



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Kim Toulouse, Chair
Clay Thomas, Vice Chair
Kristina Hill
Lee Lawrence
Brad Stanley
Trevor Lloyd, Secretary

Thursday, June 7, 2018
1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, June 7, 2018, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Members present:

Kim Toulouse, Chair
Clay Thomas, Vice-Chair
Lee Lawrence
Brad Stanley
Kristina Hill

Members absent:

None

Staff present:

Roger Pelham, Planner, Planning and Development
Chris Bronczyk, Planner, Planning and Development
Julee Olander, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Member Lawrence led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

4. *Appeal Procedure

Mr. Pelham recited the appeal procedure for items heard before the Board of Adjustment.

5. *General Public Comment

Cathy Brandhorst said she lives in Sparks. She wanted the Board to know there is lights put up at the police and sheriff. It helps with 911 calls. They are ambushed on property. They are stabbed or have bullet holes. People who were evicted stay on the property. They took the body to the Waltons. He hasn't heard anything

from the Washoe County Medical Center or the Waltons. There are up to 500 dead bodies on that property. People get devoured walking on the property. The poles and wires are still in the area. They don't have power. They don't live there, they are squatters. They steal gas and electricity.

Chair Toulouse closed the public comment period.

6. Approval of Agenda

Member Toulouse Item 8A, Classical Tahoe has been moved to the July 11, 2018 Board of Adjustment meeting. In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of June 7, 2018 as amended. The motion, seconded by Member Hill, passed unanimously.

7. Approval of May 3, 2018 Draft Minutes

Member Toulouse said there was a typo with the draft minute date. Member Thomas moved to approve the minutes of May 3, 2018. The motion, seconded by Member Stanley, passed unanimously.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

- A. Administrative Permit Case Number WADMIN18-0007 (Classical Tahoe) – For possible action, hearing, and discussion to approve an administrative permit and outdoor community event business license, and associated license conditions, for Classical Tahoe, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 27, 28, 29, and 31, August 3, 4, and 5, 2018. The proposed outdoor concerts will be held between the hours of 5:00 p.m. and 8:30 p.m. Parking will be within the College campus with additional off-site (overflow) parking at the Incline Village General Improvement District (IVGID) Recreation Facility, if needed. Estimated attendance is approximately 1,300 participants and spectators during any one three-day event period, with a maximum of 500 participants and spectators on any one day of the event.

- Applicant: Karen Craig
- Property Owner: Sierra Nevada College
- Location: 948 Incline Way
Incline Village, NV 89451
- APN: 127-040-10
- Parcel Size: 17.05 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: Public and Semi-Public Facilities
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 310
- Commission District: 1 – Commissioner Berkbigher
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.us

Moved to July 11, 2018 meeting.

- B. Administrative Permit Case Number WADMIN18-0008 (League to Save Lake Tahoe Annual Fashion Show and Luncheon) – For possible action, hearing, and discussion to

approve an Administrative Permit for an Outdoor Community Event business license application and associated license conditions for the League to Save Lake Tahoe Annual Fashion Show and Luncheon, scheduled to be held on August 4, 2018 from 11 a.m. until 2 p.m. The event is proposed to consist of an invitation-only fashion show and luncheon within a temporary tent structure located on the beach adjacent to Lake Tahoe. The event organizer estimates 650 customers and spectators as well as 225 support persons will take part in the event.

- Applicant: League to Save Lake Tahoe
- Property Owner: KWS Nevada Residential LLC
- Location: 1047 Lakeshore Boulevard, Incline Village, NV,
directly south of its intersection with Selby Drive
- APN: 130-230-14, -16 & -17
- Parcel Size: ±3.58 and ±1 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808
- Commission District: 1 – Commissioner Berkgigler
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Roger Pelham Washoe County Planner, provided a staff report presentation. Member Hill asked about a shuttle service. Mr. Pelham said yes, it's part of the contract. They have several shuttles. Member Toulouse asked about parking spaces at SNC. Member Hill said there are 299 parking spaces.

The applicant, Kristen Keane, said this event has a 50 year history. It's the most important fundraiser for the League. She said they raised \$1.1 Million last year. The money raised goes to protecting the Lake.

Public Comment:

Cathy Brandhorst said it's hard for people to get a business license or conditional event permit for Classical Tahoe. They are on death row; therefore it's difficult to get the permit. They are setting bombs in Virginia City. You aren't going to get 500 participants. It's not going to be held in Incline Village because they won't get business license and event conditions. It's not going to be allowed. If you do approve it, you will have a disaster. Evictions are growing in Virginia City. A bomb was set in the area.

