwards, Deputy District Attorney
Cathi Moldenhauer, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Member Horan led the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Ms. Robinson announced that the applicant requested to continued Special Use Permit Case No. SB08-012. In accordance with the Open Meeting Law, Member Harcinske moved to approve the agenda of December 4, 2008, as amended. The motion, seconded by Member Horan, passed unanimously.

APPROVAL OF MINUTES

Member Harcinske moved to approve the minutes of October 2, 2008. The motion was seconded by Member Horan and passed unanimously.

Chair Cieri introduced new Member Robert Wideman. The other Members welcomed him.

PUBLIC COMMENT

None

CHAIR AND BOARD ITEMS

Member Horan asked what the policy was regarding site visits individually or as a group. Ms. Robinson explained that the decision to visit a site was ultimately the Member's. However, the Member should be cautioned against assembling as a group of three or more, which would constitute a quorum and would be a violation of the Open Meeting Law. In the event a Member does visit a site, that Member should disclose such visit to the other Members at the meeting.

- a. Report on Previous Board of Adjustment Actions

None

DIRECTOR'S ITEMS

Ms. Robinson asked if the Members would be interested in training on new special use permits training, possibly in January. Member Harcinske and Chair Cieri both expressed an interest in such training.

Ms. Robinson invited the Members to a holiday potluck on Tuesday, December 16, 2008, from 11:30 a.m. to 1:30 p.m.

CONSENT ITEMS

None

PROJECT REVIEW ITEMS

AGENDA ITEM 1

PUBLIC HEARING: ADMINISTRATIVE PERMIT CASE NO. AP08-003 (JEFF BOWEN)(Continued from October 2, 2008 meeting) - To allow the construction of a 9,600-square-foot covered arena, and expansion into commercial stables offering boarding, maintenance and training of no more than twenty (20) horses, including those of the property owner(s) [Washoe County Code Section 110.304.25(c)(2)]. The operation will offer daily riding lessons using the boarded horses and no more than three (3) people per lesson. There will be no horse shows, competitions, or other events. The project is located at 4955 Old US Highway 395, approximately 563 feet north of its intersection with William Brent Road in Washoe Valley. The ±5-acre parcel is designated General Rural (GR) in the South Valleys Area Plan, and is

situated in a portion of Section 10, T16N, R19E, MDM, Washoe County, Nevada. The property is located in the West Washoe Valley Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 055-051-09)

Chair Cieri opened the public hearing.

Ms. Robinson announced that, at the request of the applicant, this item would be continued to the February 5, 2009 meeting, at 1:30 p.m.

Chair Cieri closed the public hearing.

AGENDA ITEM 2

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-016 (SUN VALLEY LDS CHURCH) – To develop a 16,295-square-foot church facility (Religious Assembly Use Type) as authorized in Table 110.302.05.2 of the Washoe County Development Code. The project is located in the northeast corner of the vacant parcel at the southeast corner of East 4th Avenue and Lupin Drive. The project is proposed to utilize ±3.2 acres of the ±18.8-acre parcel. The parcel is designated Medium Density Suburban (MDS) in the Sun Valley Area Plan, and is situated in a portion of Section 20, T20N, R20E, MDM, Washoe County, Nevada. The property is located in the Sun Valley Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 085-122-01)

Chair Cieri opened the public hearing.

Grace Sannazzaro reviewed the staff report dated November 10, 2008. Staff recommended approval with conditions of this project.

Member Harcinske asked what the cumulative traffic would be on Sunday for services taking into consideration there is another church directly across 4th Avenue. Ms. Sannazzaro replied that the traffic study indicated there would be 96 trips on Sundays and six trips on weekdays. Because Sunday traffic on that street is lowest on Sundays as compared to weekdays, no further traffic studies would be required.

Member Manor noted that the church built in the Mogul area was a very good neighbor.

Andy Durling, Wood Rodgers, 575 Double Eagle Court, representing the applicant, was available to answer questions.

As no one else wished to speak, Chair Cieri closed the public hearing.

