



WASHOE COUNTY BOARD OF ADJUSTMENT NOTICE OF MEETING AND AGENDA

Board of Adjustment Members

Robert F. Wideman, Chair
Kim Toulouse, Vice Chair
Philip J. Horan
Lee Lawrence
William Whitney, Secretary

Thursday August 1, 2013
1:30 p.m.

Washoe County Commission Chambers
Building A
1001 East Ninth Street
Reno, NV

PUBLIC HEARING ITEMS

(complete case descriptions are provided beginning on page three of this agenda)

- **Variance Case Number VA13-004 - D.R. and Lynn Willinger**
- **Special Use Permit Case No. SB13-017 – LeFriant Driveway**
- **Special Use Permit Case No. SB13-011 – Washoe County Regional Shooting Facility**
- **Special Use Permit Case No. SB13-013 – Sky Tavern Ski Area**
- **Special Use Permit Case No. SB13-016 – Eccles Detached Accessory Dwelling**
- **Special Use Permit Case No. SB13-012 – Canine Rehabilitation Center and Sanctuary**
- **Special Use Permit Case No. SB13-015 – Skyway Towers**

Items for Possible Action: All numbered or lettered items on this agenda are hereby designated for possible action as if the words “for possible action” were written next to each item (NRS 241.020), except for items marked with an asterisk (*). Those items marked with an asterisk (*) may be discussed but action will not be taken on them.

Possible Changes to Agenda Order and Timing: Discussion may be delayed on any item on this agenda, and items on this agenda may be taken out of order, combined with other items and discussed or voted on as a block, removed from the agenda, moved to the agenda of another later meeting or moved to or from the consent section. Items designated for a specified time will not be heard before that time, but may be delayed beyond the specified time.

Public Comment; Disrupting of Meeting: During the “Public Comment” periods listed below, anyone may speak pertaining to any matter either on or off the agenda. Public comment during these periods is limited to three minutes. Additionally, during action items (those *not* marked with an asterisk), public comment will be heard on that particular item before action is taken. See “Public Participation,” below, for time limits. In either event, each speaker must fill out a “Request to Speak” form and give it to the recording secretary. Unused time may not be reserved or transferred. Comments are to be directed to the board as a whole and not to one individual. The presiding officer may (with or without advance warning) order the removal of a person whose conduct willfully disrupts the meeting to the extent that its orderly conduct is made impractical.

Public Participation: The Board of Adjustment adopted Rules, Policies and Procedures are available on the website provided above or by contacting the Planning and Development Department.

At least one copy of items displayed and at least ten copies of any written or graphic material for the Board’s consideration should be provided to the Recording Secretary. Materials longer than one page in length submitted within six days of the Board of Adjustment meeting may not be considered by the Board in their deliberations. Subject to applicable law and the board’s rules, policies, and procedures, public comment or testimony may be submitted to the board in written form for its consideration. However, the board is not required to read written statements aloud during the meeting.

Time allocations for public hearing items are as follows: 15 minutes for staff’s presentation; 15 minutes for an applicant’s presentation; 5 minutes for a group representative’s comments; 3 minutes for individual

comment. At the discretion of the Chair, additional time may be provided to any party if the request is made at least 24 hours in advance of the meeting start time. The Chair may reduce the per person time allotment for comment on a particular item; this determination will be made prior to hearing comment on the item.

Posting of Agenda; Website Location: Pursuant to NRS 241.020, this notice has been posted at the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada, and at the following locations: Washoe County Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (1675 East Prater Way, Suite 107). Agendas and staff reports are posted to the Washoe County website at www.washoecounty.us/comdev four days prior to the meeting.

How to Get Copies of Agenda and Support Material: Copies of this agenda and supporting materials may be obtained on the Planning Division website (www.washoecounty.us/comdev/Boards and Commissions) or at the Planning Division Office (contact Mr. Dan Croarkin, 1001 E. Ninth Street, Building A, Room A275, phone (775) 328-3600, email dcroarkin@washoecounty.us). If you make a request, we can provide you with a link to a website, send you the material by email or prepare paper copies for you at no charge. Support material is available to the public at the same time it is distributed to Board of Adjustment members. If material is distributed at a meeting, it is available within 24 hours after the meeting.

Special Accommodations: Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language, interpreters, or assisted listening devices) at the meeting should notify Washoe County Planning and Development, at 775.328.3600, two working days prior to the meeting.

Appeal Procedure: Most decisions rendered by the Board of Adjustment are appealable to the Board of County Commissioners. If you disagree with the decision of the Board of Adjustment and you want to appeal its action, call the Planning staff immediately, at 328-6100. You will be informed of the appeal procedure, application fee, and the time in which you must act. Appeal periods vary from seven (7) to fifteen (15) days, depending on the type of application.

1:30 p.m.

AGENDA

- 1. *Determination of Quorum**
- 2. *Pledge of Allegiance**
- 3. *Ethics Law Announcement**
- 4. *Appeal Procedure**
- 5. *Public Comment**

The public is invited to speak on any item on or off the agenda during this period. However, action may not be taken until this item is placed on an agenda as an action item.

- 6. Approval of Agenda**
- 7. Approval of Minutes**

June 6, 2013

- 1:30 p.m. 8. Planning Items and Public Hearings** – On the following items, the Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny the request. The Board of Adjustment may also take action to continue an item to a future agenda.

A. PUBLIC HEARING: Variance Case No. VA13-004 - Willinger – To vary the front yard setback from fifteen (15) feet to eight (8) feet to allow the construction of a new residence and attached garage, and to vary the maximum roof “overhang” of the proposed garage (architectural feature) from two (2) feet to three (3) feet, per Section 110.406.30(e).

- Applicant / Developer D.R. and Lynn Willinger
- Property Owner Frank & Virginia Murnane
- Location: 547 Dale Drive, Incline Village, NV 89451
- Assessor’s Parcel No: 122-132-13
- Parcel Size: ±0.425 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 804 and Article 406
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 17, T16N, R18E, MDM, Washoe County, NV
- Staff: Sandra Monsalvè, AICP, Senior Planner
- Phone: 775.338.3608
- Email: smonsalve@washoecounty.us

B. PUBLIC HEARING: Special Use Permit Case No SB13-017 - LeFriant Driveway - To construct a driveway within the Significant Hydrologic Resource (SHR) sensitive stream zone for a newly constructed residence.

- Applicant/Property Owner Jacques & Beth LeFriant
- Location: 1151 Hornblend Street, San Diego, CA 92109
- Assessor’s Parcel No: 172-010-06
- Parcel Size: ±5.0
- Master Plan Category: Rural(R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/South Valleys
- Development Code: Article 418 and Article 810
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 4, T16N, R19E, MDM, Washoe County, NV
- Staff: Sandra Monsalvè, AICP, Senior Planner
- Phone: 775.338.3608
- Email: smonsalve@washoecounty.us

C. PUBLIC HEARING: Special Use Permit Case No SB13-011 - Washoe County Regional Shooting Facility – To allow grading of approximately 35,000 cubic yards and approximately 6 acres of disturbance to create new earthen berms and to increase the height and width of some existing earthen berms at the Washoe County Regional Shooting Facility. This special use permit also seeks approval of permanent earthen structures greater than 3 horizontal to 1 vertical (3:1).

- Applicant / Property Owner Washoe County Community Services Department
- Location: 21555 Pyramid Way, on the west side of Pyramid Way approximately six and one-half miles north of its intersection with Winnemucca Ranch Road
- Assessor's Parcel No: 076-330-16
- Parcel Size: ±530.22
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs / Rural
- Development Code: Article 438
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 18, T23N, R21E, MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

D. PUBLIC HEARING: Special Use Permit Case No SB13-013 - Sky Tavern Ski Area

– To allow the grading of approximately 11 acres and approximately 14,600 cubic yards to return the hillside to approximately the natural contour prior to creation of an old road cut.

- Applicant Sky Tavern Junior Ski Program
- Property Owner City of Reno
- Location: 10000 Mount Rose Highway, at the southwest corner of Sky Tavern Road and State Route 431
- Assessor's Parcel No: 048-050-03
- Parcel Size: 143 acres
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Article 438, Grading
- Commission District: 1 – Commissioner Birkbigler
- Section/Township/Range: Section 17, T17N, R19R, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

E. PUBLIC HEARING: Special Use Permit Case No SB13-016 - Eccles Detached Accessory Dwelling

– To allow the placement of a new single-wide manufactured home of approximately 800 square feet on a parcel with an existing double-wide manufactured home of 1,960 square feet.

- Applicant / Property Owner S.F. and W.W. Eccles
- Location: 5336 Torobie Drive, approximately 650 feet south of its intersection with 4th Avenue, in the Sun Valley area

- Assessor's Parcel No: 085-125-16
- Parcel Size: .506 acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 306, Accessory Uses and Structures
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 20, T20N, R20E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

F. PUBLIC HEARING: Special Use Permit Case No. SB13-012 – Canine Rehabilitation Center and Sanctuary - To create an indoor facility to house, train and rehabilitate dogs to support animal shelters and animal rescue organizations, and the general public.

- Applicant: Canine Rehabilitation Center and Sanctuary
- Property Owner: Veterans Actions Association
- Location: 555 US Highway 395 N
- Assessor's Parcel No: 046-080-16
- Parcel Size: 5.203 acres
- Master Plan Category: Commercial
- Regulatory Zone: General Commercial
- Area Plan: South Valleys
- Citizen Advisory Board: Truckee Meadows Washoe Valley
- Development Code: Table 110.302.05.3 and Article 810
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 23, T19N, R19E, MDM, Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner
- Phone: 775.328.3796
- Email: ekrause@washoecounty.us

G. PUBLIC HEARING: Special Use Permit Case No. SB13-015 - Skyway Towers – To install a 93-foot wireless communication monopine.

- Applicant: Skyway Towers
- Property Owner: Spanish Springs Associates
- Location: 180 Design Place
- Assessor's Parcel No: 538-141-20
- Parcel Size: 2.48 acres
- Master Plan Category: Industrial
- Regulatory Zone: Industrial
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 324 Communications Facilities
Article 810 Special Use Permit
- Commission District: 5 – Commissioner Hartung
- Section/Township/Range: Section 23, T21N, R20E, MDM, Washoe County, NV

- Staff: Eva M. Krause, AICP, Planner
- Phone: 775.328.3796
- Email: ekrause@washoecounty.us

9. Chair and Board Items

(Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, staff discussion of items or suggested items to be scheduled proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

- A. Election of Officers: Board of Adjustment Chair and Vice Chair
- B. *Report on Previous Board of Adjustment Items
- C. Future Agenda Items and Staff Reports

10. Director's Items

- A. *Legal Information and Updates

11. *Public Comment

The public is invited to speak on any item on or off the agenda during this period. However, action may not be taken until this item is placed on an agenda as an action item.

12. Adjournment



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair
Kim Toulouse, Vice Chair
Philip J. Horan
Richard "R.J." Cieri
Lee Lawrence
William Whitney, Secretary

Thursday June 6, 2013
1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

June 6, 2013

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, June 6, 2013 at 1:30 p.m., in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Robert Wideman, Chair
Richard "R.J." Cieri
Lee Lawrence
Kim Toulouse
Philip Horan

Members absent: None

Staff present: William Whitney, Director, Planning & Development
Eric Young, PhD, Planner, Planning & Development
Sandra Monsalvè, Senior Planner, Planning & Development
Grace Sannazzaro, Planner, Planning & Development
Roger Pelham, Senior Planner, Planning & Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Planning & Development

2. Pledge of Allegiance

Member Cieri led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney (DDA) Salter recited the Ethics Law standards.

4. Appeal Procedure

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

5. Public Comment

As there was no response to the call for public comment, Chair Wideman closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of June 6, 2013 as written. The motion, seconded by Member Cieri, passed unanimously.

7. Approval of Minutes

Member Cieri moved to approve the minutes of April 4, 2013 as written. The motion was seconded by Member Lawrence and passed three in favor and none opposed, Members Horan and Toulouse abstaining as they had not been in attendance at that meeting.

8. Consider and Adopt a Resolution Commending R.J. Cieri for His Service to Washoe County

Approved unanimously. The members thanked R.J. and commended him for his leadership, professionalism and service to the citizens.

9. Planning Items and Public Hearings

Agenda Item 9A

PUBLIC HEARING: Administrative Permit Case No. AP13-003 – Lake Tahoe SummerFest – To approve an administrative permit and outdoor community event business license for the Lake Tahoe SummerFest, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on August 2, 3, 4, 9, 10, 11, 16, 17, and 18, 2013. The proposed outdoor concerts will be held between the hours of 7:00 p.m. and 9:00 p.m. on August 2, 3, 9, 10, 16 and 17, 2013 (Fridays and Saturdays) and between the hours of 4:00 p.m. and 7:00 p.m. on August 4, 11 and 18, 2013 (Sundays). The concerts will be unamplified classical music venues located within a portable tent erected on the College for the event. Primary participant and spectator parking will be within the College campus, with additional off-site (overflow) parking at the IVGID Recreation Facility, if needed. Event organizers estimate that approximately 1,300 participants and spectators will take part in the event during any one three-day event period, with a maximum of 500 participants and spectators on any one day of the event. Based on the testimony and evidence presented at the hearing, to include the report of reviewing agencies, the Board of Adjustment may approve the issuance of the administrative permit and business license with conditions, or deny the application.

- Applicant Lake Tahoe SummerFest – Georgette Porter.
- Property Owner Sierra Nevada College
- Location: 948 Incline Way, Incline Village, NV 89451
- Assessor's Parcel No: 127-040-10 (College) and 127-040-07 (IVGID Recreation Center)

- Parcel Size: 17.05 acres (College), 1.4 acres (Recreation Center)
- Master Plan Category: Commercial
- Regulatory Zone: Public and Semi-Public Facilities (PSP).
- Area Plan: Tahoe
- Citizen Advisory Board: IVCB
- Development Code: Authorized in Article 310, Temporary Uses and Structures, and WCC Chapter 25, Business License Ordinance
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 23, T16N, R18E, MDM, Washoe County, NV
- Staff: Eric Young, PhD, Planner
- Phone: 775.328.3613
- Email: eyoung@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Young reviewed the staff report. He reported the application was virtually identical to the one submitted last year and the approved event had gone smoothly. Reviewing agencies had authorized staff to remove or repeat comments and conditions submitted the prior year.

Member Horan noted he was a resident of the area and had not heard any negative comments from the community regarding the event.

Chair Wideman closed the public hearing and asked if the members had anything to disclose. None did.

Member Toulouse moved to approve Administrative Permit Case No. AP13-003 – Lake Tahoe SummerFest. The motion was seconded by Member 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 Master Plan, Tahoe Area Plan and the Incline Village Tourist Community 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 an outdoor concert series 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; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Agenda Item 9B

PUBLIC HEARING: Special Use Permit Case No. SB13-008 - De La Luz Horse Racing Events - To establish an equestrian facility for hosting horse racing events. Proposed events will consist of horse racing only. No commercial boarding stables or new structures are proposed.

- Applicant/Property Owner: Hilaria De La Luz
- Project Location: 6205 Grass Valley Road, Palomino Valley
- Assessor's Parcel No: 076-340-13
- Parcel Size: ±40.13 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs
- Development Code: Article 302, Allowed Uses and Article 810, Special Use Permits

- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 19, T23N, R21E, MDM, Washoe County, NV

- Staff: Grace Sannazzaro, Planner
- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Wideman opened the public hearing.

Ms Sannazzaro reviewed the staff report.

Member Cieri noted a similar prior case had several regulations covering food vendors and safety considerations. Ms. Sannazzaro reviewed the conditions proposed for the case being heard and pointed out the similarities between the two.

Veronica Cortez spoke on behalf of the owner as the applicant for permits in prior years. She acknowledged there had been infractions in the past but they were steadily improving their processes to meet code.

Tom Scoggin stated he owned the property across the road and the number of spectators and events would be detrimental, as they would damage the roads and cause problems with dust and noise. He opined it was unsuitable to allow a business on the property.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan expressed concern with the dramatic jump in the number of events and spectators. He suggested they consider an increase in numbers, but perhaps not to the extent being requested.

Member Cieri explained to Mr. Scoggin there were complaint and enforcement avenues available should the applicant not comply with the conditions. He agreed with Member Horan the increase in numbers would create a significant impact but noted that was the responsibility of the Palomino General Improvement District (PVGID) and he was sure they had had an opportunity to comment.

Member Lawrence noted that only two property owners had responded negatively. He stated he would have expected more input if the neighborhood felt it impacted them.

Member Toulouse opined the project may not be in line with the Warm Springs Area Plan and the Land Use and Transportation Element of County code. He brought up the fact there had been prior infractions and were now asking for approval for a much larger event, and he felt that was impactful. He expressed concerns with traffic in the case of a fire. Ms. Sannazzaro explained PVGID had imposed conditions and the road would easily accommodate two-way traffic. She acknowledged it might be more challenging in the case of a fire truck attempting to drive in while car traffic was driving out.

Chair Wideman stated he could not find anything inconsistent that would cause him to want to stop the applicant from using his property in a lawful manner. He reiterated that the agencies, including PVGID and Fire, had had an opportunity to weigh in and mitigate any issues. He did not want to superimpose his judgment over theirs.

Chair Wideman opined the applicant would be subject to a substantial financial commitment in following the conditions and hoped he was prepared for that. Chair Wideman hoped the applicant could keep up with that so it didn't become a Code Enforcement item. He indicated he was in support of the project.

Member Cieri moved to approve conditionally Special Use Permit Case No. SB13-008 - De La Luz Horse Racing Events. The motion was seconded by Chair Wideman and passed by a vote of four in favor and Member Toulouse against.

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 Master Plan and the Warm Springs 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 equestrian events, 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; and;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Agenda Item 9C

PUBLIC HEARING: Variance Case No VA13-002 - Ellis – To vary the minimum lot size requirements to allow livestock on a property less than one-half (.5) acre in size.

- Applicant/Property Owner Ronald S. and Frances P. Ellis

- Location: 1260 High Chaparral Drive, near Shadow Hills Drive and State Route 341 (Geiger Grade)
- Assessor's Parcel No: 140-102-08
- Parcel Size: ±0.484 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: Southeast Truckee Meadows
- Development Code: Article 804, and Article 330
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 27, T18N, R20E, MDM, Washoe County, NV
- Staff: Sandra Monsalvè, AICP, Senior Planner
- Phone: 775.328.3608
- Email: smonsalve@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Monsalvè reviewed the staff report, expounding on the fact the findings could not be made for a variance, as there were no special circumstances.

Applicant's Representative Luke Busby, Esq., stated Nevada Revised Statutes (NRS) granted the Board the authority to approve the request if they chose to do so. He opined the staff report did not take into consideration conditions that would have been imposed to alleviate concerns.