No further public comment.

No member disclosures.

No further discussion.

MOTION: Member Hill move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN18-0008 for

League to Save Lake Tahoe, and an Outdoor Community Event business license application and associated license conditions, for the League to Save Lake Tahoe Annual Fashion Show and Luncheon, having made the four findings in accordance with Washoe County Development Code Section 110.808.25, I further move to authorize the Director of the Planning and Building Division to issue the business license when all pre-event conditions have been satisfied.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 invitation-only fashion show and luncheon within a temporary tent structure located on the beach adjacent to Lake Tahoe and for the intensity of such a 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.

Member Stanley seconded the motion to approve Board of Adjustment approve Administrative Permit Case Number WADMIN18-0008 for League to Save Lake Tahoe, and an Outdoor Community Event business license application and associated license conditions. Motion carries unanimously.

- C. Special Use Permit Case Number WSUP18-0006 (Arrowcreek Middle School Grading) – For possible action, hearing, and discussion to approve a special use permit for major grading of an area of approximately ± 28.4 acres with $\pm 247,980$ cubic yards of cuts and $\pm 251,748$ cubic yards of fill and to allow slopes greater than 10 feet in height to facilitate the construction of a new Middle School.

- Applicant: Washoe County School District
- Property Owner: United States of America
- Location: North side of Arrowcreek Parkway, west of the intersection with Thomas Creek Road and east of Crossbow Court
- APN: 049-010-29
- Parcel Size: ± 91.46 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Area Plan
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627

- E-mail: jolander@washoecounty.us

Julee Olander, Washoe County Planner, provided a staff report presentation. She proposed three additional conditions of approval which include: 1. If any blasting is required during the project grading, a blasting mitigation plan will be submitted with the grading plans. The blasting mitigation plan will be completed by a qualified contractor. 2. If the construction hours are varied for the pouring of concrete slabs, a plan will be submitted to Washoe County for approval by the Planning and Building Director. 3. Construction noise will not exceed 65 dB at the property line and 'hush' alarms will be installed to construction vehicles to mitigate noise.

Discussion:

Member Stanley asked about blasting and noise. The condition states less than 65 dB at the property line. Ms. Olander said 65 dB is standard. She said it's possible they won't have to do blasting, but this condition is included just in case they have to. They are preserving the rocks best they can.

Member Stanley asked about traffic and if there's mention about number of trips by the construction equipment and workforce. Ms. Olander said the other schools use Crossbow. There will be some construction truck traffic, but nothing significant enough to warrant a traffic study. She said we are looking at the grading. The CAB was concerned with traffic on Thomas Creek and generated by the school. However, at this point in the process, they cannot address the traffic concerns. Member Stanley asked about equipment staging on site. Ms. Olander said the applicant can answer that. Member Stanley asked about the quitclaim deadline. He asked about the Directors Modification. Ms. Olander said it's an opportunity for the Director of Planning and Building to address issues. It is similar to an internal special use permit to address issues or make modification with landscaping or parking.

Angela Fuss, applicant representative, provided a Powerpoint slideshow. She said the land is currently owned by the US Forest Service. Under the Education Land Grant Act, the US Forest Service can give land to the school district for specific school uses. The deed is restricted for the school. No other uses can happen on that site. The land transfer is anticipated to be official in June or July.

Ms. Fuss showed a slope map with 0-15% and 15-30% slope. She said the engineers tried to minimize cuts and fills. It is designed and created to play into those considerations. She said they looked at existing topography with the least impact on grading in order to not have too many engineered walls, but let it fit into the natural topographer with curvilinear natural grade. Landscape plan includes additional landscaping to help with screening to include scrubs and 500 trees.

Member Thomas said land is US Forest Service. He asked if Board approves grading, do you conduct that operation prior to the school district taking the land. Ms. Fuss said that is part of the condition. No work can be completed on the land until the land transfer has taken place. Work is anticipated to begin this fall. Once we get through this process, we have to go through the next step of processes.

Member Stanley reiterated the quitclaim deed will be June or July. Ms. Fuss said grading will take 4-6 weeks or longer. There is a lot that has to take place prior to the grading including geotechnical reports and staging. They will go vertical in the fall, before the winter begins. She said once we get the 'go' we will move quickly.