Member Horan moved to approve with conditions Special Use Permit Case No. SB08-016. The motion was seconded by Member Harcinske and passed unanimously.

The motion was based on the following findings.

1. Consistency. That the proposed use of a religious assembly is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Sun Valley Area Plan;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a church and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AGENDA ITEM 3

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-017 (KEN AND LAURIE ANNE GRIMES) – To construct a detached accessory dwelling and garage with up to 1,200 square feet of living space to be designated as a guest house once the main residence is constructed. The project site is located at 11355 Maverick Lane near Thomas Creek Road accessed from Holcomb Ranch Lane, and approximately ¼ mile south of Johnson Lane. The ±2.7-acre parcel is designated High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan and is situated in a portion of Section 13, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 040-740-17)

Chair Cieri opened the public hearing.

Sandra Monsalve reviewed the staff report dated November 19, 2008. This dwelling would be built first and the main residence would be built later. Staff received four public comments, one in favor, two opposed, and one neither for nor against. Staff recommended approval with conditions of the special use permit.

Chair Cieri asked about the two comments in opposition. Ms. Monsalve replied that one comment was it would take away from the rural character of the area, which was supposed to be large lots with only one single-family residence on each parcel. The other comment was similar.

Member Harcinske asked if the well would have to be metered. Ms. Monsalve stated the District Health Department did not indicate if a meter would be required. Ms. Robinson advised that the State Water Engineer would require a meter when the second dwelling is built on the parcel, and such a condition could be added to this special use permit.

Member Horan asked where the access would be to the 670-square-foot storage area. Ms. Monsalve replied there would be a stairway through the garage. Member Horan asked the definition of a utility room. Ms. Monsalve said it would house the washer and dryer or could also be a mud room.

Member Manor asked if the utility room would be considered a part of the dwelling. Ms. Monsalve stated it would not be considered habitable space.

Member Wideman asked, if the main house were never built, would this structure be consistent with the Development Code. Ms. Monsalve answered affirmatively.

Michael Vicks, K2 Engineering and Structural Design, 3100 Mill Street #107, representing the applicant, was available to answer questions. He advised that the building permit for the main structure had been pulled, and this application would allow for easier construction of the two buildings. All issues with the District Health Department regarding the septic system were resolved.

Art O'Connor, P.O. Box 10307, Reno, a long-time resident of the neighborhood, stated that this application was not in character with the area. He contended that High Density Rural meant one single-family residence per parcel, and stated that the Development Code would only allow one dwelling on a 2.7-acre parcel. He cited the four findings, which could not be found, and recommended denial of the application.

As no one else wished to speak, Chair Cieri closed the public hearing.

Member Harcinske expressed concern regarding the septic system proposed on a 2.7-acre parcel.

Member Horan asked Ms. Monsalve to address Mr. O'Connor's concerns.

She first read into the record the District Health Department's comments: "This Department has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this Department is subject to the following conditions: The concept of an accessory dwelling sharing a septic leach field is acceptable given the property area. The size and configuration of the proposed septic system will be based on a test trench to be inspected by a representative of the Health District."

Ms. Monsalve addressed Mr. O'Connor's concerns. In her professional opinion, the proposal was consistent with the Area Plan. Adequate improvements were available, as shown by the review of the District Health Department, the Fire Department, Engineering Division, and Community Development. The dwelling will architecturally match the main residence. The site is physically suitable for the project, and the issuance of this application will not be detrimental to the character of the surrounding area.

Director Freund noted that most complaints in the neighborhood have arisen from manufacturing and stable activities in buildings built on these parcels. These complaints have pointed out that large structures were built overwhelming the lots in inappropriate colors and materials not matching the character of the area. This dwelling would not fall into those categories.

Deputy District Attorney Edwards asked Ms. Monsalve to address the issue regarding Development Code Table 110.406.05.1, which would allow .4 dwelling units per acre in High Density Rural. Ms. Monsalve replied that detached accessory dwellings were ancillary to the main use and do not affect density. Director Freund stated they are allowed by Code with a special use permit.