Mr. Busby noted the property was originally zoned as Suburban Farm Agricultural and it was within an equestrian area in which numerous properties have horses. The streets have equestrian-themed names.

Mr. Busby explained staff had stated they were unable to verify if the applicant had been informed that horses were allowed at the time they purchased the home. The Multiple Listing Service (MLS) advertisement indicating it was horse property was attached to the variance application as Exhibit 1.

Mr. Busby went on to provide evidence the Health Department complaint had been investigated and closed with no action taken against the applicants. He pointed out it was difficult to rationalize that the applicant's horses could be detrimental to the public good as there were other horses in the neighborhood. He referenced a map that had been provided to the Board members, indicating the property owners that were in support of the variance request and also properties with horses and the number of horses on those lots.

Mr. Busby pointed out staff concedes the application of findings in the case is strict and that there are no special circumstances that are applicable. He stated they disagreed, that their situation fit into the statutory definition of special circumstance, as the property was unique and they were being deprived of a use that had been granted to many of the neighbors.

Mr. Busby noted none of the reviewing agencies objected to approval of the request, including the Health Department, supporting their belief staff's conclusion that granting the variance would create a substantial detriment to public good had no basis.

Mr. Busby stated two letters against the variance and 14 in support had been received from the public. Three more letters of support had been obtained since submittal of the application.

Mr. Busby addressed complaints submitted in the letters. One had been about odor. He repeated there were already horses in the neighborhood and opined removing the applicant's horses was not going to solve the problem. There is a tack shed in the yard that has been there for years, indicating it has historically been used for horses. Regarding the complaint about flies, if the Health Department had felt there was a problem, it would have been addressed. Regarding dust, the horses were kept in a corral in the back and were not being used for continuous activity at that location. He replied to the concern about the horse's well being by stating they were well loved and cared for.

Mr. Busby opined that if the County thought .5 acres was enough for horses then .48 acres ought to be sufficient. He felt zoning laws should not be used by neighbors to fight with each other over technicalities, as any property may have violations if you observed them closely enough. The variance was an option to provide rationality and common sense to the process and that was all the applicant was requesting.

Mr. Busby addressed the findings, noting that Washoe County code allows the Board to grant Variances in exceptional circumstances or conditions that affect the property. A strict application of code would cause them undue hardship as they would be forced to move or get rid of their family pets. He displayed a photograph of one of the applicant's daughters with one of their horses.

Mr. Busby opined staff stated the standard that was in the statute, but did not state exactly what the substantial detriment was. He reiterated the other horses in the neighborhood were no more substantially detrimental than the applicant's. Removing the applicant's horses would not solve the problem. He felt the same applied to the finding of special privilege. Other neighbors had horses, many supported the applicants in their request and it was consistent with the character of the area.

Mr. Busby acknowledged the use was not authorized, that was the reason for the variance request. He reiterated the application would be strict and Code provided the Board with the ability to grant relief in circumstances such as the one being discussed, where common sense should prevail. They were so close to the .5-acre requirement the applicant did not believe it was fair to be denied a privilege granted to many of the neighbors. He stated the applicants were happy to comply with any conditions.

Member Cieri requested clarification that the applicants purchased the property with the belief that horses were allowed. Mr. Busby confirmed that was correct.

Chair Wideman noted a copy of the MLS advertisement for the property stating that horses were not allowed. Mr. Busby provided another ad that indicated they were.

Mike Railey, Derek Wilson and Pat Scheffer spoke in opposition. Mr. Railey opined no hardship existed so an approval would constitute granting of special privileges. Mr. Scheffer described how manure odor, dust and insects are affecting his family's lifestyle and Mr. Wilson pointed out that no property in that specific neighborhood was zoned for or had horses.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan stated he could not find any reason to support the application. Code states the property must be .5 acres to have livestock, and if they were to approve this reduction, they would not reasonably be able to hold other property owners to that standard in the future.

Member Toulouse agreed. He expressed empathy and sympathy for the applicant but could not make the findings. He suggested the applicants speak to the listing agent who had indicated horses were allowed.

Member Cieri asked Counsel if an approval would be unique to the parcel and would not extend to the region. DDA Salter said that was correct, but for a time it could be viewed as granting of a special privilege, since other people in the neighborhood would not be allowed to have horses without also requesting a variance. Member Cieri agreed but opined it was their job to look at and make sense of each case based on its own merits.

Member Cieri disagreed with the idea the applicant's horses caused a detriment, as there were other horses in the area and it could not be said that their horses were the specific cause of the insect and dust problems. He also disagreed with the idea they would be granting a special privilege due to the fact the advertisement for the property had represented that horses were legally allowed, so they had bought it based on that information. Rectifying the situation by selling the property or letting the horses go placed a substantial burden on the applicant. He pointed out the parcel was very close to .5 acres.

Member Lawrence also expressed his sympathy but could not support the application.

Chair Wideman stated the situation was difficult and he expressed sympathy for the applicant. He opined the best argument for granting the variance would be based on compassion, rather than any legal reason. He pointed out a misleading advertisement does not override County code.

Chair Wideman went on to say he did not know if a half acre was too much or not enough for horses, but that is what was legally adopted by the Board of County Commissioners. He expressed concern that a variance granted for a .48-acre parcel may lead to a request for a variance on a .46-acre parcel, and wondered aloud where it would stop. He stated he was not able to make the findings; there was nothing special or unique about the property.

Member Horan moved to deny Variance Case No VA13-002 - Ellis. The motion was seconded by Member Toulouse and the denial passed by a vote of four in support and Member Cieri opposed to it.

The motion was based on the following findings:

1. Special Circumstances. Because of there are no special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; no extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

3. No Special Privileges. The granting of the variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.
Mr. Whitney read the appeal procedure for items denied by the Board.

Agenda Item 9D

PUBLIC HEARING: Amendment of Conditions Case No: AC13-003 – City of Reno - To extend the approval of Special Use Permit Case Number SB11-002 for 3 additional years until June 2, 2016. The original approval allowed the construction of a new water storage tank of 250,000 gallons and related piping to enhance domestic water service and to provide fire protection at the Sky Tavern Ski Area.

- Applicant: Bowling Mamola Group, Attn: Douglas Buck
- Property Owner: City of Reno, Attn: Glen Daily
- Location: At the southwest corner of Sky Tavern Road and State Route 431
- Assessor's Parcel No: 048-050-03
- Parcel Size: ±143.07
- Regulatory Zone(s): Parks and Recreation (PR)
- Area Plan: Forest Area
- Citizen Advisory Board: Galena / Steamboat
- Development Code: Authorized in Article:810, Special Use Permits
- Commission District: 1– Commissioner Berkbigler
- Section/Township/Range: Section 17, T17N, R19E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Toulouse moved to approve conditionally Amendment of Conditions Case No: AC13-003 – City of Reno. The motion was seconded by Member Horan 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 Master Plan and the Forest 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 water tank, 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;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Agenda Item 9E

PUBLIC HEARING: Amendment of Conditions Case Number AC13-004 - William Kunz Grading to amend approved Special Use Permit Case Number SB12-008 – To allow the addition of a permanent earthen structure (landscape mound) up to 9.5 feet in height, to the approved grading plans.

- Applicant: Gail Willey Landscaping
- Property Owner: William and Maureen Kunz
- Location: 6947 Windy Hill Road, approximately 1,200 feet north of its intersection with Lakeside Boulevard.
- Assessor's Parcel No.(s): 041-101-16
- Parcel Size: ± 3.28 Acres
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: West Truckee Meadows CAB
- Commission District: 1 – Commissioner Berkbigler
- Development Code: Article 438, Grading
Article 810, Special Use Permits
- Section/Township/Range: Section 35, T19N, R19E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report.

Member Horan asked Mr. Pelham to confirm the structure was already built and the Board was being asked to approve it retroactively. Mr. Pelham said that was correct.

Member Toulouse asked if there had been an approved landscape plan and Mr. Pelham said there had been. Member Toulouse expressed frustration with the number of projects the Board was asked to approve retroactively and wondered aloud if there was a mechanism to stop that situation from occurring. Mr. Pelham explained it was unfortunate but sometimes unavoidable, as the general public may not be familiar with the requirements of the Code.

Member Horan noted the structure had not been part of the original plan and asked how it had been discovered. Mr. Pelham explained the Building staff had advised the applicant they

would need utility permits. Building staff indicated the structure would require review by the Planning and Development division.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Cieri moved to approve conditionally Amendment of Conditions Case Number AC13-004 - William Kunz Grading. The motion was seconded by Member Horan 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 Master 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 grading for future landscaping, 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; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

10. Chair and Board Items

A. Discussion and possible action on revised Rules, Policies and Procedures for the Board of Adjustment regarding the conduct of meetings, hearings, and appeals to the Board, and governance matters such as quorum, voting, record keeping, and the duties, responsibilities and ethical rules for Board members.

DDA Salter asked the Board if they would like to review the changes, adopt them, or take some alternate action. He explained it would be necessary for the Board of County Commissioners (BCC) to approve changes to Washoe County Code Articles 912 and 914 before any changes approved by the BOA would take effect.

Member Horan opined it was better to wait until after the BCC had approved the changes. Member Lawrence agreed, noting the new incoming member may have some input.

DDA Salter told the Board there were five items that needed to be reworded. If the Board intended to defer review and approval to a later date, he would make the changes and submit them at that time.

Chair Wideman verified the Board was in agreement the changes should be made and the report brought back for consideration and possible adoption.

B. Report on Previous Board of Adjustment Items.

None.

C. Future Agenda Items and Staff Reports

None.

11. Director's Items

A. *Legal Information and Updates

Mr. Whitney told the Board staff was in the process of locating an individual to replace Member Cieri representing District 3. An agenda item was being prepared for the BCC to approve the reappointment of Member Lawrence and change his representation from District 3 to District 4.

12. Public Comment

As there was no response to the call for public comment, Chair Wideman closed the public comment period.

13. Adjournment

There being no further business to come before the Board of Adjustment, Chair Wideman requested Member Cieri do the honors of officially closing his last meeting. It was officially adjourned at 3:22 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on _____, 2013

William Whitney
Secretary to the Board of Adjustment



Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Variance Case No: VA13-004
Applicant(s): D.R. and Lynn Willinger
Agenda Item No. **8A**
Project Summary: To vary front yard setback to allow construction of new attached garage and residence.
Recommendation: **Approval with Conditions**
Prepared by: Sandra Monsalve, AICP, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3608
E-Mail: smonsalve@washoecounty.us

Description

Variance Case No VA13-004 (Willinger) – To vary the front yard setback from twenty (20) feet to eight (8) feet to allow the construction of a new residence and attached garage, and to vary the maximum roof “overhang” of the proposed garage (architectural feature) from two (2) feet to three (3) feet, per Section 110.406.30(e).

- Applicant / Developer D.R. and Lynn Willinger, 930 Tahoe Blvd., #802-374, Incline Village, NV 89451.
- Property Owner Frank & Virginia Murnane, 547 Dale Drive, Incline Village, NV 89451.
- Location: 547 Dale Drive, Incline Village, NV 89451
- Assessor’s Parcel No: 122-132-13
- Parcel Size: ±0.425 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village-Crystal Bay
- Development Code: Article 804, and Article 406
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Sec 17, T16N, R18E

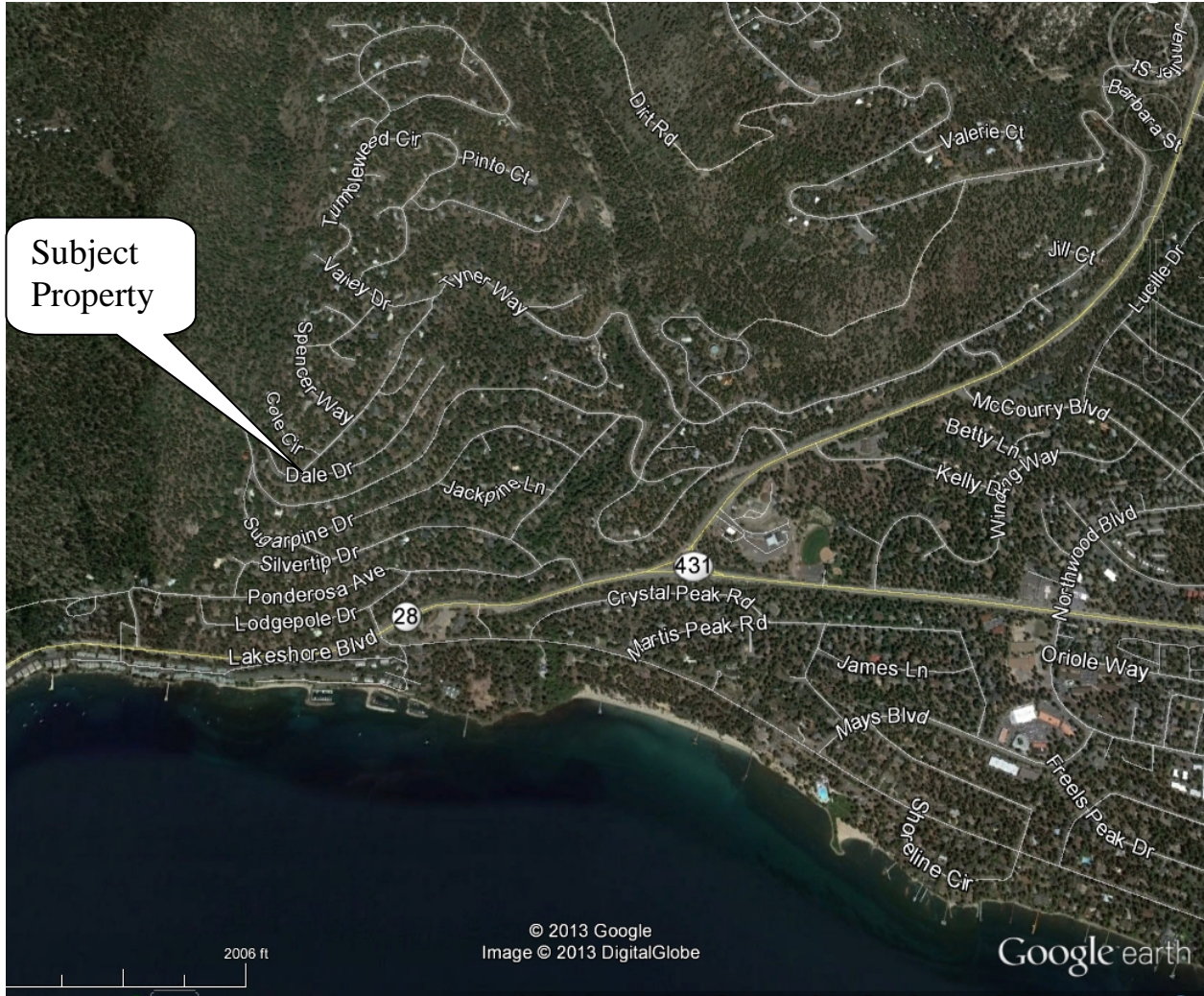
Staff Report Contents

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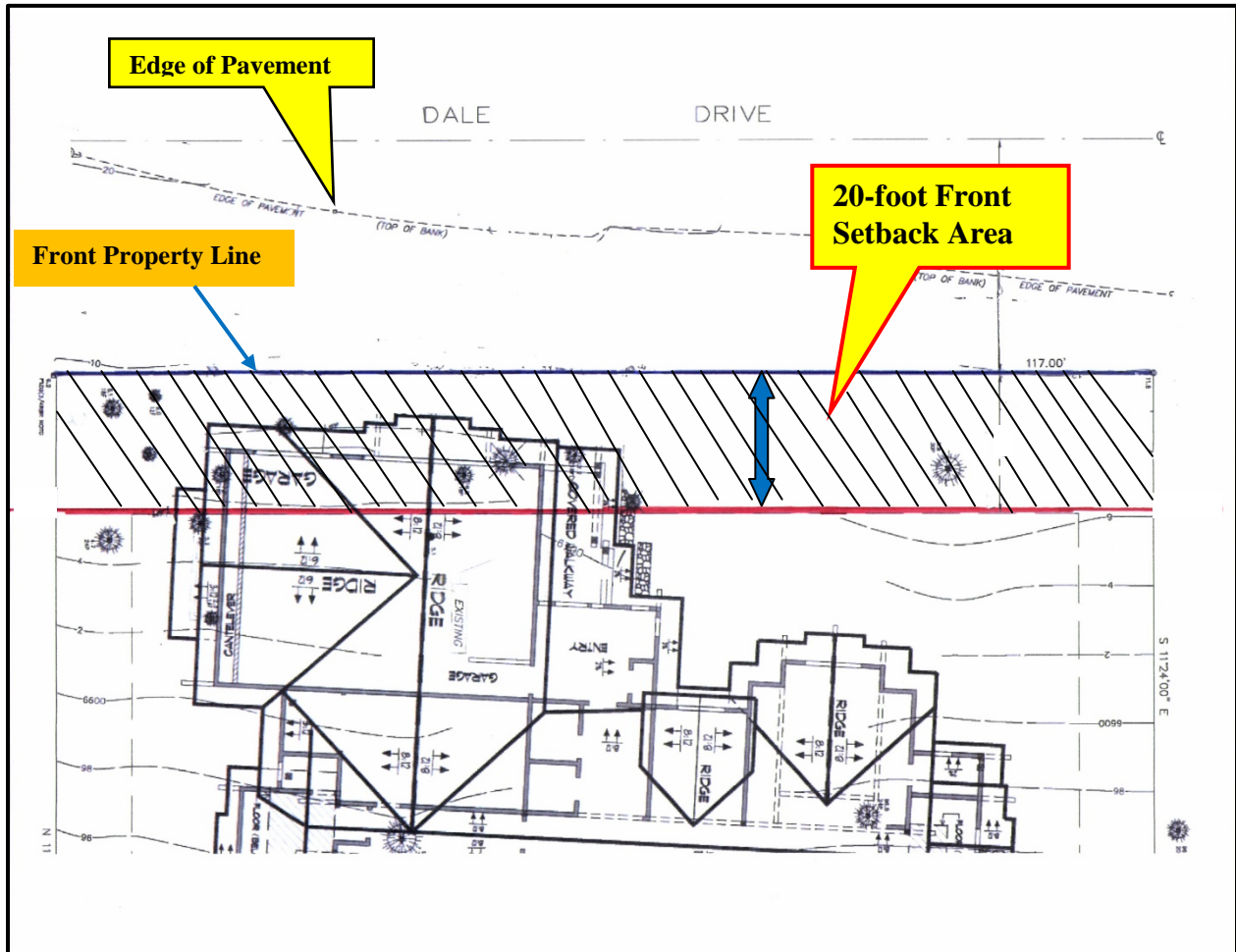
Exhibits Contents

Conditions of Approval Exhibit A
Engineering and Capital Projects Memo Exhibit B
Incline Village General Improvement District..... Exhibit C

Vicinity Map



Detail of Garage Location



Project Evaluation

Background/History:

This is a request to vary the front yard setbacks within Section 110.406.05.1 to reduce the front setback from twenty (20) feet to no less than eight (8) feet to facilitate the construction of a new single family residence, with an attached two (2) car garage; and to vary the maximum roof overhang (architectural feature) of the proposed garage from two (2) feet to three (3) feet, per Washoe County Development Code, Section 110.406.30(e).