Member Toulouse asked if there is a fault line. Ms. Fuss said they have reviewed the data which indicates potential fault lines. She said once they do the geotechnical work, they will understand more regarding the fault location. It can still be developed on. It's not a known fault. Member

Toulouse asked about the kind of fault and how deep the fault is. Ms. Fuss said we will know more when we conduct the geotechnical report.

Chair Toulouse opened public comment.

Craig Meckley said he has lived on his property for 35. He said he lives on the property north that abuts the subject property. He said there was no master plan in place when he purchased the property. He said he is a licensed landscape architecture and understands water. He said there is water runoff on the property. Odyssey Engineering needs to install a detention pond to collect run off, which will be located near his property. He said when the detention basin fills up, it will overflow onto his property. He said that pond will be located on the fault. Adam Searcy with the school district along with Odyssey wants to meet to alleviate the issues, but the meeting doesn't take place until next week. He said he doesn't want to get lawyers involved.

Fahad Arif said he is not in favor of this project. He said he wasn't notified about this project. It's US Forest land. They haven't considered the traffic. He said it affects his view. He said it impacts him personally. He doesn't want to look at the building and noise pollution. There are plenty of other sites. The community needs a school, but not at this site.

Dave Keyes said there has not been enough public scrutiny. It's an obsolete plan. There should be no rush to approve the plan. The drainage, parking, traffic is unresolved. You need a realistic report instead of a promise by WCSD. It's preliminary and incomplete. He said he isn't against the school. They need to get the property, and complete their seismic trenching. If Depoali is the model, we need to learn from those mistakes. We are creating worse errors with this project. Drainage needs to be addressed. He said he wants to see same priority for parking and traffic. 16 spaces with the retaining wall shows negligence with emergency access.

Kimberly Gomez said WCSD has not been factual through this process. They won't be transparent with their presentation in the future. Promises were made that the layout was open and subject to change and they would work with residents. A complete grading plan had already been created months prior. They lied. It's complete misrepresentation. They added two facilities to obtain the full 60 acres. This violated federal and state laws. They submitted a grading map with proposed layout, but they knew it had radically changed with a new grading plan. This is not how they should operate. It impacts the local residents. There isn't enough planned parking and said there can be on-street parking. They plan to use a restricted two lane road with a fire station on the corner. It's an accident waiting to happen.

Laurel Santos said he lives on Thomas Creek Road. He said he is concerned with traffic. The main entrance is on a blind curve. There is a fire station up the road. He said he doesn't understand why Arrowcreek Parkway wasn't proposed to be the main entrance. He witnesses people speeding down that road with the blind curve. There will be accidents especially during the winter. The water runoff issue is also a concern. There was a river of water near his property that flowed down Companion. He said he created a dam to prevent water from going into his neighbor's garage. The notice posting was made in Yerington paper. He spoke about outdated Forest Service's guidelines for the land transfer.

Mary Love said she is also Mr. Meckley's neighbor. She said she lives behind the proposed school site. She said every time they see the layout, it changes. The grading that was presented could have elevation change of 10 feet with walls of dirt. She said there is already a 15 feet difference in elevation. She doesn't know where the school will settle. The dirt that would normally help absorb the rain and snow will be gone. She has been told there will be a wall that will stop the water from entering her property. Water will flow how it wants to flow. She said she was told there were three fault lines. It's going to be a problem. They want to blast. She

understands how many major rocks are up there, let alone the ones they will find under the ground.

Cathy Brandhorst spoke on items of interest to her.

Member Toulouse asked about the noticing requirements. Julee Olander, NRS regulates Washoe County on how permits are noticed. Notices are sent to residents within 750 feet around the subject property. She said 67 parcels were noticed. There was a notice published in the Reno Gazette Journal.

Member Lawrence asked about runoff. Ms. Fuss said they will build a detention pond in order to capture the water runoff. The detention basin will slowly release the water which will help the current runoff issues. The detention basin will hold 1.27 acre feet. Ms. Fuss spoke about existing conditions. She said they are meeting with engineer and neighbors to address current and additional concerns. She said they will make the conditions better with considering additional opportunities. Member Lawrence said you are increasing impervious surfaces, and need to be concerned with flooding. Ms. Fuss said everything is sized for 100 year event which is standard. She said they will improve the existing conditions, and by code, can't increase the current conditions. She said they are coming up with solutions to make their issues better. Member Lawrence questions the retention basin size.

Ms. Olander said conditions of approval address the 100 year flooding. Engineering is diligent to address conditions.