Member Harcinske asked if the parcel was in the Truckee Meadows Service Area. Ms. Monsalve replied affirmatively. She was not aware of the proximity of any hookups to those services. Member Harcinske asked if water quality monitoring was being performed in that area. Ms. Monsalve stated that the Department of Water Resources and the District Health Department would have commented on any concerns in that regard.

Member Horan moved to approve with conditions Special Use Case No. SB08-017, adding a condition that, "The applicant shall install a totalizing meter on the well upon issuance of a building permit for the main dwelling. The State Water Engineer and the Department of Community Development shall determine compliance with this condition." The motion was seconded by Member Manor and passed unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the detached accessory dwelling unit and for the low intensity use;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AGENDA ITEM 4

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-018 (WILLIAM SIMONS) – To excavate approximately $\pm 18,438$ cubic yards of earth, import approximately $\pm 7,228$ cubic yards of aggregate base, and disturb an area approximately ± 5.15 acres in size, as authorized in Article 438 of the Washoe County Development Code. The project involves a minimal amount of disturbance to the sensitive stream zone portion of Steamboat Creek, a Significant Hydrologic Resource. The project is located at 16102 and 16250 South U.S. Highway 395, approximately 1,000 feet south of its intersection with Rhodes Road. Each parcel is ± 7.88 acres in size and both are designated Neighborhood Commercial (NC) and General Rural (GR) in the South Valleys Area Plan, and are situated in a portion of Section 4, T17N, R20E, MDM, Washoe County, Nevada. The properties are located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APNs 017-310-17 and 017-310-18)

Chair Cieri opened the public hearing.

On behalf of Kelly Mullin, Trevor Lloyd reviewed the staff report dated November 19, 2008. The purpose of this project was to make the property more visible to U.S. Highway 395. Mr. Lloyd advised that Condition 10(f) was revised to provide clarification and potential conflicts between Conditions 10(f) and 9(e). The revised condition read: "To provide a bonding program to secure performance of requirements imposed, a bond or letter of credit shall be obtained based on an engineer's estimate plus 15% to ensure that money is available to complete the project and all necessary restoration. This is separate from and in addition to the financial assurances required in Condition 9(e) for revegetation activities. The bond will not be released until all permit conditions are satisfied. This bond will be in addition to any bonds required by the Washoe County Engineer." Staff recommended approval with conditions of this project.

Chair Cieri asked if there was highway access to this property and, if so, was it reviewed by the Nevada Department of Transportation (NDOT). Mr. Lloyd replied there was access, and NDOT provided conditions of approval. Chair Cieri asked how much of property would be paved and expressed concern about the runoff going into Steamboat Creek. Mr. Lloyd stated most of the five acres would be paved; however, Best Management Practices would be employed. The site would be engineered so that runoff would not be an issue. A detailed hydrology report was required to address that issue.

Member Harcinske asked if this project would impact the ongoing flood project in that area. Mr. Lloyd stated that would be addressed in the hydrology report. Ms. Robinson referred to the conditions of approval relative to storm runoff.

Mr. Wideman asked about the time frame to commence further development or to revegetate. Mr. Lloyd replied there was a time frame to commence the project. A condition was provided by the Engineering Division requiring that if the site was disturbed and not completed, the applicant would be required to provide the necessary mitigation measures, or the bond could be pulled and the County could complete the project. Ms. Robinson advised that the application for the grading permit must be submitted within two years, and there is a requirement that all landscaping be maintained for a minimum of three years.

Member Manor asked if this property was in wetlands. Mr. Lloyd stated that it was not identified as Waters of the United States. For any disturbed wetlands, the applicant must obtain a permit from the Corps of Engineers.

Member Horan commented that the graded and asphalted portion of the parcel would basically be a five-acre parking lot. Mr. Lloyd advised that the applicant was preparing the site for an imminent commercial use.