Currently there is an existing 1,568 square foot residence with no garage on the property, originally constructed in 1966 with all required permits. The applicant plans on demolishing the existing residence, and constructing a new home with an attached 3-car garage. The subject property is located at 547 Dale Drive, approximately 50 feet east of the intersection of Dale Drive and Tyner Way in Incline Village. The parcel is ±.427 acres, and is within the Medium Density Suburban (MDS) regulatory zone within the Tahoe planning area.

Special Circumstances/Hardship:

Due to slopes in excess of 25%, and the Tahoe Regional Planning Agency (TRPA) tree retention requirement, the applicant is restricted in the placement of the new residence and garage. The applicant has therefore proposed to place the new residence in the chosen location so as to have the least amount of disturbance to the natural terrain across the parcel as possible. The proposed site plan design places the new garage 24 feet from edge of pavement, and back 8-feet from the front property line. The applicant is also requesting to vary the allowable roof overhang, commonly referred to as an architectural feature, from 2-feet into the setback to a maximum of 3-feet, resulting in a 1-foot variance. This is a design feature of the newly proposed residence and garage.

Impacts:

Due to the steep slopes on the property, the proposed garage placement is optimal so as to avoid a steep driveway in excess of the maximum 14% slope and potential hazards during the winter months resulting from snow and ice. Additionally, the garage is proposed to be 24 feet from the edge of pavement on Dale Drive, thereby complying with the Washoe County Public Works, Road Division requirements of maintaining a minimum of 15-feet from edge of pavement to a garage door for snow clearing purposes. Also a 36-inch diameter pine tree located within the building footprint has been marked for removal by TRPA as a hazard tree. However a 30-inch in diameter pine tree must remain on-site as part of the Tahoe Regional Planning Agency (TRPA) tree retention program, thereby creating the situation of the garage being sited towards the easterly side of the lot.

The proposed home is designed in such a way as to have the appearance of a one-story home from Dale Drive. The lot directly across the street from the subject parcel is owned by the Forest Service and is undeveloped. Also, adjacent property owners have garages available for off-street parking, and are similarly designed. The property owner is building a garage in order to create off-street, enclosed parking for year-round use, thus removing any vehicles from the street, which improves line-of-sight for vehicular travel along Dale Street. Lastly, the request to extend the roof overhang by 1-foot is a design feature in order to maintain fluidity in the architectural design of the residence and garage, and to lessen any potential visual impacts.

Staff sees no significant impacts to neighboring properties or mountain and lake views as a result of the proposed new residence and attached garage. Staff has made all mandated findings for this variance request.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation:

- Washoe County Planning and Development Division
- Washoe County Engineering and Capital Projects Division (engineering and water resources)
- Washoe County District Attorney, Civil Division

- Washoe County Health District
 - Environmental Health Division
- Incline Village General Improvement District (IVGID)
- North Lake Tahoe FPD
- Tahoe Regional Planning Agency (TRPA)

Two of the seven above listed agencies/departments sent comment/conditions for the requested variance. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order

- Washoe County Planning and Development addressed general conditions for the proposed new residential construction with attached garage.
 - Contact: Sandra Monsalve, 775.328.3608, smonsalve@washoecounty.us
- Washoe County Engineering and Capital Projects provided general conditions for the proposed garage and residential construction.
 - Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us

Community Input

At the time of publication staff had not received community input in regard to the variance request.

Staff Comment on Required Findings

Section 110.804.25 of Article 804, *Variances*, within the Washoe County Development Code states "prior to approving an application for a variance, the Board of Adjustment, the Planning Commission or hearing examiner shall find that findings (a) through (d) apply to the property and, if a military installation is required to be noticed, finding (e):

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:
 - (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or
 - (2) By reason of exceptional topographic conditions, or
 - (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings,

the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

Staff Comment:

- *The subject property has slopes in excess of 25% across the entire lot.*
 - *The proposed garage placement is partly due to the Tahoe Regional Planning Agency (TRPA) tree retention requirements.*
 - *The subject parcel is also located on the down slope side of Dale Drive, creating additional hazardous conditions during the winter months. Hazards such as drainage/snowmelt and/or ice accumulation on longer, steeper driveways necessitates intrusion into the front setback.*
- b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.

Staff Comment:

- *The variance will not create a detriment to the scenic or environmental character of the surrounding area, nor affect Lake views of adjacent properties.*
- c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

Staff Comment:

- *The granting of this variance would allow the property owner to construct a garage in order to improve covered off-street parking which is consistent with Washoe County Development Code parking standards found in Article 410.*
 - *The construction of a garage would be consistent with adjacent properties that have attached garages, in addition to improving vehicular traffic line-of-sight by removing vehicles from the street.*
- d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Staff Comment:

- *WCC Section 110.410.10.1 Off-Street Parking Space Requirements requires 2 parking spaces per dwelling unit, 1 of which must be in an enclosed garage.*
- *Though the house, when constructed met the parking requirements of the code in effect at the time; this property improvement would comply with the current code and assist in removing vehicles from Dale Drive.*

- e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Staff Comment:

- o *N/A, there is no military installation near the subject property.*

Staff has completed the analysis of the application and has determined that the proposal has met the required findings as outline within the Development Code.

Recommendation

After a thorough analysis and review, Variance Case No. VA13-004 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case No. VA13-004 for Mr. and Mrs. Doug Willinger, having made all required findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. That due to slopes greater than 25% and TRPA requirements for tree retention; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Appeal Process

The Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

SUBJECT PARCEL



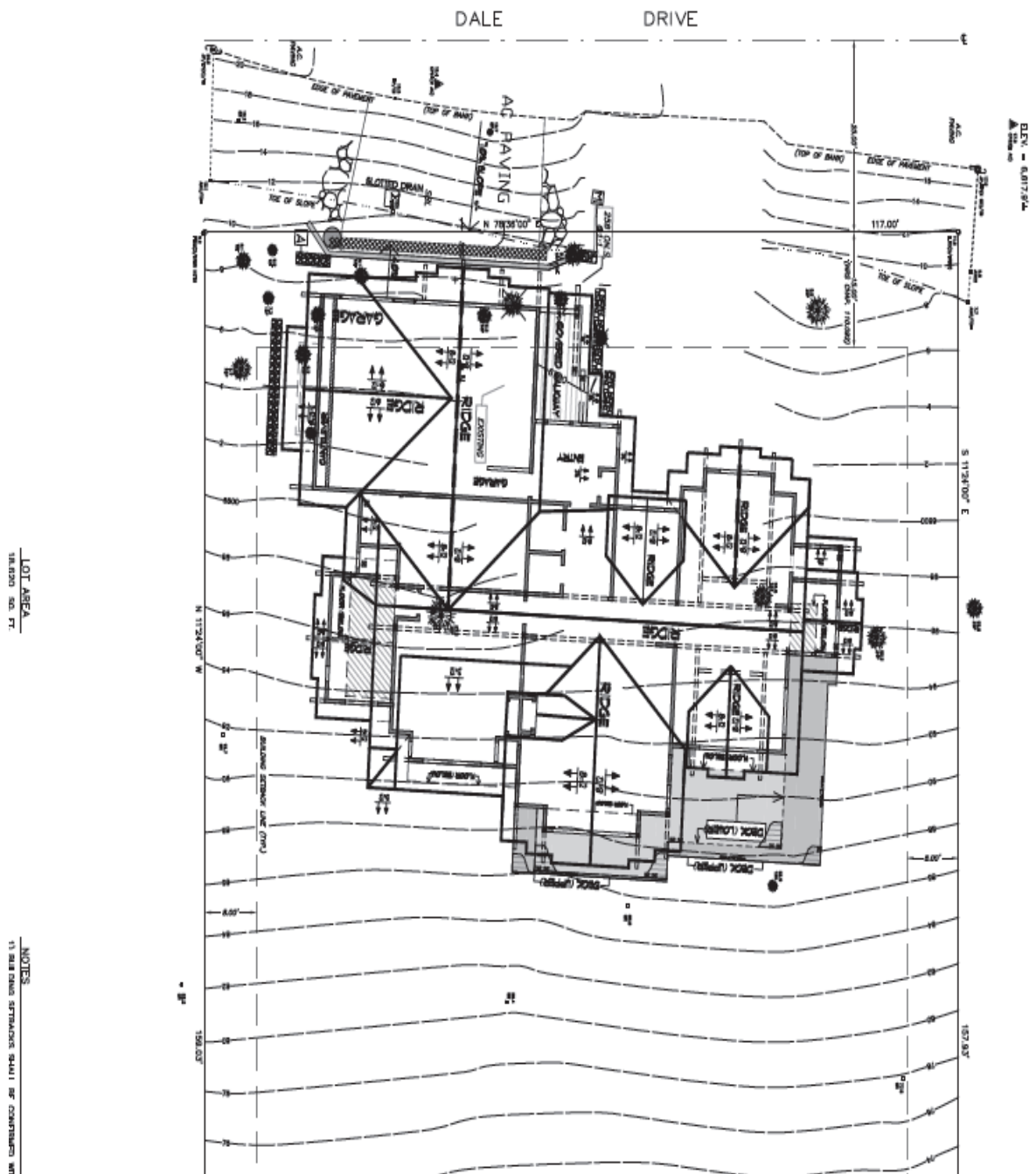
Existing Residence and Parking Deck



Looking West on Dale Drive



Site Plan



Variance Definition

The use and standards for a variance are set out in NRS 278.300 (1) (c), which provides that:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under WCC 110.804.25, the Board must make four findings which are discussed below.

If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as "*Operational Conditions*". These conditions must be continually complied with for the life of the business or project.

xc: Property Owner: Frank and Virginia Murnane, 547 Dale Drive, Incline Village, NV 89451.

 Applicant: D.R. and Lynn Willinger, 930 Tahoe Boulevard, #802-374, Incline Village, NV 89451.

 Representatives: Luke Andrew Busby, Ltd., 543 Plumas Street, Reno, NV 89509.

EXHIBIT A



Conditions of Approval

Variance Case No. VA13-004

The project approved under Variance Case No: VA13-004 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 1, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning & Development Division.

Compliance with the Conditions of Approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**
- **Any conditions set by the District Health Department must be appealed to the District Board of Health.**
- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Community Development

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Sandra Monsalve, AICP, Senior Planner, 775.328.3608

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this Variance.
- b. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
 1. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
 2. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
 3. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).

- c. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.
- d. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this Variance.

Washoe County Engineering and Capital Projects Division

- 2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2041

- a. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the District Attorney and the Engineering Division prior to the issuance of a building permit.
- b. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. Compliance with this condition shall be determined by the staff of Planning & Development and/or the Engineering Division.

*** End of Conditions ***



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: July 10, 2013
TO: Sandra Monsalve, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **VA13-004**
APN 122-132-13
WILLINGER VARIANCE

I have reviewed the referenced variance case and recommend the following conditions:

1. Provide a hold-harmless agreement to the satisfaction of the District Attorney and the Engineering Division.
2. The applicant shall provide automatic garage door openers.

LRV/lrv



Development Review Status Sheet

Date: 6-28-13

Attention: Sandra Monsalve

RE: Variance Case Number VA13-004
 APN: 122-132-13
 Service Address: 547 Dale Drive
 Incline Village NV 89451
 Owner: D.R and Lynn Willinger

Phone:

Fax:

Email:

Mailing Address: N/A

Request **Variance Case Number VA13-004 - Variance Case No VA13-004 - Willinger** – To vary the front yard setback from fifteen (15) feet to eight (8) feet to allow the construction of a new residence and attached garage, and to vary the maximum roof “overhang” of the proposed garage (architectural feature) from two (2) feet to three (3) feet, per Section 110.406.30(e).

- Applicant / Developer D.R. and Lynn Willinger
- Property Owner Frank & Virginia Murnane
- Location: 547 Dale Drive, Incline Village, NV 89451
- Assessor’s Parcel No: 122-132-13
- Parcel Size: ±0.425 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 804 and Article 406
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 17, T16N, R18E, MDM, Washoe County, NV
- Staff: Sandra Monsalve, AICP, Senior Planner

Comments and Conditions: No impact to the Incline Village General Improvement District

Completed by: Tim Buxton, Chief Inspector

Phone: (775) 832-1246 Fax: (775) 832-1260

Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

The contents of this transmission are intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original to us at the above address via US Postal Service. We will reimburse you for your postage. Thank you.

Note: Send information to the case planner as prescribed on the memo from Dawn or the Washoe County Development. TLB



Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Special Use Permit Case No. SB13-017

Applicant: Jacques and Beth Le Friant

Agenda Item No. 8B

Project Summary: To construct a driveway for a new residence within the SHR

Recommendation: Approval with Conditions

Prepared by: Sandra Monsalve, AICP, Senior Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3608
E-Mail: smonsalve@washoecounty.us

Description

Special Use Permit Case No SB13-017 for LeFriant Driveway - To construct a driveway within the Significant Hydrologic Resource (SHR) sensitive stream zone for a newly constructed residence.

- Applicant/Property Owner: Jacques & Beth LeFriant
- Location: 1151 Hornblend Street, San Diego, CA 92109
- Assessor's Parcel No: 172-010-06
- Parcel Size: ±5.0
- Master Plan Category: Rural(R)
- Regulatory Zone: General Rural (GR)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/South Valleys
- Development Code: Article 418 and Article 810
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Portion of Section 4, T16N, R19E, MDB&M, Washoe County, NV

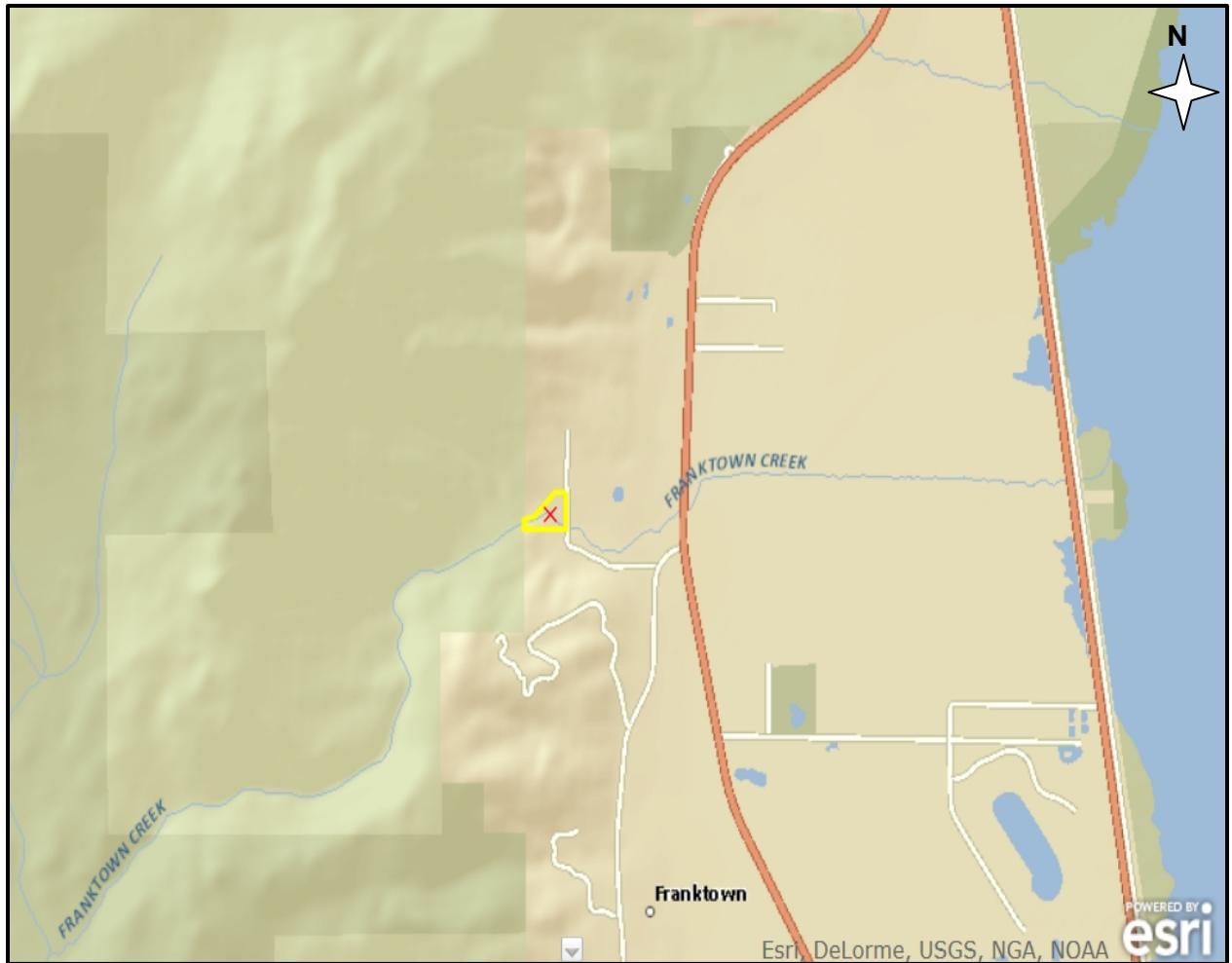
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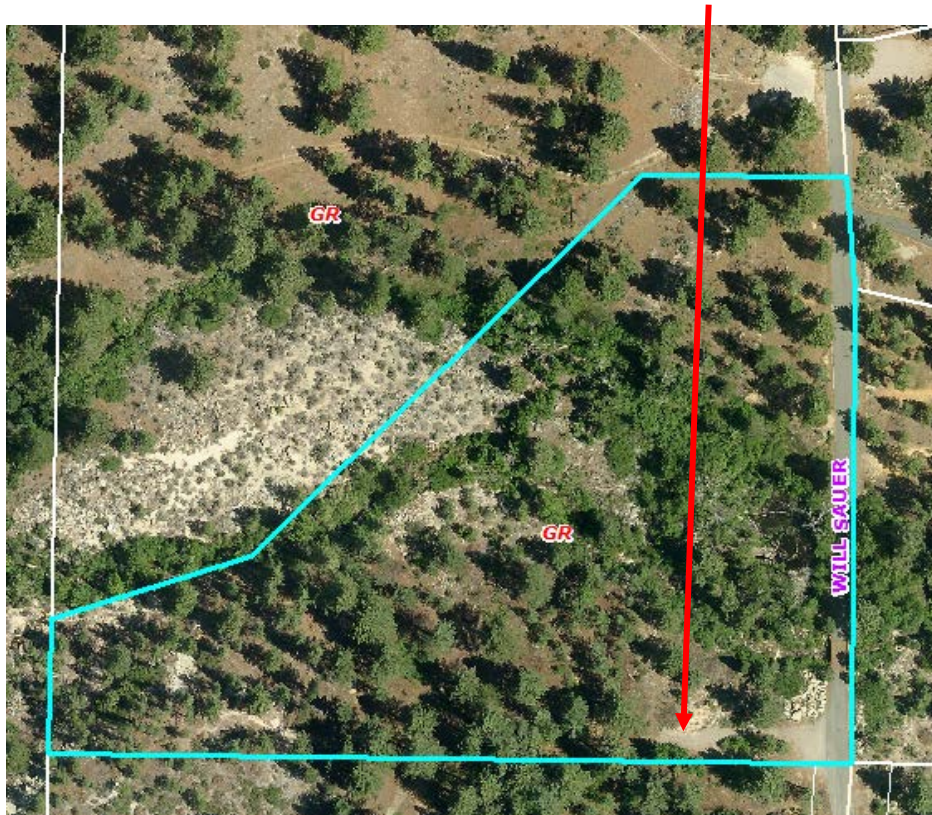
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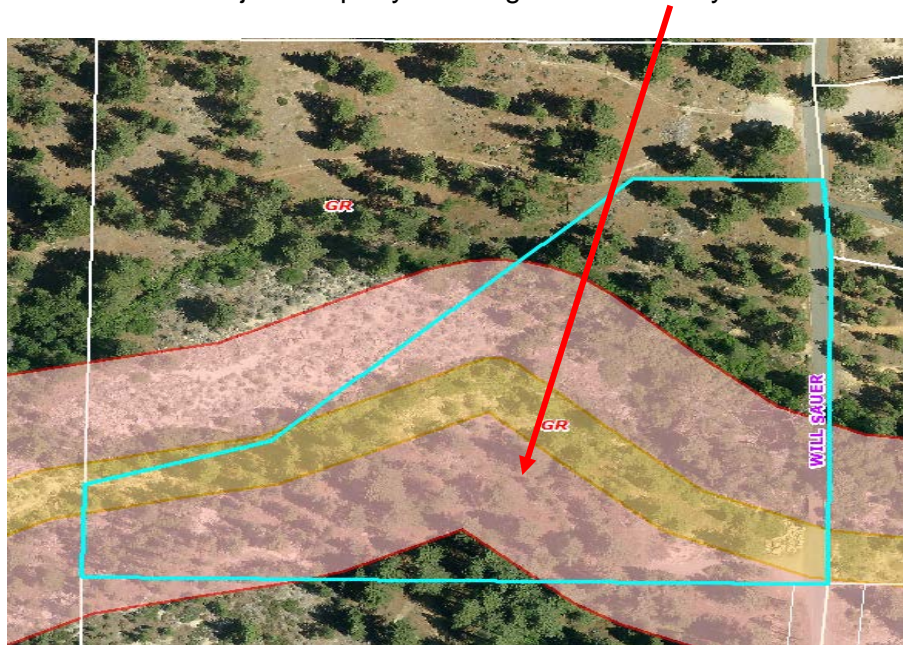
Vicinity Map