Member Stanley asked if the retaining pond can be made larger. Ms. Olander said engineer will design it to meet the water runoff needs. It won't be signed off until all conditions are address and met.

Member Stanley said in his neighborhood, they built a high school back in 2003. He said when they began the process, they held community meetings. The process was a success. He asked if a charrete process was considered. He asked why is the communication different for this project. Ms. Olander said the process has changed and it's no longer required per legislation.

Adam Searcy, Washoe County School District representative said there has been four public meetings. One hosted by the school district, two hosted by the forest service, and the CAB meeting. This school design is based off of the Depoali middle school. Damonte Ranch High School was a new design. He said they plan on hosting additional public meetings.

Member Stanley said there is ambiguity with ownership and timeline. He asked what would be the downside of the continuance. Ms. Fuss said there is a tight timeline. She said knowing how long the Forest Service process would take; they intentionally submitted this application for this process because we need to get grading done before winter. There is a lot that needs to happen before putting the shovel in the ground. We would love to open in August. Every month we miss, has a huge impact at the end.

Member Toulouse reminded the Board members that they are only considering a grading permit. We aren't considering traffic issues. He said he empathizes with the neighbors' concerns, however, that is not being considered.

DDA Edwards said the Board is to consider the grading only. You aren't allowed to consider the SUP for the school itself. He said Mr. Pelham and DDA Edwards went through the code in regards to noticing in Mason Valley. There is a RGJ heading in the document. He said there is reference to Mason Valley News. There are nothing in NRS regarding newspaper noticing.

Mr. Pelham clarified something that Ms. Olander mentioned. Washoe County doesn't allow for *additional* water to cross property lines.

Board discussion:

Member Stanley; it's hard to complain about more schools. He said he has a problem with the hurry-up mode. Agreeing to something before its zoned is difficult. Member Hill said it's a great project. Member Thomas said he understands the grading and cannot consider other things; however, it's a myopic look of the project. It's our decision on a small portion that impacts the entire community. He says he struggles with the retaining pond size and impact on the neighbors. He said he also has an issue with approving something when the school district doesn't own the property yet. Member Lawrence said he has concerns with water retention. He wants the engineers to consider the runoff and address all of that. Chair Toulouse said we are constrained by law and code on our considerations. Chair Toulouse said overall it's a good project and the neighbor's concerns need to be addressed. He said he is also concerned that the District doesn't have the land yet. He said Ms. Fuss said minimal work will happen prior to the land transfer.

MOTION: Member Hill moved to approve Special Use Permit Case Number WSUP18-0006 for Washoe County School District with conditions included in exhibited A and additional conditions as presented, and have made all 5 findings. Member Toulouse seconded the motion for approval. Member Hill and Member Toulouse were in favor. Members Stanley, Lawrence, and Thomas opposed. Motion did not carrying due to lack of support.

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 deny Special Use Permit Case Number WSUP18-0006 for Washoe County School District, having not been able to make findings #1 and #2.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest 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;

Member Thomas seconded the motion for denial. Member Stanley, and Member Lawrence were in favor of denial. Member Toulouse and Member Hill were opposed the motion to deny WSUP 18-0006. Motion carried 3 to 2 in favor of denial.

Mr. Pelham read the appeal procedure process.

9. Chair and Board Items

- *A. **Future Agenda Items** – No items were discussed.
- *B. **Requests for Information from Staff** – No items were discussed.

10. Director's and Legal Counsel's Items

- *A. **Report on Previous Board of Adjustment Items** – Mr. Pelham had nothing to report on previous board items. He reminded the board about the July 11th meeting and new meeting time of 12:30 p.m.
- *B. **Legal Information and Updates** – There were no legal updates.

11. *General Public Comment

Dave Keyes thanked the board for listening. He said his main concern was approval of a plan with a long way to go. There were changes that would impact the grading, and they need to be addressed. He said he will speak with the school district again to discuss the grading plan. This is a long term impact.

Cathy Brandhorst said there were concerns with semen. Semen isn't what you need for your body. There are a lot of babies delivered. She said there were MRIs stuck in her house. They are visible on her property. She said there is a correction – she had said there were 500 dead bodies, but there are 950 dead bodies on C street in Sparks. Victorian use to be a nice area to live, but not anymore. She said they are afraid of machine guns. They will terrorize you.

13. Adjournment – Meeting adjourned at 3:00 p.m.

Respectfully submitted,

Misty Moga, Recording Secretary

Approved by Board in session on _____, 2018

Trevor Lloyd
Secretary to the Board of Adjustment