Bill Thomas, Conrey Consulting, LLC, 1875 Carlentini Court, introduced the applicant and John Munson, a civil engineer who prepared the grading plan. He noted that all work to be done was within the Neighborhood Commercial zone and none in the General Rural area. None of the work would be done within thirty feet of the Critical Stream Environment of Steamboat Creek. Although within the Sensitive Stream Environment, the work would occur from 88 to 250 feet of the stream. The work will not be done in any of the flood areas. Mr. Thomas emphasized that the objective of the project was not to create a parking lot but to prepare the area for a commercial use. The site is considerably below the highway, and this will improve the safety of motorists as well as provide a usable commercial site. The applicant is in negotiations with Mountain Family RV for use of the site, and when that happens, the applicant

will apply to the County for a special use permit. Mr. Thomas stated the applicant was in agreement with the proposed and revised conditions.

Member Horan asked for an opinion on the outlook for the economic viability of Highway 395 with the construction of the new freeway being built. Mr. Thomas replied that future traffic would, of course, decrease but that would not affect existing users, such as Mountain Family RV. As the property had a land use designation of Neighborhood Commercial, it would be oriented toward that type of use rather than a regional commercial use.

Chair Cieri closed the public hearing.

Member Harcinske was concerned that a bare five-acre piece of land would be sitting along the highway for an undetermined amount of time.

Member Horan noted that the owner owned the property for many years and was not a speculator.

Chair Cieri commented that all his issues had been addressed.

Member Horan asked about the finding regarding the project having no effect on a military installation. Director Freund advised that was a requirement adopted by the Legislature and was now in the Nevada Revised Statutes.

Member Harcinske moved to approve with conditions Special Use Permit Case No. SB08-018, with the revision to Condition 10(f) as outlined by staff. The motion was seconded by Member Manor and passed unanimously.

The motion was based on the following:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the South Valleys area plan;
2. Improvements. That pursuant to the conditions of approval contained herein, findings can be made that adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of development;
4. Issuance Not Detrimental. That, as conditioned, issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation; and

6. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AGENDA ITEM 5

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-015 (TED H. AND JULIE R. GOURLEY TRUST) – To legalize the previous grading, excavation, and disturbance of approximately 154,355 square feet (± 3.54 acres) on three (3) adjoining parcels as authorized in Article 810 of the Washoe County Development Code. The subject properties are located south and west of St. James Village; approximately $\frac{1}{2}$ mile from the intersection of Pine Wild Road and Joy Lake Road. The subject parcels total approximately ± 46.22 acres and are designated General Rural (GR) in the Forest Area Plan, and are situated in the E $\frac{1}{2}$ and SE $\frac{1}{4}$ of Section 15, T17N, R19E, MDM, Washoe County, Nevada. The properties are located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APNs 046-190-12, 049-190-13 and 046-190-14)

Chair Cieri opened the public hearing.

Chair Cieri announced that the applicant requested this item be continued to time certain, 1:30 p.m., at the February 5, 2009 meeting.

Chair Cieri closed the public hearing.

AGENDA ITEM 6

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-014 (WASHOE COUNTY SCHOOL DISTRICT) – To grade a 288,350-square-foot area, excavating 4,967 cubic yards of material to provide sub-grade improvements for the installation of synthetic turf and track and site improvements as authorized in Article 806 of the Washoe County Development Code; and to construct a new sports stadium and practice field, including grandstands, concession stand, ticket booth, public restrooms, lighting, signage, press box and public address system as authorized in the Incline Village Commercial Community Plan, a part of the Washoe County Comprehensive Plan. The parcel is ± 22.51 acres, and the project area is approximately 8 acres. The site is located at 499 Village Boulevard, approximately 320 feet north of the intersection of Village Boulevard and Northwood Boulevard in Incline Village. The parcel is designated Public and Semi-Public (PSP). The property is located in the Tahoe Plan Area, and is situated in a portion of Section 15 T16N, R18E, MDM, Washoe County, Nevada. The property is within the boundaries of the Incline Village/Crystal Bay Citizen Advisory Board and Washoe County Commission District No. 1 (APN 124-071-42)

Chair Cieri opened the public hearing.