Subject Property (existing unpaved access)



Subject Property showing SHR Boundary



Project Evaluation/Analysis

The applicant, Jacques and Beth Le Friant, have requested a special use permit to construct a driveway of approximately 300 feet long and 12 feet wide in conjunction with a new residence. The majority of the new driveway will be located within the sensitive stream zone buffer area of a Significant Hydrologic Resource (SHR), in this case Franktown Creek, which necessitates special use permit review by the Board of Adjustment. The property ±5.0 acre property is located at 55 Will Sauer Road, approximately ¼ to ½ mile west of Franktown Road within the South Valleys planning area.

Washoe County Development Code, Section 110.418.25 (b) requires special use permit review by the Board of Adjustment for the construction of a driveway when located within the sensitive stream zone buffer area. Article 418, *Significant Hydrologic Resources*, requires the Board of Adjustment recognize the following special review considerations:

Section 110.418.30 Special Review Considerations. In addition to the findings required by Article 810, Special Use Permits, prior to approving an application for development in the critical stream zone buffer area or the sensitive stream zone buffer area, the record at the Board of Adjustment shall demonstrate that the following special review considerations are addressed:

- (a) Conservation of topsoil;
- (b) Protection of surface water quality;
- (c) Conservation of natural vegetation, wildlife habitats and fisheries;
- (d) Control of erosion;
- (e) Control of drainage and sedimentation;
- (f) Provision for restoration of the project site to predevelopment conditions;
- (g) Provision of a bonding program to secure performance of requirements imposed; and,
- (h) Preservation of the hydrologic resources, character of the area and other conditions as necessary.

To assist the Board of Adjustment in addressing each consideration, the applicant has provided the following narrative for each special review consideration and how it will be addressed during the duration of their project. (Staff has only listed the narrative relative to the new driveway construction only)

(a) *Conservation of topsoil*

- The top two to six inches of topsoil will be salvaged from all areas to be cleared to construct new site improvements. Upon completion of the new house and related elements the topsoil will be placed over all areas disturbed during construction and revegetated with native plant material seed mix. Any excess topsoil will be utilized behind stacked boulder walls and revegetated.

(b) Protection of surface water quality

- Temporary erosion control measures shall be installed prior to the start of construction to assure no sediment reaches the creek. All measures will be in compliance with all county requirements and may include straw wattles, filter fencing, or runoff interceptors upstream of the work. Runoff intercepted upstream of the work will be rerouted in rock lined ditches to a safe point of discharge. Upon completion of all work, all disturbed areas will be revegetated using native seed mix. On slopes around the new residence, a geotextile may be placed as part of the revegetation treatment.

(c) Conservation of natural vegetation, wildlife habitat, and fisheries

- There is no work or land disturbance of any kind planned within the 60-foot wide *critical stream zone buffer area*. The majority of riparian vegetation on the site is located within this area. This 60-foot setback will assure minimal disturbance to wildlife that tend to use the riparian areas and will provide protection to fisheries. Every effort will be made to minimize disturbance to natural vegetation.

(d) Control of erosion

- Temporary erosion control measures will be installed prior to start of construction in accordance with all county requirements and guidelines to protect all downstream areas including the creek and irrigation ditch. Permanent erosion control measures will include placement of boulders over cut slopes to prevent erosion. Boulder placement will include some “stepped” slope treatments. All areas will be vegetated using a native plant material seed mix.

(e) Control drainage and sedimentation

- The new driveway will be paved to prevent erosion and the sides of the driveway will be revegetated with natural seed mix.

(f) Provision for restoration of the project site to predevelopment conditions

- Revegetation treatments of all disturbed areas remaining after all work has been completed will be with a native plant material seed mix prepared specific to the project site. The seed mix will include plant materials typical of the natural vegetation found on the site. This will include a seed mix for upland areas and a seed mix for riparian areas.

(g) Provision of a bonding program to secure performance of requirements imposed

- Washoe County Engineering will review any and all building and grading permits for compliance with applicable standards prior to the issuance of permits.

(h) *Preservation of the hydrologic resources, character of the area and other conditions as necessary*

- All above listed measures are intended for the overall preservation of the *sensitive stream zone buffer area* as well as maintaining the overall character of the planning area. All best management practices will be utilized in order to comply with all Engineering conditions attached.

Southwest Truckee Meadows/Washoe Valley Citizen Advisory Board

The proposed project was sent to the South Truckee Meadows/Washoe Valley CAB members for review and comment. No comments have been received by staff at the time of staff report publication.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Division
 - Planning and Development
 - Engineering and Capital Projects
 - Land Development
 - Water Resources
- Washoe County Health District
 - Vector-Borne Diseases
- Army Corp of Engineers
- Regional Transportation Commission
- Washoe County District Attorney, Civil Division

Two out of the six above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

Planning and Development addressed permitting and revegetation conditions.

- Sandra Monsalve, 775.328.3608, smonsalve@washoecounty.us

Washoe County Engineering and Capital Projects Division (engineering and water resources) addressed construction improvement drawings including grading plans and best management practices and revegetation/dust plans.

- Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us

Water Resources had no comments.

- Alan Reich, 775.954.4608, areich@washoecounty.us

District Health Department; Vector-Borne Disease addressed slope stabilization.

- J.L. Shaffer, 775.785.4525, jshaffer@washoecounty.us

Staff Comment on Required Findings

Section 110.810.30 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

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

Staff Comment:

- *The driveway construction is in compliance with the requirements of the Development Code, Article 418 Significant Hydrologic Resources, in addition to being in compliance with the Master 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.

Staff Comment:

- *The proposed residence and driveway will be developed to all county standards and will provide adequate improvements as applicable.*

3. Site Suitability. That the site is physically suitable for a new residence and paved driveway, and for the intensity of such a development.

Staff Comment:

- *The site is zoned for residential construction, and the applicant has provided for mitigation measures related to the sensitive stream zone buffer area as required by the Washoe County Development Code.*

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.

Staff Comment:

- *As conditioned, issuance of the permit will not be detrimental to the character of the surrounding area or to the public health, safety or welfare, or injurious to the property or surrounding adjacent properties.*

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment:

- *There are no military installations in the surrounding area.*

6. Special Review Considerations, Section 110.418.30

Staff Comment:

- That the conditions of approval ensure that the applicant will adequately provide for the conservation of topsoil; protect the surface water quality; conserve the natural vegetation, wildlife habitats and fisheries; control the erosion; control the drainage and sedimentation; provide for restoration of the project site to predevelopment conditions; and preserve the hydrologic resources, character of the area, and address mitigation concerns of the Engineering, Health, and Planning and Development departments.

Recommendation

After a thorough analysis and review, Special Use Permit Case No. SB13-017 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case No. SB13-017 for Jacques & Beth Le Friant, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 and one additional finding in accordance with Section 110.418.30:

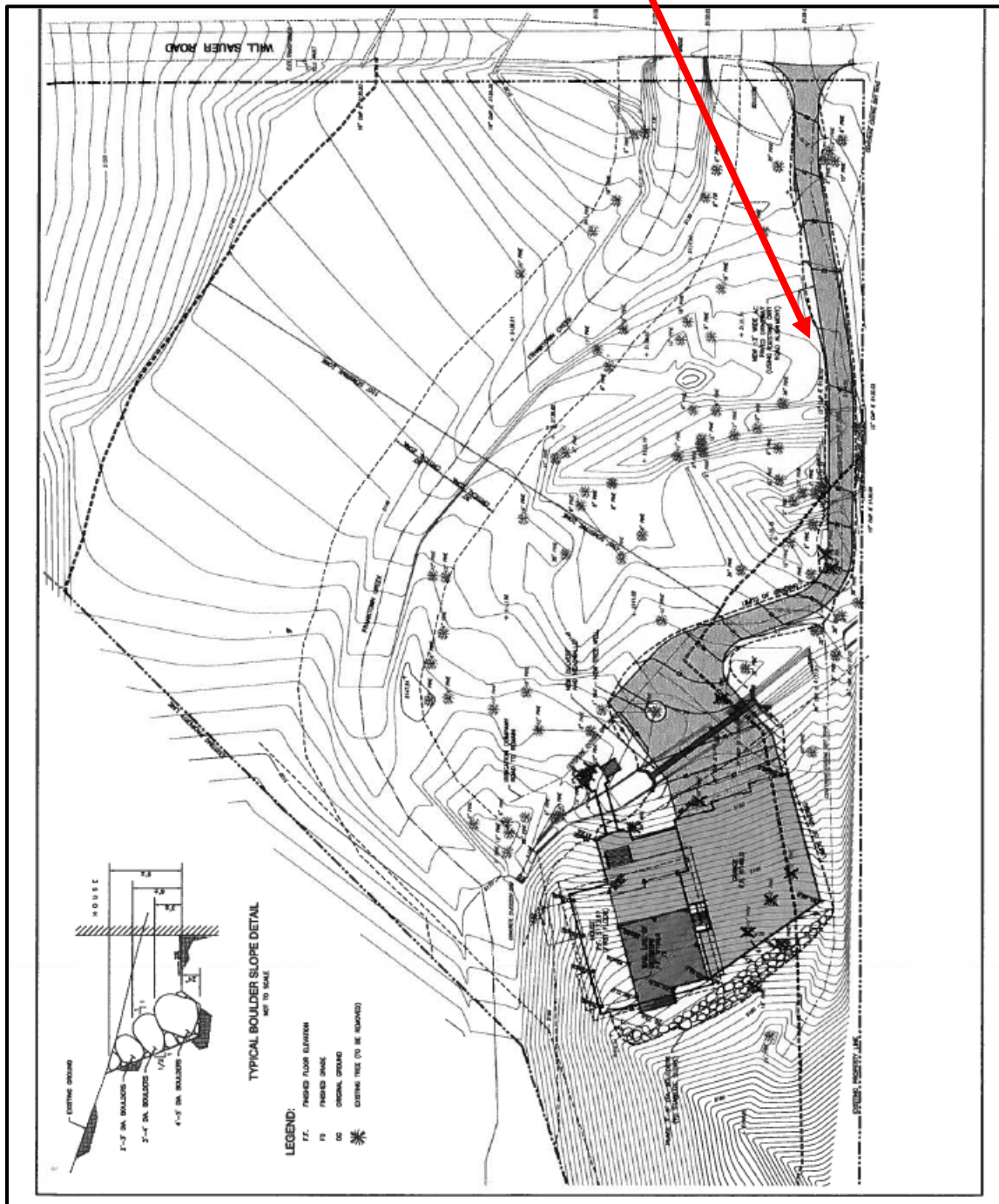
1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, 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 new residence and paved driveway, 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;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and
6. Special Review Considerations, Section 110.418.30. That the special review considerations have adequately been addressed by the applicant and within the conditions of approval:
 - (a) Conservation of topsoil;
 - (b) Protection of surface water quality;
 - (c) Conservation of natural vegetation, wildlife habitats and fisheries;
 - (d) Control of erosion;
 - (e) Control of drainage and sedimentation;
 - (f) Provision for restoration of the project site to predevelopment conditions;

- (g) Provision of a bonding program to secure performance of requirements imposed;
and,
- (h) Preservation of the hydrologic resources, character of the area and other conditions as necessary.

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

Site Plan – Proposed Driveway



Special Use Permit

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions.*” These conditions must be continually complied with for the life of the business or project.

The Conditions of Approval for Special Use Permit Case No. SB13-017 are attached to this staff report and will be included with the Action Order.

xc:

Property Owner/Applicant: Jacques and Beth Le Friant, 1151 Hornblend Street, San Diego, CA 92109.

Representative: Resource Concepts, Inc., Attn: Joe Cacioppo, 340 N. Minnesota Street, Carson City, NV 89703.

EXHIBIT A



Conditions of Approval

Variance Case No. SB13-017

The project approved under Variance Case No: SB13-017 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 1, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning & Development Division.

Compliance with the Conditions of Approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**
- **Any conditions set by the District Health Department must be appealed to the District Board of Health.**
- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Community Development

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Sandra Monsalve, AICP, Senior Planner, 775.328.3608

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this Special Use Permit.
- b. The applicant shall complete construction of the driveway within two years from the date of approval by Washoe County.
- c. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
- d. The applicant and any successors shall direct any potential purchaser/operator of the special use permit to meet with the Planning & Development Department to review conditions of approval prior to the final sale of the special use permit. The subsequent purchaser/operator of the special use permit shall notify the Planning & Development Department of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- f. Cross-sections indicating cuts and fills shall be submitted when applying for a grading permit. Estimated total volumes shall be indicated.
- g. All driveway improvements necessary to serve the project shall be designed and constructed to Washoe County standards and specifications to the satisfaction of the County Engineer. The maximum allowed driveway grade is 14%.
- h. A revegetation and landscaping plan, prepared by a landscape architect licensed in the State of Nevada, shall be required for all disturbed areas in the critical/sensitive stream zone buffer area. Streamside habitat restoration shall be part of the revegetation plan. Aquatic species passage will not be blocked during construction or after project completion.
- i. The applicant shall apply an asphalt or concrete surface for the entire length of the driveway surface within the critical and sensitive stream zone buffer areas.

Washoe County Engineering and Capital Projects Division

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2041

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The FEMA 100-year floodplain shall be shown on the site/grading plans to the satisfaction of the County Engineer. Building permits for any structures and/or grading in these areas shall be in conformance with the Washoe County Code Article 416.

- c. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

Washoe County District Health Department

3. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Jim L. Shaffer, 775.785.4525

- a. District Health shall require all voids in the slope stabilization filled with a mixed aggregate $\frac{3}{4}$ to 1 $\frac{1}{2}$ inch D size rock to a depth of 3 to 4 inches (040.-81).
- b. Prior to the sign off of the building plans, the above detail designs are required on the plans.

*** End of Conditions ***



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: July 10, 2013
TO: Sandra Monsalve, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB13-017**
APN 172-010-06
LE FRIANT DRIVEWAY

I have reviewed the referenced special use permit and have the following conditions and comment:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. The FEMA 100-year floodplain shall be shown on the site/grading plans to the satisfaction of the County Engineer. Building permits for any structures and/or grading in these areas shall be in conformance with the Washoe County Code Article 416.
3. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

LRV/Irv



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION



Public Health
Prevent. Promote. Protect.

Washoe County
Community Development
C/O Sandra Monslave
1001 E Ninth St
Reno, NV 89512

July 3, 2013

RECEIVED

JUL 08 2013

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Dear Sandra,

After having reviewed the special use permit from LeFriant Driveway (SB13-017), please be advised of the following.

1. District Health shall require all voids in the slope stabilization filled with a mixed aggregate $\frac{3}{4}$ to $1\frac{1}{2}$ inch D size rock to a depth of 3 to 4 inches (040.081).
2. Prior to the sign off of the building plans the above detail designs are required on the plans.

If there are any questions concerning the aforementioned vector-planning conditions as it relates to environmental health, please call us at 785-4599.