Don Morehouse reviewed the staff report dated November 17, 2008. He emphasized that Condition No. 17 required that a construction haul route be submitted to the Engineering Division prior to any ground-disturbing activity. Staff recommended approval with conditions of the project.

Member Harcinske asked for more details about the lighting plan. Mr. Morehouse deferred the question to the applicant.

Chair Cieri noted there would be a public address system in the ball field. He asked if there was one currently. Mr. Morehouse answered affirmatively.

Member Manor commented that this project was a collaborative effort among agencies. Mr. Morehouse stated the Incline Village General Improvement District (IVGID) would have control of the practice field, and it would be open to the public, not just the high school. Member Manor asked if the Tahoe Regional Planning Agency (TRPA) was involved also. Mr. Morehouse deferred to the applicant.

Dale E. Smith, Smith Design Group, 120 Country Club Drive, No. 17, Incline Village, many community groups and agencies made this project happen. He described the practice field with its drainage challenges that make it usable only about a month before school is out each year. The high school booster club recommended the football field and track be improved so it could also be used as a soccer field. Synthetic turf will make the field easier to play on and extend the time upon which it could be played. It was decided to place the synthetic turf on both the football field and the practice field. He explained that lighting technology has improved to the extent that lighting will be much less intrusive than the current lighting. Adjacent to the stadium is a creek that runs between it and any houses and is densely forested. TRPA has been extensively involved in planning this project, and its relationship has been very positive. The practice field does not have any lighting. IVGID will schedule that field for community soccer events as well as a public park. The school district would have first rights to scheduling. Funding for the maintenance of the practice field would be from IVGID.

Member Horan commented that community was behind the project.

Chair Cieri closed the public hearing.

Members Manor and Harcinske stated their pleasure at seeing communities work together to make this type of project come about.

Member Wideman moved to approve with conditions as set forth in the staff report Special Use Permit Case No. SB08-014. The motion was seconded by Member Horan and passed unanimously.

The motion was based on the following:

1. Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the applicable area plan;
2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. The site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. 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; detrimental to the character of the surrounding area; or unduly detrimental to surrounding properties, land uses and the environment in general;

5. That the proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and
6. Reasoned Consideration. The Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

AGENDA ITEM 7

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-012 (WASHOE COUNTY SCHOOL DISTRICT) – To develop an educational campus consisting of an elementary school and a middle school with associated playing fields (Education Use Type) as authorized in Table 110.302.05.2 of the Washoe County Development Code. The project is located at the northwest corner of La Posada Drive and Piedras Drive. The ±40.149-acre site consists of four ±10-acre parcels, all of which are designated General Rural (GR) in the Spanish Springs Area Plan, and are situated in a portion of Section 31, T21N, R21E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APNs 076-390-27, 28, 29 and 30)

Chair Cieri opened the public hearing.

Chair Cieri announced that the applicant requested this item be continued to time certain, 1:30 p.m., at the February 5, 2009 meeting.

John Gibbins, 4390 Diamondback Court, Sparks, who lived adjacent to the proposed project, stated his opposition to having two schools next to his home. He asked that suitable landscaping be provided to alleviate the impacts to his home.

Denise Buis, 2175 Piedras Drive, Sparks, who also lived adjacent to the project, stated concern about the traffic impacts to the short road upon which she lives. She was concerned about a loss of views and serenity. When she purchased her property, she understood a church would be built on one of the ten-acre parcels.

Bruce L. Taylor, P.O. Box 51176, Sparks, representing Spanish Springs Presbyterian Church, stated the property was owned by the Presbytery of Nevada and was held for the benefit of their congregation. To his knowledge, no resident ever approached him or the Spanish Springs Presbyterian Church regarding the property or conditions of developing it.

Chair Cieri closed the public hearing.