Sincerely,

J. L. Shaffer
Coordinator/Planner
Vector-Borne Diseases Program
Environmental Health Division



Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Special Use Permit Case No: SB13-011
Applicant(s): Washoe County Community Services Department
Agenda Item No. 8C
Project Summary: To create new earthen berms at the Washoe County Regional Shooting Facility
Recommendation: Approval with Conditions
Prepared by: Trevor Lloyd - Senior Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3620
E-Mail: tlloyd@washoecounty.us

Description

Special Use Permit Case No SB13-011 (Washoe County Regional Shooting Facility Berms) – To create new earthen berms up to 9.5 feet in height and enhance existing earthen berms at the Washoe County Regional Shooting Facility in order to enhance safety and mitigate visual impact at the facility

- Applicant: Washoe County Community Services Department
- Property Owner: Washoe County
- Location: 21555 Pyramid Highway
- Assessor's Parcel No: 076-330-16
- Parcel Size: ±530.22 Acres
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Warm Springs
- Development Code: Article 810
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 18, T23N, R21E, MDM, Washoe County, NV

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Exhibits Contents

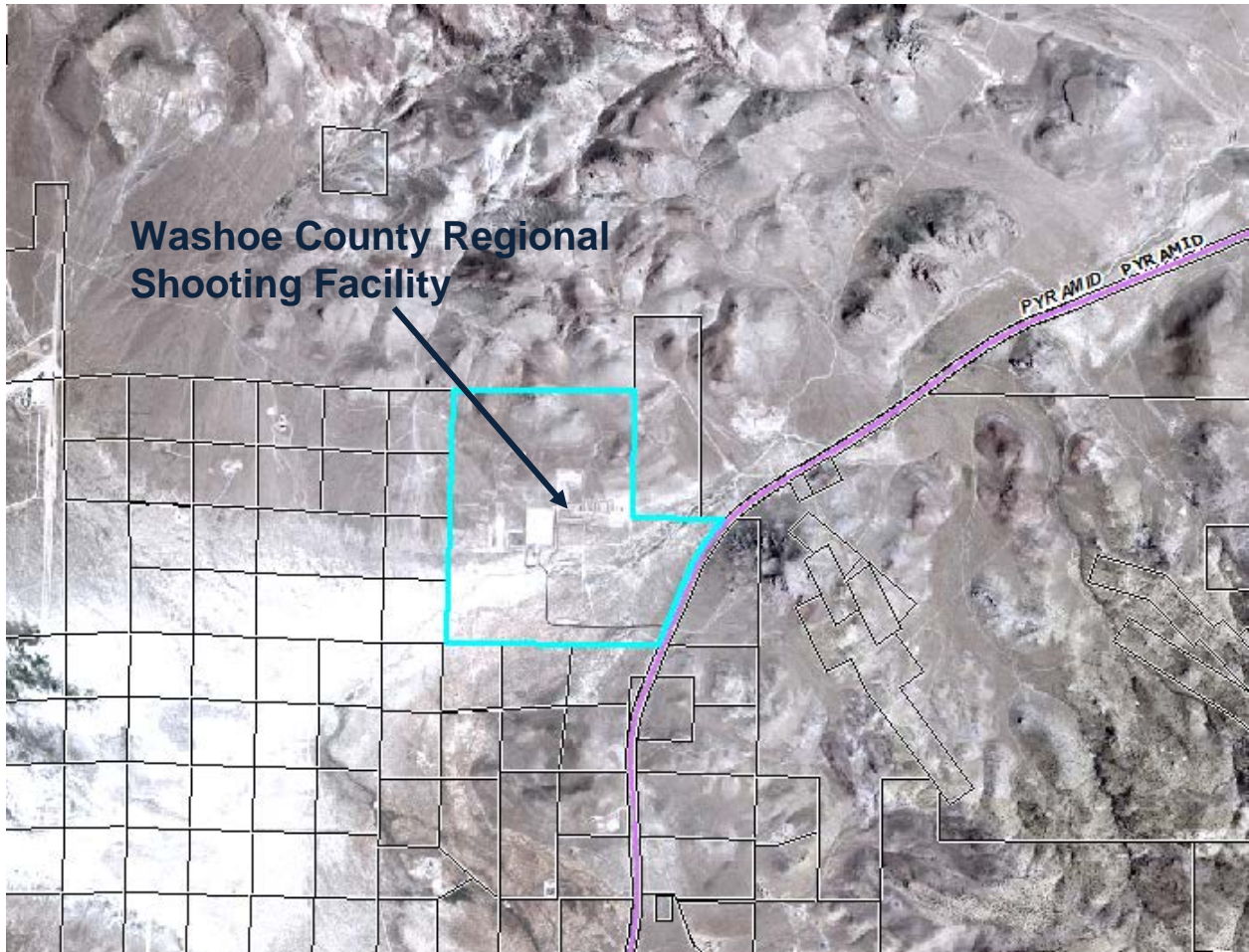
Conditions of Approval Exhibit A
Site Plan & Elevations Exhibit B
Public Works, Engineering Division Memo Exhibit C
Health District Letter Dated 07/09/2013 Exhibit D
Public Notice Exhibit E

Special Use Permit

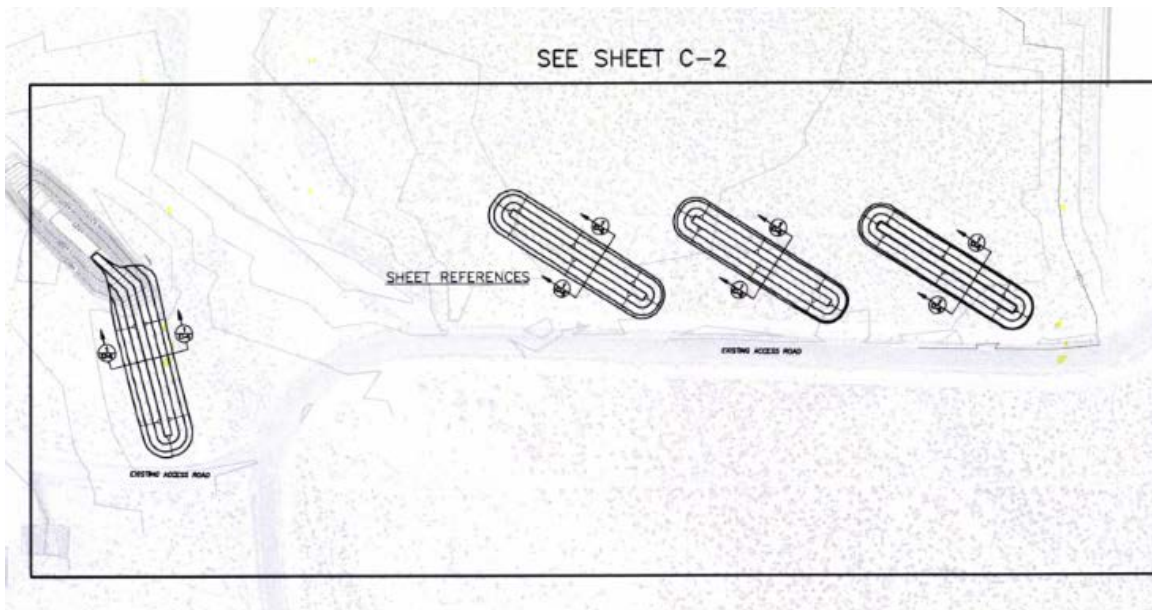
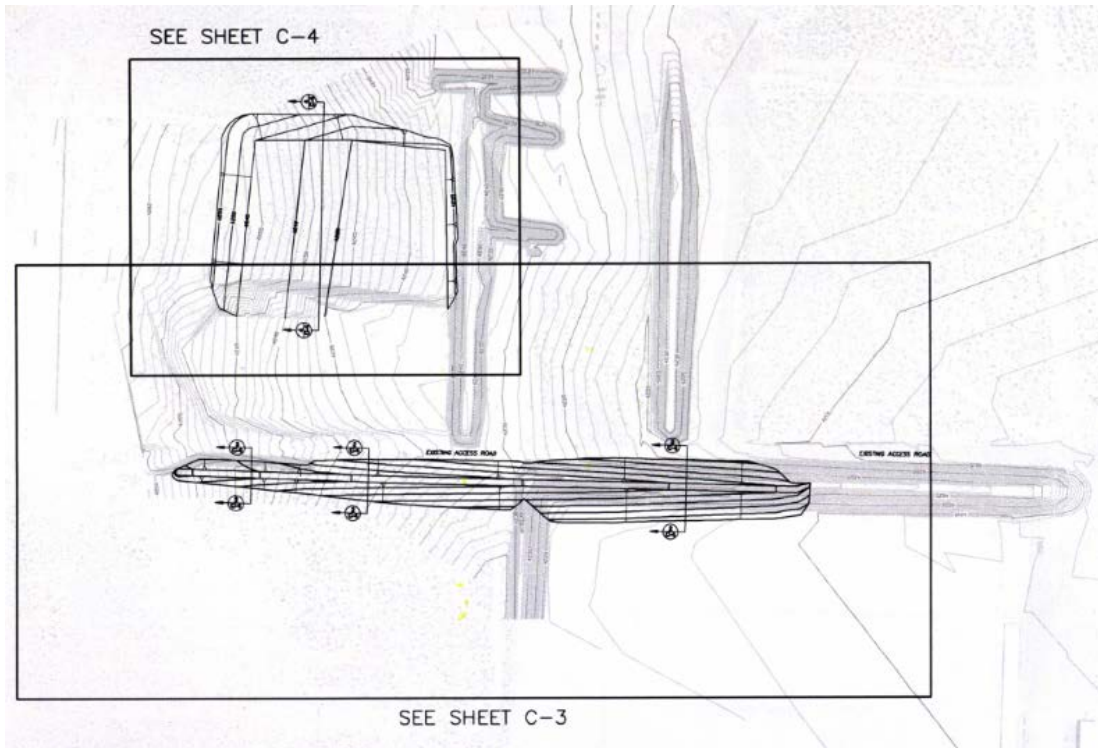
The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions*”. These conditions must be continually complied with for the life of the business or project.

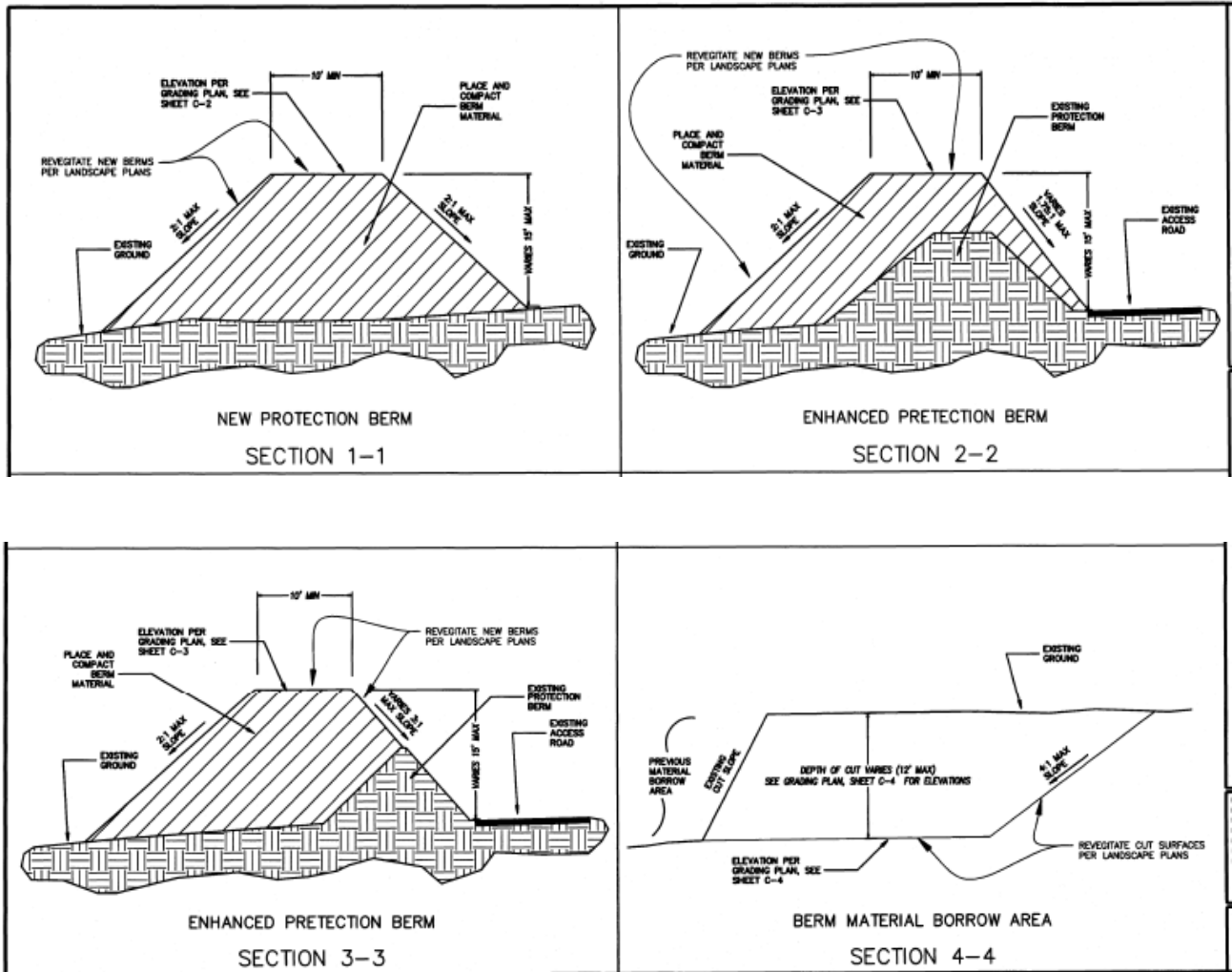
The Conditions of Approval for Special Use Permit Case No. SB13-011 are attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan



Elevations

Project Evaluation

The Washoe County Regional Shooting Facility is a Washoe County owned and operated facility located in Warm Springs. Washoe County Community Services Department is asking to excavate approximately 35,000 cubic yards of dirt for the purpose of creating new earthen berms and increasing the height and width of some existing berms at the Washoe County Regional Shooting Facility in Warm Springs/Palomino Valley. The primary purpose of the new and enhanced berms is to improve the safety of the neighboring residents and visitors to the shooting facility. The secondary purpose of the berms is to improve the visual compatibility of the facility with surrounding properties and travelers along Pyramid Highway by visually screening the shooting areas.

The excavation will occur from the area on the north end of the 1000 yard rifle range. The earthwork will be balanced on-site, therefore no dirt will be imported or exported. The height of the berms will not exceed 9.5 feet tall. All of the new berms will maintain a maximum of 3:1 slope, however some of the existing berms that will be enhanced will be steeper than 3:1. The steepest enhanced berm will not exceed a slope of 1.5:1. Immediately following construction of the berms, all of the new and enhanced berms will be revegetated and irrigated to control dust and prevent erosion.

Citizen Advisory Board

The Citizen Advisory Board (CAB) members for this area have not yet been appointed, and there was no scheduled CAB meeting during the review period for this application, so the application was sent to the members of the previous CAB that used to include this area. No comments were received by staff.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Planning and Development
- Washoe County Engineering
- Washoe County Water Resources
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
 - Air Quality Division
- Washoe County Parks and Recreation
- Truckee Meadows Fire Protection District

Four out of the eight above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their

contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order

- Washoe County Planning and Development addressed revegetation and irrigation of the berms to prevent possible erosion and dust concerns.
Contact Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us
- Washoe County Engineering addressed drainage, floodplain issues, dust suppression and general grading standards.
Contact Leo Vesely, 775.328.2040, lvesely@washoecounty.us
- Washoe County Health District addressed water issues.
Contact Wes Rubio, 775.328.2434, wrubio@washoecounty.us

Staff Comment on Required Findings

Section 110.810.20 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

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

Staff Comment: The proposed use is consistent with the Master Plan and the Warm Springs Area Plan. Policy WS.1.3 of the Warm Springs Area Plan states as follows: "Protect the agricultural resources and preserve the scenic resources and views of the Warm Springs Planning Area as seen from the Pyramid Lake Highway."

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.

Staff Comment: The proposed berms do not create any impacts to existing services and infrastructure.

3. Site Suitability. That the site is physically suitable for type of development, i.e. new and enhanced safety berms and for the intensity of such a development.

Staff Comment: The shooting facility has existed at this location for many decades. This request does not expand the area or the operation of the facility, it only enhances the safety and aesthetics of the facility.

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.

Staff Comment: The proposed new and enhanced berms will improve the public health, safety and welfare as it will further ensure that bullets/ammunition remain within the appropriate shooting lanes. The potential for dust and erosion have been adequately conditioned as part of this special use permit.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation in the vicinity of the Washoe County Shooting Facility

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB13-011 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case No. SB13-011 for the Washoe County Regional Shooting Facility, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Warm Springs 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 type of development, i.e. new and enhanced safety berms 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;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and

Appeal Process

The Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant: Washoe County Community Services Department, Attn: Jennifer Budge, Parks Planner, PO Box 11130, Reno, NV 89520

Property Owner: Washoe County, Attn: Dave Solaro, CSD Director, PO Box 11130, Reno, NV 89520

Representatives: Washoe County, CSD, Engineering and Capital Projects Division, Attn: Leo Vesely, PO Box 11130, Reno NV, 89520

Representatives: Washoe County, CSD, Planning and Development Division, Attn: Roger Pelham, PO Box 11130, Reno NV, 89520

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB13-011

The project approved under Special Use Permit Case No: SB13-011 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 1, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning & Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the District Health Department must be appealed to the District Board of Health.

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning & Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. .
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. All disturbed areas shall be revegetated with the same plants and/or vegetation as the adjacent undisturbed area
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

Washoe County Engineering

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2040, lvesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The owner/ applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
- d. The FEMA 100-year floodplain shall appear on the site plan to the satisfaction of the County Engineer. Building permits for any structures and/or fill in these areas shall be in conformance with the Washoe County Code Article 416.
- e. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

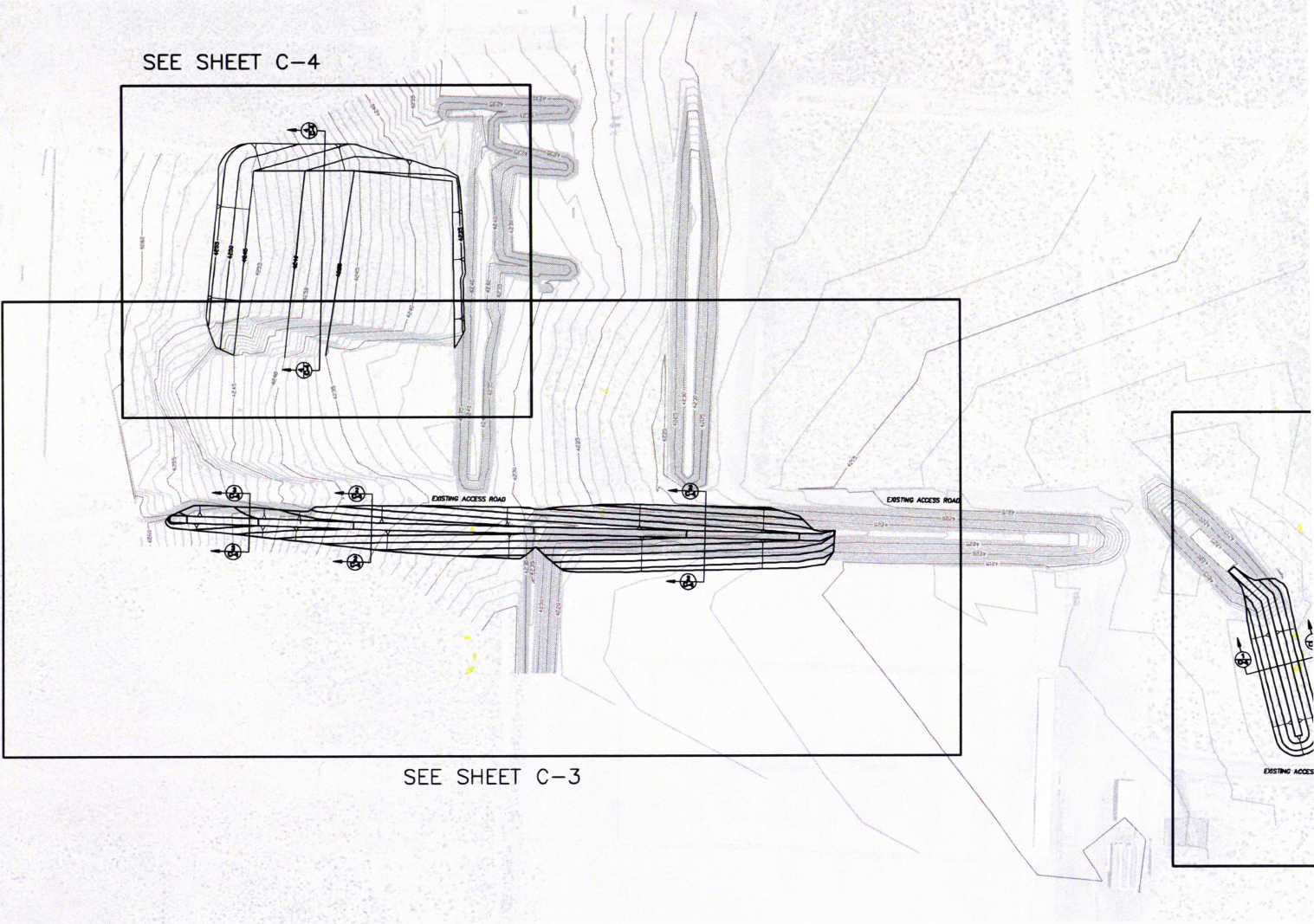
Washoe County District Health Department

3. The following conditions are requirements of the District Health Department, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.
 - a. Any impact to existing public water system requires notification to WCHD and must be repaired according to NRS 445A. If there is any loss in pressure, a boil water order must be issued immediately.

Contact Name – Wes Rubio, 775.328.2434, wrubio@washoecounty.us

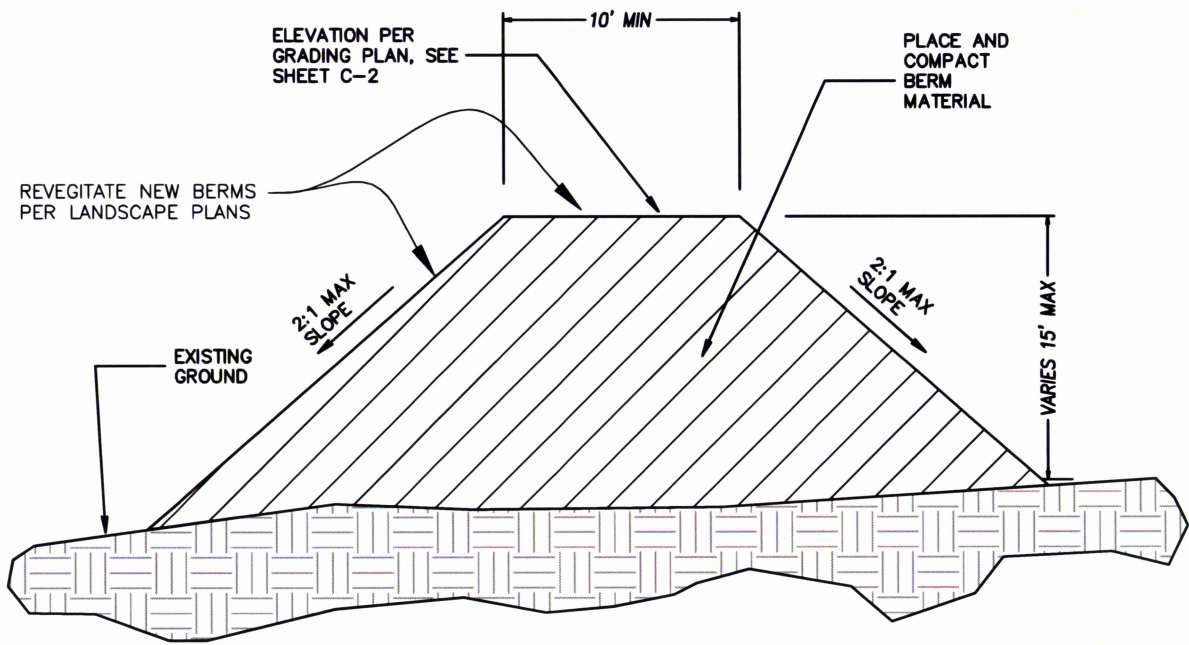
*** End of Conditions ***

SEE SHEET C-4

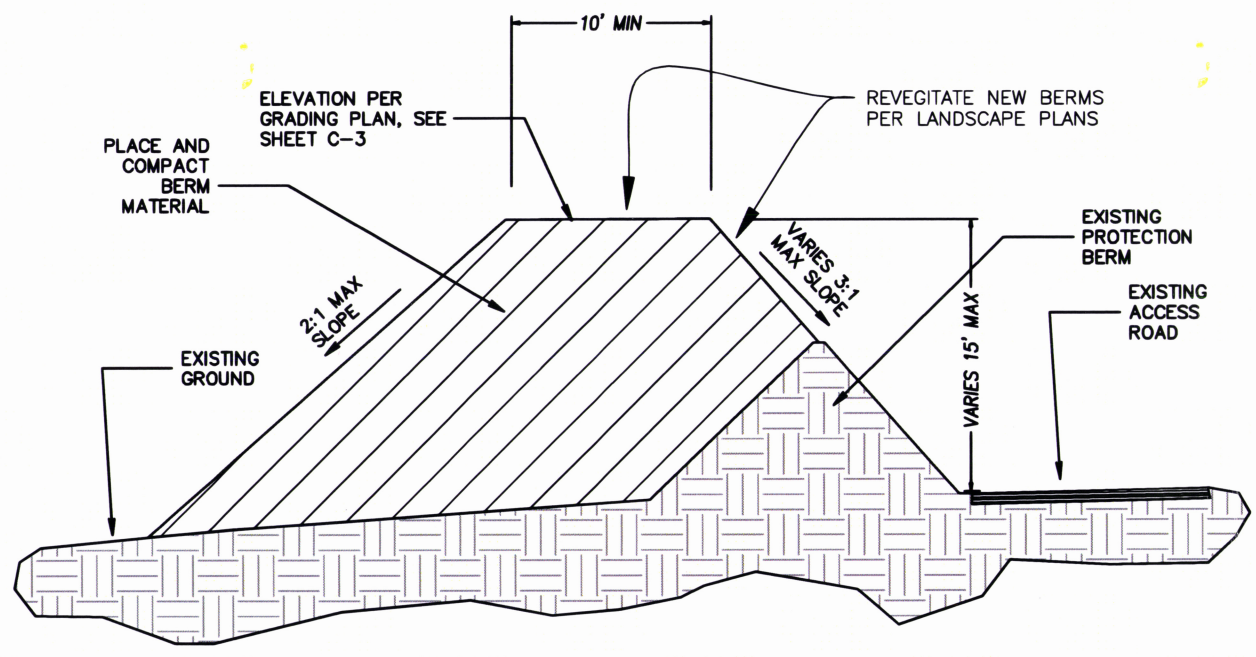
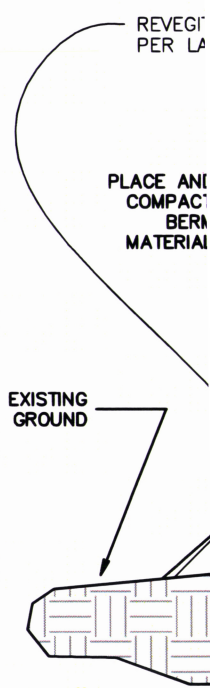


SEE SHEET C-3

EXISTING ACCESS

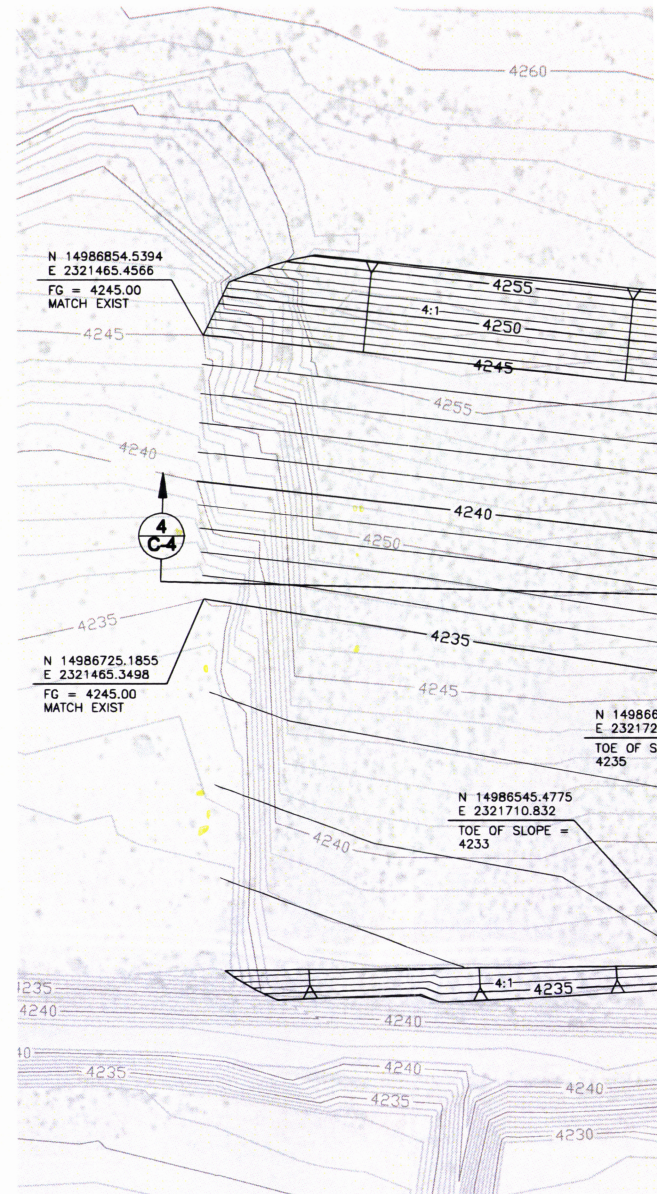


NEW PROTECTION BERM
SECTION 1-1



ENHANCED PROTECTION BERM
SECTION 3-3







WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: July 10, 2013
TO: Trevor Lloyd, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB13-011**
APN 076-330-16
WASHOE COUNTY REGIONAL SHOOTING FACILITY

I have reviewed the referenced special use permit and have the following conditions and comment:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. The owner/ applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist prior to obtaining a grading/building permit. The County Engineer shall determine compliance with this condition.
4. The FEMA 100-year floodplain shall appear on the site plan to the satisfaction of the County Engineer. Building permits for any structures and/or fill in these areas shall be in conformance with the Washoe County Code Article 416.
5. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

LRV/lrv



Washoe County Health District



Public Health
Prevent. Promote. Protect.

ENVIRONMENTAL HEALTH SERVICES DIVISION

DATE: July 9, 2013

TO: Trevor Lloyd, Senior Planner
Washoe County Community Development

FROM: Wes Rubio, Environmental Health Specialist
Environmental Health Services

SUBJECT: Washoe County Regional Shooting Facility
SB13-011, Special Use Permit
E2013-029

This District has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this District is subject to the following condition:

1. Any impact to existing public water system requires notification to WCHD and must be repaired according to NRS 445A. If there is any loss in pressure, a boil water order must be issued immediately.

If you have any questions, please call me at 328-2381.

Sincerely,

A handwritten signature in black ink, appearing to read "Wes Rubio", with a long horizontal line extending to the right.

Wes Rubio
Environmental Health Specialist, MPH, REHS
Environmental Health Services

WR/dc

Cc: Dave Solaro, CSD Director
Jennifer Budge, W.C. Parks Planner
Leo Vesely, P.E., Washoe Co. Engr. & Capital Projects Div.
Roger Pelham, W.C. Planning & Development

OFFICIAL NOTICE OF PUBLIC HEARING

Exhibit E

DATE: July 19, 2013

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

1:30 p.m., Thursday, August 1, 2013

County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512

RE: PUBLIC HEARING: Special Use Permit Case No SB13-011 - Washoe County Regional Shooting Facility – To allow grading of approximately 35,000 cubic yards and approximately 6 acres of disturbance to create new earthen berms and to increase the height and width of some existing earthen berms at the Washoe County Regional Shooting Facility. This special use permit also seeks approval of permanent earthen structures greater than 3 horizontal to 1 vertical (3:1).

- Applicant / Property Owner Washoe County Community Services Department
- Location: 21555 Pyramid Way, on the west side of Pyramid Way
approximately six and one-half miles north of its intersection with
Winnemucca Ranch Road
- Assessor's Parcel No: 076-330-16
- Parcel Size: ±530.22
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs / Rural
- Development Code: Article 438
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 18, T23N, R21E, MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at www.washoecounty.us/comdev/, choose **Boards and Commissions**, then **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**. A staff report related to this public hearing will be posted on Friday, six days prior to the meeting.



Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Special Use Permit Case No: SB13-013
Applicant(s): Sky Tavern Junior Ski Program
Agenda Item No. 8D
Project Summary: Grading of approximately 11 acres and approximately 14,600 cubic yards to return the hillside to approximately natural contour.
Recommendation: Approval with Conditions
Prepared by: Roger D. Pelham, MPA, Senior Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description

Special Use Permit Case No SB13-013 Sky Tavern Ski Area – To allow the grading of approximately 11 acres and approximately 14,600 cubic yards to return the hillside to approximately the natural contour prior to creation of an old road cut.

- Applicant Sky Tavern Junior Ski Program
- Property Owner City of Reno
- Location: 10000 Mount Rose Highway, at the southwest corner of Sky Tavern Road and State Route 431
- Assessor's Parcel No: 048-050-03
- Parcel Size: 143 acres
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows / Washoe Valley
- Development Code: Article 438, Grading
- Commission District: 1 – Commissioner Birkbigler
- Section/Township/Range: Section 17, T17N, R19N, MDM, Washoe County, NV

Staff Report Contents

Project Description..... 1
Special Use Permit 3
Vicinity Map 4
Site Plan 5
Project Evaluation 6
South Truckee Meadows / Washoe Valley Citizen Advisory Board 6
Reviewing Agencies..... 6
Staff Comment on Required Findings 7
Recommendation..... 8
Motion..... 8
Appeal Process..... 9

Exhibits Contents

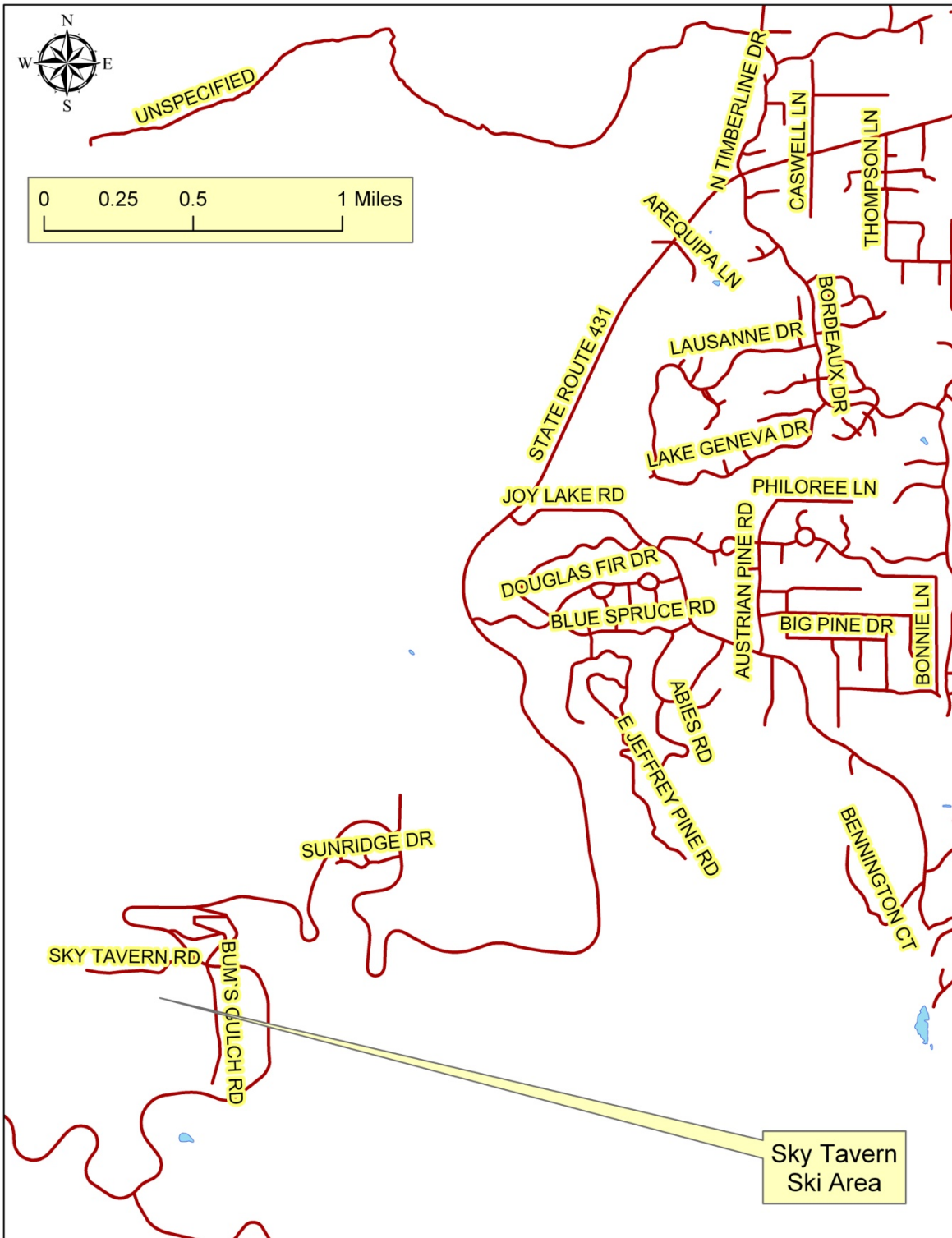
Conditions of Approval..... Exhibit A
Water Resources comment dated 7/8/13 Exhibit B
Engineering and Capital Projects Conditions dated 7/10/13 Exhibit C
Vector-Borne Diseases Program Conditions dated 7/3/13 Exhibit D
Environmental Health Services Condition dated 7/10/13..... Exhibit E
Nevada Department of Transportation letter dated 7/1/13..... Exhibit F
Public Notice Exhibit G
Project Application Exhibit H

Special Use Permit

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions*”. These conditions must be continually complied with for the life of the business or project.