AGENDA ITEM 8

PUBLIC HEARING: AMENDMENT OF CONDITIONS CASE NO. AC08-003 (AMENDMENT OF SPECIAL USE PERMIT SW03-008 FOR RTI RAILROAD SERVICES) - To allow for the expansion of the existing railroad tie crushing facility from five (5) acres to approximately ten (10) acres in size. The project is located in the Flanigan area, approximately 1,500 feet northwest of the railroad track intersection. The ±105-acre parcel is designated General Rural (GR) in the High Desert Area Plan, and is situated in a portion of Sections 30 and 31, T27N,

R19E, MDM, Washoe County, Nevada. The property is located in the Gerlach/Empire Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 074-131-07)

Chair Cieri opened the public hearing.

Roger Pelham reviewed the staff report dated November 18, 2008. He advised that the applicant required Condition No. 7 be changed from allowing 10% of the area used for storage to 49% of the area and to allow the storage to be stacked about 15 feet high. The storage would still be ancillary to the main industrial use. Because of the remoteness of the facility, staff was not concerned that the stacked storage was higher than the fencing, which was about eight feet tall. The nearest residence was about two or three miles away. Staff recommended approval with conditions of the amendment of conditions.

Member Horan clarified that the current amount of storage was 10% of five acres. Mr. Pelham explained that there was no storage allowed currently. As initially proposed, the railroad ties would come in on cars, be immediately crushed, and be immediately reloaded. The applicant has requested to be able to stockpile these railroad ties to be able to run a continuous operation and not wait until the next train shows up.

Member Manor asked if there was concern about the crushed railroad ties from the Environmental Protection Agency. Mr. Pelham replied the applicant obtained all requisite permitting, such as air quality and District Health Department permits.

Ms. Robinson explained that this was only an amendment of conditions and that the applicant obtained all necessary permits after review of the original application.

Mr. Pelham noted a condition requiring the applicant to provide documentation of compliance with District Health Department conditions was included as Condition No. 6.

Member Harcinske asked if the Gerlach-Empire Citizen Advisory Board (CAB) was notified. Mr. Pelham replied that the CAB was notified, and no CAB member provided any comments.

Angela Fuss, CFA, 1150 Corporate Boulevard, representing the applicant, advised that the previous application and amendments of this project were heard by the Planning Commission. The District Health Department performs inspections of this facility at least once a year. The expansion is for temporary storage of the railroad ties. They normally come in on Tuesdays and Saturdays. If a heavier than normal load comes in, the applicant needs a place to store them until they can be chipped and taken to the recycling facility. There are two residential trailers within a three-mile radius. One trailer is not occupied. The other is occupied only periodically. No complaints about the facility have ever been received.

Chair Cieri was concerned that chemicals in the railroad ties could seep into the soil. Ms. Fuss replied that the storage would be on concrete pads and the ties would be on trucks.

Member Harcinske noted that Condition No. 9 provided for review and the issuance of a Nevada Division of Environmental Protection Stormwater Discharge Permit or Waiver.

Charles Jacob, RTI Railroad Services, P.O. Box 611, American Fork, UT, the applicant, stated that regulatory agencies in California and Utah checked his company's facilities for

leaching of chemicals into the soil, and none were ever found. The chemicals in railroad ties do not migrate.

Member Horan asked where the railroad ties came from. Mr. Jacob replied the ties were replaced as a maintenance procedure. The life of a tie is approximately 30 years.

Chair Cieri closed the public hearing.

Member Horan moved to approve with conditions Special Use Permit Case No. SB08-014, including the change to amend Condition No. 7 to allow the storage area to be increased from 10% to 49%. The motion was seconded by Member Manor and passed unanimously.

The motion was based on the following:

1. Consistency. That the proposed amendment is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the High Desert area plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the meeting.

OTHER ITEMS

None

Ms. Robinson announced that the meeting on February 5, 2009, would be held in the District Health Department's Conference Rooms A and B.

She wished the Members happy holidays.

ADJOURNMENT

There being no further business to come before the Board of Adjustment, the meeting adjourned at 3:37 p.m.

Respectfully submitted,

Cathi Moldenhauer, Recording Secretary

Approved by Board in session on February 5, 2009

Adrian P. Freund, FAICP, Director
Secretary to the Board of Adjustment