The Conditions of Approval for Special Use Permit Case No. SB13-013 are attached to this staff report and will be included with the Action Order.



Vicinity Map



Site Plan

Project Evaluation

The Sky Tavern Ski Area is a facility owned by the City of Reno at which the Sky Tavern Junior Ski Program is operated. That program has been teaching young people in this area to ski and snow board for several decades. The grading project proposed is fairly simple in concept. There is an old roadway cut that traverses the ski slope used by the Junior Ski Program. The program cannot begin each year until there is enough snow to cover the road cut and make the slope safe for skiing.

The proposal at this time is to grade the slope to eliminate the road cut and create a consistent slope. There will be no import or export of fill materials. All grading will balance on the site. The result will be a slope that is consistent with the surrounding slope, the disturbed area will be revegetated with plant material consistent with the undisturbed slope.

The total amount of grading is significant, involving 11 acres of disturbance and excavation of approximately 14,600 cubic yards, however, the purpose of the grading is to restore the slope to a condition similar to its configuration prior to the cut made for the roadway. Because of this there is very little to cause concern. Dust control, revegetation and other standard mitigation techniques have been included in the conditions of approval.

South Truckee Meadows / Washoe Valley Citizen Advisory Board

The citizen advisory board members for this area have not yet been appointed, and there was no scheduled CAB meeting during the review period for this application, so the application was sent to the members of the previous CAB that used to include this area. No comments were received.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- US Army Corps of Engineers
- US Forest Service, Carson / Tahoe District
- Nevada Department of Transportation
- Washoe County
 - Engineering and Capital Projects, Land Development
 - Planning and Development
 - Health District, Air Quality
 - Health District, Environmental Health
- Sierra Fire Protection District

Four out of the eight above-listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their

contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order

- Washoe County Planning and Development addressed general conditions for the proposed grading.
Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us
- Washoe County Engineering provided general technical conditions for the proposed grading.
Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us
- Washoe County Environmental Health addressed technical considerations for the water system, conditions to inhibit standing water, and the need for a dust control permit.
Contact: Jim Shaffer, 775.328.2434, jshaffer@washoecounty.us and Wes Rubio, 775.328.2434, wrubio@washoecounty.us
- Nevada Department of Transportation addressed technical conditions generally relating to work within State right-of-way.
Contact: Anita Lyday, 775.834.8320

Staff Comment on Required Findings

Section 110.810.20 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan.
Staff Comment: Goal 8 of the Forest Area Plan reads as follows, "Maintain and enhance the scenic value of the State Route 431 Corridor." The proposed grading will eliminate an unused roadway cut that is visible from the State Route 431 Corridor.
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.
Staff Comment: The grading proposed does not create the need for any such improvements. Adequate utilities, roadway improvements, sanitation, water supply, and drainage are in place at the Sky Tavern Ski Area.
3. Site Suitability. That the site is physically suitable for a ski slope, and for the intensity of such a development.

Staff Comment: The ski slope has been in place for many years, this is a minor enhancement to it.

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.

Staff Comment: All identified negative impacts, such as the possibility of dust or erosion have been appropriately provided for in the recommended conditions of approval.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation in the vicinity of the Sky Tavern Ski Area.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB13-013 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case No. SB13-013 for the Sky Tavern Junior Ski Program, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

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

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant: Sky Tavern Junior Ski Program, attn: Bill Henderson, 10000 Mount Rose Highway, Reno, NV 89511

Property Owner: City of Reno attn: Julee Conway, PO Box 1900, Reno, NV 89505

Consultant: Bowling Mamola Group, attn Doug Buck, 180W. Huffaker Lane, Suite 302, Reno, NV 89511

Consultant: Rubicon Design Group attn: Derek Wilson, 100 California Ave, Suite 202, Reno, NV 89509

Action Order xc: Gregory Salter, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; John Cella, Department of Water Resources; Leo Vesely, Engineering Division; Amy Ray, Truckee Meadows Fire Protection District; Nevada Division of Environmental Protection, 901 South Stewart Street, Suite. 4001, Carson City, NV 89701-5249; Regional Transportation Commission, Attn: Patrice Echola; South Truckee Meadows / Washoe Valley Citizen Advisory Board, Chair.

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB13-013

The project approved under Special Use Permit Case No: SB13-013 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 1, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning & Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the District Health Department must be appealed to the District Board of Health.

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning & Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, 775.328.3622, rpelham@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. All disturbed areas shall be revegetated with the same plants as the adjacent undisturbed areas.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

Washoe County Engineering and Capital Projects Division

2. The following conditions are requirements of the Engineering and Capital Projects Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2040, ivesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- b. The owner/ applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
- c. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
- d. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to issuance of a grading permit.
- e. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

Washoe County District Health Department

3. The following conditions are requirements of the District Health Department, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.

Air Quality Contact Name – Charlene Albee, 775.784.7211, calbee@washoecounty.us

- a. The applicant must apply for and obtain a Dust Control Permit from the Air Quality Management Division prior to any construction activities.
- b. The applicant must obtain an Air Quality Permit To Operate if there is any material processing on site, prior to any construction activities.

Vector Control Contact Name – Jim Shaffer, 775.785.4599, jshaffer@washoecounty.us

- c. District Health will require filling the base of the old lift towers that currently hold water to eliminate that source of water.
- d. Prior to the sign off of the building plans the above detail designs are required on the plans.

Environmental Health Contact Name – Wes Rubio, 775.328.2381, wrubio@washoecounty.us

- e. Any disruption or depressurization of the water system due to grading activities requires notification to the Washoe County Health District. Any pipes or portion of the water system impacted by grading must be replaced with approved material. A summary of all replaced items must be provided to the WCHD and as as-built provided for any portion of the water system impacted by grading.

Nevada Department of Transportation (NDOT)

4. The following conditions are requirements of the Nevada Department of Transportation (NDOT), which shall be responsible for determining compliance with these conditions. NDOT is a State agency. Therefore, any conditions set by NDOT must be appealed to that agency.

Contact Name – Anita Lyday, 775.834.8320, email address

- a. Prior to any grading adjacent to the Nevada Department of Transportation right-of-way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. A Drainage Information Form is attached. Please contact the Permit Office at (775) 834-8330 for more information.
- b. The Nevada Department of Transportation will require an occupancy permit for any work performed within the State's right-of-way. Please contact the Permit Office at (775) 834-8330 for more information regarding the occupancy permit.
- c. NDOT typically does not deny access to developments that have no alternatives for access; however, the Department requires the use of only legal, permitted accesses onto State roadways. All driveway accesses to the state highway system will be required to comply with the NDOT access management guidelines current at the time of application. Some applicants are required to provide cross access easements to adjacent parcels in order to provide adequate access for development while meeting the NDOT access management requirements. Public improvements, like turn lanes and medians, may be required to mitigate proposed access points. The applicant may be required to provide a Traffic Study to determine the impacts of any new driveways to the state highway system and any required mitigation strategies. A change or an increase in the function of the property served by an existing access or street may require a new right-of-way encroachment permit.
- d. Developer is encouraged to coordinate traffic study review and seek NDOT traffic study approval early in the development planning process.
- e. The state defers to municipal government for land use development decisions. Public involvement for development related improvements within the NDOT right-of-way should be considered during the municipal land use development public involvement process. Significant public improvements within the NDOT right-of-way, developed after the public involvement process, may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.

*** End of Conditions ***

EXHIBIT B

Pelham, Roger

From: Reich, Alan
Sent: Monday, July 08, 2013 8:52 AM
To: Pelham, Roger
Cc: Cella, John
Subject: SB13-013 Sky Tavern grading - Agency Comments

Roger,
We have no comments on this one.

Alan Reich, P.E.
Washoe County Department of Water Resources
Direct: 775-954-4608
FAX: 775-954-4610
E-mail: areich@washoecounty.us

EXHIBIT C



WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: July 10, 2013
TO: Roger D. Pelham, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB13-013**
APN 048-050-03
SKY TAVERN SKI AREA SLOE GRADING

I have reviewed the referenced special use permit and have the following conditions and comment:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. The owner/ applicant shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
3. The owner/applicant shall complete and submit the Construction Permit Submittal Checklist, the Performance Standards Compliance Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
4. A grading bond of \$2,000/acre of disturbed area shall be provided to the Engineering Division prior to issuance of a grading permit.
5. All disturbed areas left undeveloped for more than 30 days shall be treated with a dust palliative. Disturbed areas left undeveloped for more than 45 days shall be revegetated. Methods and seed mix must be approved by the County Engineer with technical assistance from the Washoe-Storey Conservation District.

LRV/lrv

EXHIBIT D



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION



Public Health
Prevent. Promote. Protect.

Washoe County
Community Development
C/O Roger Pelham
1001 E Ninth St
Reno, NV 89512

July 3, 2013

RECEIVED

JUL 08 2013

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Dear Roger,

After having reviewed the special use permit from Sky tavern Ski Area to grade 11 acres (SB13-013), please be advised of the following.

1. District Health will require filling the base of the old lift towers that currently hold water to eliminate this source of water.
2. Prior to the sign off of the building plans the above detail designs are required on the plans.

If there are any questions concerning the aforementioned vector-planning conditions as it relates to environmental health, please call us at 785-4599.

Sincerely,

Handwritten signature of J. L. Shaffer.

J. L. Shaffer
Coordinator/Planner
Vector-Borne Diseases Program
Environmental Health Division

EXHIBIT E



Washoe County Health District

ENVIRONMENTAL HEALTH SERVICES DIVISION



Public Health
Prevent. Promote. Protect.

DATE: July 10, 2013

TO: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Development

FROM: Wes Rubio, MPH, REHS, Environmental Health Specialist
Environmental Health Services

SUBJECT: **Sky Tavern Ski Area**
SB13-013, Special Use Permit
E2013-030

This District has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this District is subject to the following condition:

1. Any disruption or depressurization of the water system due to grading activities requires notification to the Washoe County Health District. Any pipes or portions of the water system impacted by grading must be replaced with approved material. A summary of all replaced items must be provided to the WCHD and an as-built provided for any portion of the water system impacted by grading.

If you have any questions, please call me at 328-2381.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wes Rubio".

Wes Rubio

Environmental Health Specialist, MPH, REHS
Environmental Health Services

WR/dc

Cc: Julee M. Conway, City of Reno
Bill Henderson, Sky Tavern Junior Ski Program
Douglas Buck, P.E., Bowling Mamola Group
Derek Wilson, Rubicon Design Group, LLC

EXHIBIT F



BRIAN SANDOVAL, Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

District II
310 Galletti Way
Sparks, Nevada 89431
(775) 834-8300 FAX (775) 834-8390

RECEIVED
JUL 03 2013
WASHOE COUNTY
COMMUNITY DEVELOPMENT

RUDY MALFABON, P.E., Director

July 1, 2013

Washoe County Dept. of Engineering
P.O. Box 11130
Reno, NV 89520-0027
Attention: Mr. Roger D. Pelham, MPA

SB13-013
Sky Tavern Ski Area
SR431 (Mt Rose Hwy)

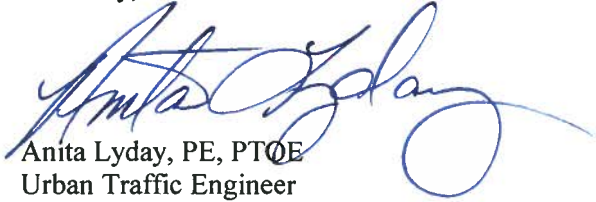
Dear Mr. Roger Pelham:

I have reviewed the development application permit to allow the grading of approximately 11 acres and approximately 14,600 cubic yards to return the hillside to approximately the natural contour prior to creation of an old road cut. I have the following comments:

1. Prior to any grading adjacent to the Nevada Department of Transportation right-of-way, a Drainage Report, including a grading plan, and a Drainage Form must be submitted to the Permit office. A Drainage Information Form is attached. Please contact the Permit Office at (775) 834-8330 for more information.
2. The Nevada Department of Transportation will require an occupancy permit for any work performed within the State's right-of-way. Please contact the Permit Office at (775) 834-8330 for more information regarding the occupancy permit.
3. NDOT typically does not deny access to developments that have no alternatives for access; however, the Department requires the use of only legal, permitted accesses onto State roadways. All driveway accesses to the state highway system will be required to comply with the NDOT access management guidelines current at the time of application. Some applicants are required to provide cross access easements to adjacent parcels in order to provide adequate access for development while meeting the NDOT access management requirements. Public improvements, like turn lanes and medians, may be required to mitigate proposed access points. The applicant may be required to provide a Traffic Study to determine the impacts of any new driveways to the state highway system and any required mitigation strategies. A change or an increase in the function of the property served by an existing access or street may require a new right-of-way encroachment permit.
4. Developer is encouraged to coordinate traffic study review and seek NDOT traffic study approval early in the development planning process.
5. The state defers to municipal government for land use development decisions. Public involvement for development related improvements within the NDOT right-of-way should be considered during the municipal land use development public involvement process. Significant public improvements within the NDOT right-of-way, developed after the public involvement process, may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.

Thank you for the opportunity to review this development proposal. The Department reserves the right to incorporate further changes and/or comments as the design review advances. Please feel free to contact me at (775)834-8320, if you have any further questions or comments.

Sincerely,



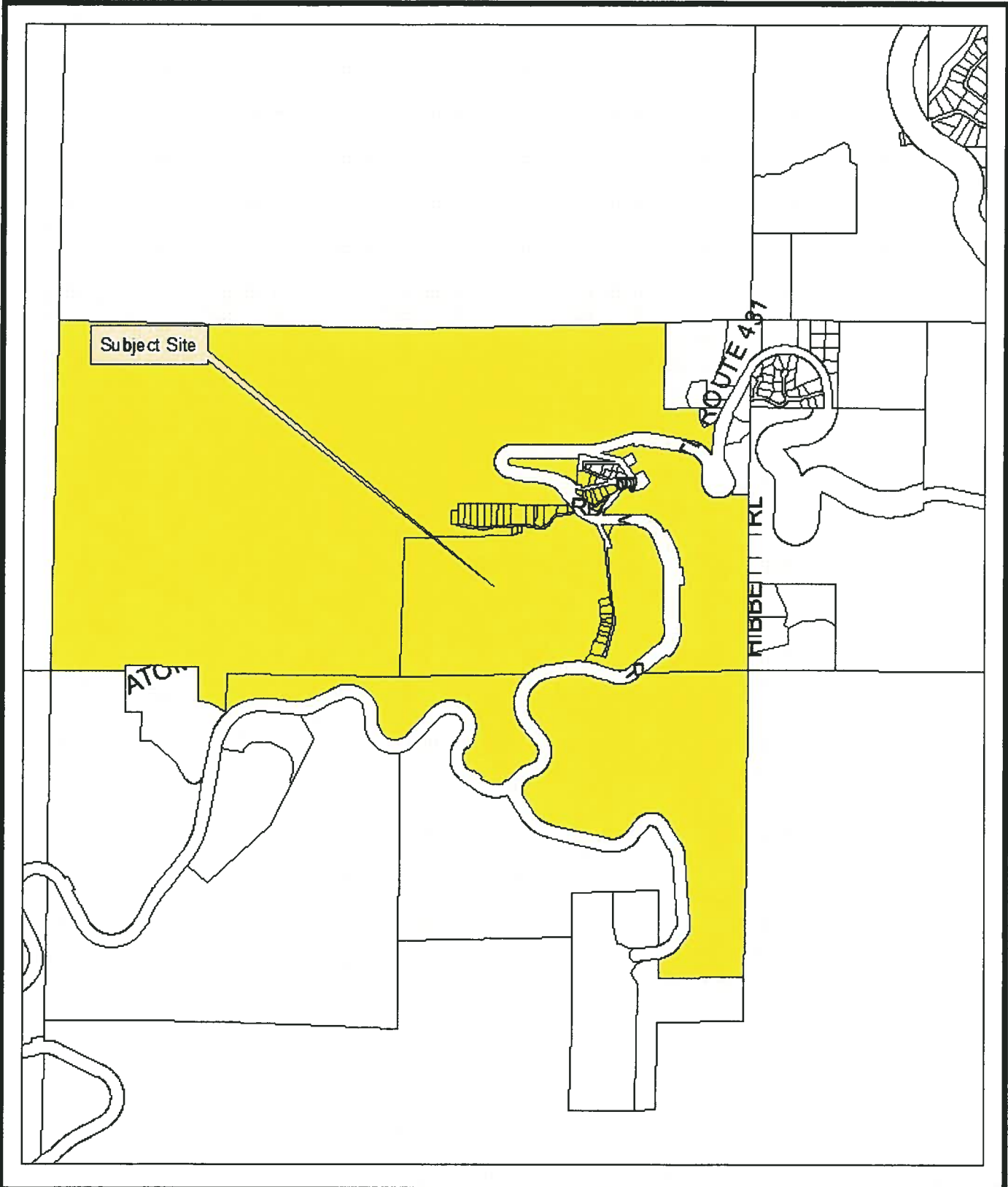
Anita Lyday, PE, PTOE
Urban Traffic Engineer

cc: Thor Dyson, PE
File

Mike Fuess, PE

Clara Lawson, PE (Washoe County)

EXHIBIT G



Mailing Label Map
Special Use Permit Case Number SB13-013
Sky Tavern Ski Area Grading

45 Parcels selected at 500 feet.

Source: Community Planning Services



Date: June 2013

**Department of
 Community
 Development**
**WASHOE COUNTY
 NEVADA**
 Post Office Box 11130
 Reno, Nevada 89520
 (775) 332-3600

EXHIBIT H



**SKI RUN SLOPE GRADING
SPECIAL USE PERMIT APPLICATION**

PREPARED BY:



JUNE 17, 2013

SKY TAVERN SKI AREA SKI RUN SLOPE GRADING

SPECIAL USE PERMIT APPLICATION

Prepared by:



**Rubicon Design Group
100 California Ave, Suite 202
Reno, NV 89509
775-425-4800
www.rubicondesigngroup.com**



**Bowling Mamola Group
Douglas Buck, PE
180 Huffaker Lane, Suite 302
Reno, Nevada 89511
(775) 825-2000, Fax (775) 825-2020
www.bowlingmamola.com**

Prepared for:

**City of Reno Parks & Recreation
Julee Conway
PO Box 1900
Reno, Nevada 89505
Bill Henderson & Eric Ruud
Sky Tavern Junior Ski Program**

June 17, 2013



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Appendices:

Washoe County Development Application
Special Use Permit Application
Owner Affidavit
Preliminary Title Report
Property Tax Documentation

Map Pocket:

Title Sheet
Site Plan
Grading Plan



Introduction

This application includes the following request:

A **Special Use Permit** (per Code Section 110.438.35), to allow for the grading of approximately 11 acres of existing ski run at Sky Tavern Ski Area for the Sky Tavern Junior Ski Program.

Project Location

The Sky Tavern Ski Area property is owned by the City of Reno and is located on the southeast slope of Mount Rose. The address is 10000 Mount Rose Highway and the Assessor's Parcel Number is 048-050-03. Figure 1 (below) depicts the project location.

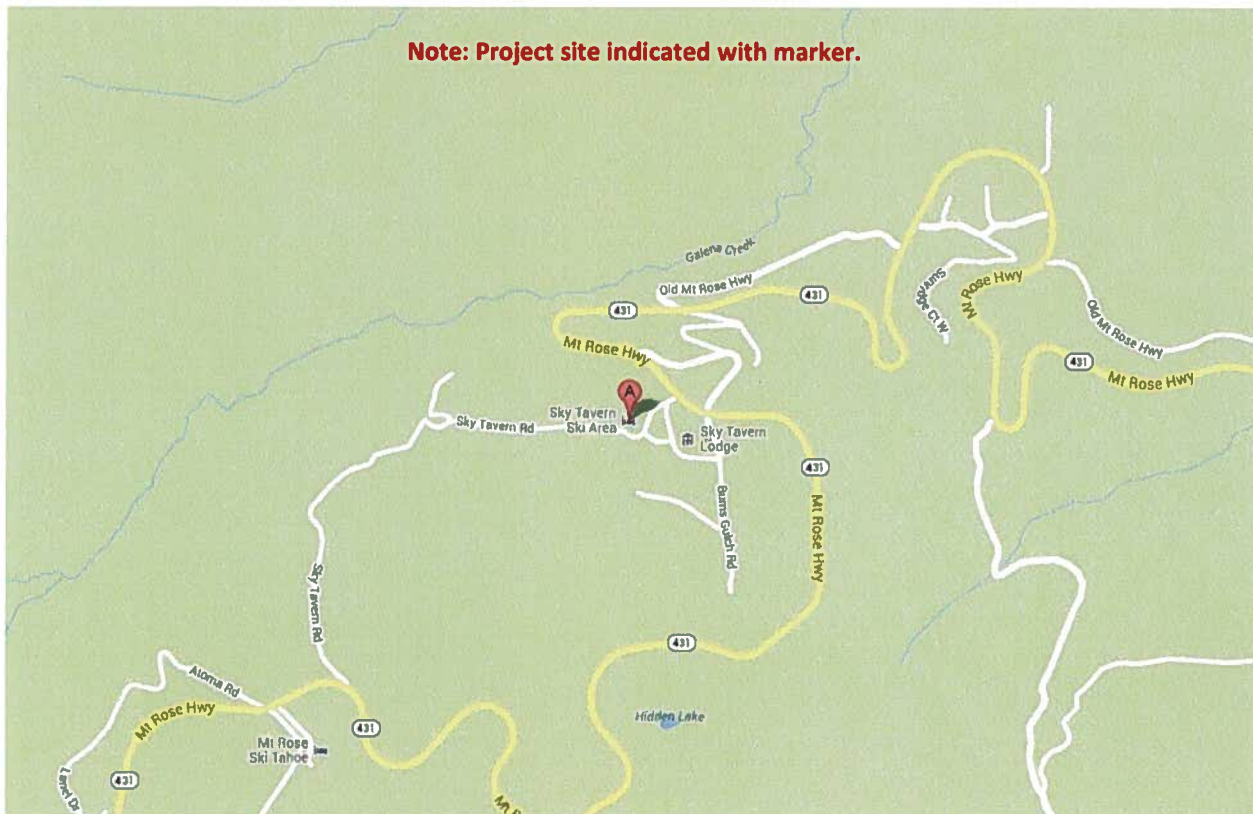


Figure 1 - Vicinity Map



Project Description

The Sky Tavern Junior Ski Program and the City of Reno are requesting to re-grade a portion of an existing ski run on the Sky Tavern Ski Area facility property. Grading disturbance will affect approximately 11± acres of the 143± acre site, as shown on the attached plans.

The primary function for the Sky Tavern facility is the Junior Ski Program which has been in operation since 1948, as well as Project Discovery which conducts youth programs including operation of a ropes course during the spring and summer months. The grading of the ski run will create several benefits. First, it will allow the slope to open for use after receiving only several feet of snowfall instead of requiring 8 to 10 feet of snow as is currently needed due to the varying terrain. Second, it will allow for more consistent mechanized grooming of the snow, improving safety and ski conditions. Third, obstacles and bare ground sections that occasionally protrude through the snow will be removed, again improving safety and ski conditions. The grading will be surface grading only.

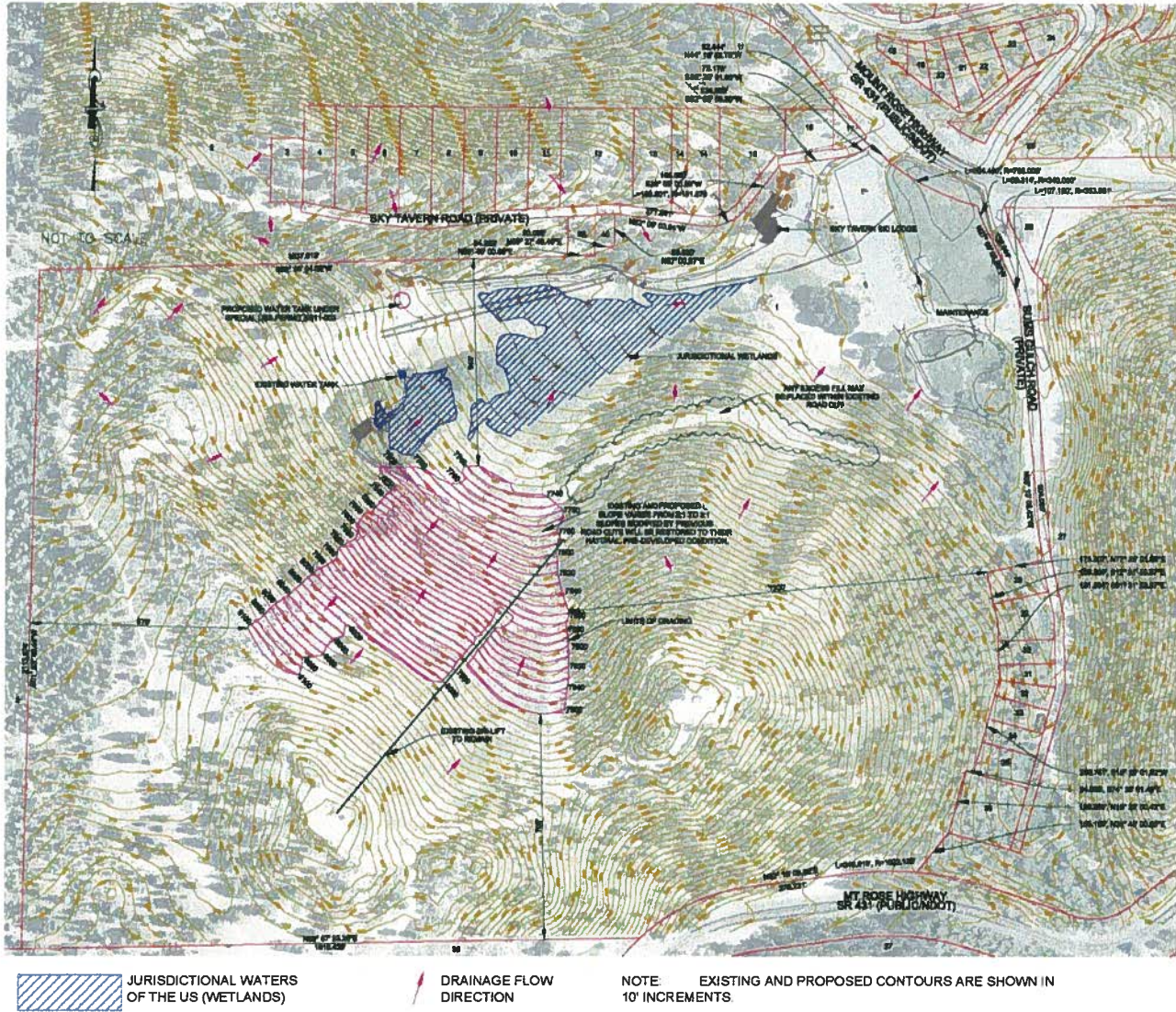
In general, the grading plan is designed to add consistency to the ski slope, allowing for improved operations and safety. The design intends to create greater conformance with the existing grade. In other words, high spots will be reduced and low spots will be filled, leaving the overall slope intact.

A substantial component of the grading plan is the removal of manmade features and a restoration of the natural grade. Primarily, this involves removing unneeded and informal roadways and trails. The most noticeable result of this will be the removal of a highly visible roadway across the slope. The grading area will be revegetated using native, appropriate species. The revegetation plan will conform to Washoe County standards.

The total cut volume is 14,600± cubic yards and the fill volume is 13,100± cubic yards. No import or export of soil is anticipated with this grading plan. Assuming a 10% shrinkage amount of the cut material, the fill volume should consume essentially all of the cut material. Should any excess exist, it will be added to the fill areas shown on the plan.

The site is visible from Mt. Rose Highway but the proposed grading will not present a significant visual disturbance. The existing ski hill operation will not be substantially altered with this project. Once the revegetation is complete, the site will have effectively the same visual impact that it has now.

Figure 2 (following page) shows the proposed grading plan.



Note: A full size site and grading plan are included in the attached map pocket.

Figure 2 – Site Plan



Figure 3 (below) depicts the existing onsite conditions.

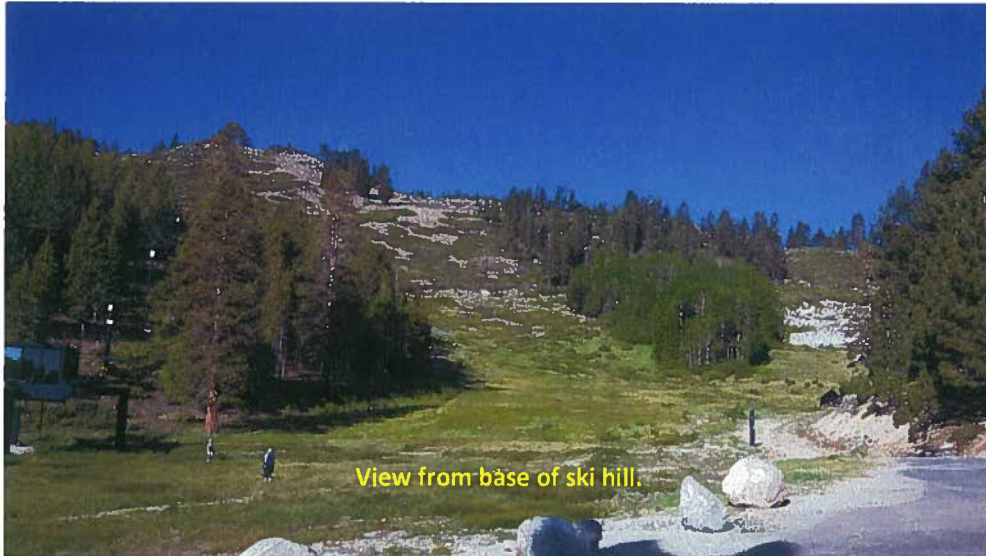


Figure 3 – Existing Conditions



Site Access

The project will utilize the existing driveway for Sky Tavern off of Mount Rose Highway. During summer months, access to the slope will be achieved using the existing dirt-surface maintenance road. During winter months, access to the slope will be by onsite snow cats and groomed snow slopes, as is the current operating and maintenance procedure. No change in access is proposed.

Landscaping

The ski slope vegetation is currently managed by the Sky Tavern Junior Ski Program and consists primarily of native groundcover. The groundcover and volunteer trees from adjacent tree stands are managed on an annual basis to prevent overgrowth that could have a negative impact on the ski slope.

The site will be re-vegetated with a dryland native seed mix that will perform well on the slope without the need for temporary irrigation. This is a mountainside slope that is not typical of other sites in Washoe County and is covered in snow for approximately 6 months of the year. The vegetation will receive slow release spring snow melt runoff on an annual basis.

Since no temporary irrigation is proposed, a voluntary condition is proposed that would require evaluation of the revegetation at three years following the completion of grading to ensure that 50% of existing background vegetation coverage has been obtained. In the event that 50% of existing background vegetation coverage has not been obtained at that time, the City will take additional steps to ensure vegetation is re-established. Following the three year inspection period, additional steps could include renewed hydroseeding and / or the installation of temporary irrigation.

Slope and Cut/Fill Detail

The existing slopes on the mountain side are between 2:1 and 3:1. Slopes vary between these ranges on different areas of the ski slope. Proposed slopes are also between 2:1 and 3:1 and generally follow the existing topography. Slopes will not be increased or decreased drastically in any area. The grading will smooth the overall surface and maintain the basic topography of the existing slope while removing depressions and mounds from the surface. The overall slope of the ski run will not be modified.

Maximum cuts and fills will be less than 10 feet in depth in all areas. The majority of the site will have cuts and fills that are less than 4 feet. The average cut or fill on the site is approximately 1.65 feet.

Slope stabilization will immediately follow slope grading. The slope will be temporarily stabilized with straw wattles placed to prevent erosion and will be hydroseeded with an alpine dryland seed mix with native vegetation. Daylighting edges of all slopes will be rounded to provide a more natural appearance.

Buildings

No structures are proposed to be modified or added with this project.



Flood Hazard

Based on mapping completed by the Federal Emergency Management Agency (FEMA), including their Flood Insurance Rate Maps, there are no areas within the project boundary located within the 100-year floodplain.

Seismic Hazards

No seismic hazards that would preclude the proposed development are known to exist in the area.

Sensitive Habitat and Migration Routes

There are no identified sensitive habitats or migration routes within the project site. The site is previously disturbed by existing and past development.

Trails/Open Space

The site is an active ski area in the winter. In summer months, onsite trails are utilized for mountain biking and hiking. The project will have no negative impact on active or passive recreation or trails in the vicinity. The site is predominately open space. The installation of this project will ensure the continued operation and occupancy of the Sky Tavern Lodge providing for ongoing maintenance of this open space for the community.

Utilities

All utilities necessary to serve the project are already in place.

Special Use Permit Findings

Section 110.810.30 of the Washoe County Development Code outlines Special Use Permit Findings. These findings are addressed below in **bold face** type.

Prior to approving an application for a Special Use Permit, the Planning Commission shall find that all of the following are true:

- (a) **Consistency.** The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

This project, as an extension of the existing parks and recreation use of the site, is consistent with the current Rural Master Plan designation and Parks and Recreation zoning designation. No change to the Master Plan is proposed with this project.



-
- (b) 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;

The project does not create any need for new utilities, roadways, parking, power lines, gas lines, or communication utilities.

- (c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

This permit provides for a continuation of the existing use of the project site. No intensity of use is proposed.

- (d) 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; or detrimental to the character of the surrounding area; and

The proposed project poses no significant new impacts in terms of public health, safety, or character. No new land use is proposed. The project will be consistent with the existing site and the surrounding area in that it is simply a refinement of an existing permitted use.

- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

There are no Military Installations within or in the vicinity of the project boundary.

APPENDICES

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name (commercial/industrial projects only):			
Project Description: The City of Reno is seeking a SUP to re-grade approximately 11 acres of an existing ski run slope at the Sky Tavern facility property for improved ski slope conditions			
Project Address: 10,000 Mount Rose Highway, Reno, Nevada, 89511-2740			
Project Area (acres or square feet): Site: 143.07 Acres. Graded Area: 11 acres; 479,000 sf			
Project Location (with point of reference to major cross streets AND area locator): Sky Tavern Ski Area, Mount Rose Highway (State Route 431) approximately 30 mi. SW of Reno.			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
048-050-03	143.0700		
Section(s)/Township/Range: T17 R19 S17			
Indicate any previous Washoe County approvals associated with this application: Case Nos. None			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: City of Reno		Name: Bowling Mamola Group	
Address: P.O. Box 1900		Address: 180 W. Huffaker Lane, Suite 302	
Reno, NV	Zip: 89505	Reno, NV	Zip: 89511
Phone: 775-334-2260	Fax:	Phone: 775-825-2000	Fax: 825-2020
Email: conwayj@reno.gov		Email: dbuck@bowlingmamola.com	
Cell:	Other:	Cell: 775-527-5094	Other:
Contact Person: Julee M. Conway		Contact Person: Douglas Buck, P.E.	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Sky Tavern Junior Ski Program		Name: Rubicon Design Group, LLC	
Address: 10000 Mount Rose Highway		Address: 100 California Ave., Suite 202	
Reno, NV	Zip: 89511-2740	Reno, NV	Zip: 89509
Phone: 775-323-5125	Fax:	Phone: 775-425-4800	Fax:
Email: bill.henderson@skytavern.com		Email: dwilson@rubicondesigngroup.com	
Cell: 775-530-6266	Other:	Cell: 775-527-6710	Other:
Contact Person: Bill Henderson		Contact Person: Derek Wilson	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Special Use Permit For Grading

Special Use Permit Application for Grading Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to special use permits may be found in Article 810, Special Use Permits. Article 438, Grading, and Article 418, Significant Hydrologic Resources, are the ordinances specifically involved in this request.

1. What is the purpose of the grading?

The Sky Tavern Junior Ski Program (Program) operates and maintains the ski runs on the mountain under lease from the City of Reno (City). The grading will remove the scar of an old road alignment in the middle of the ski run and will smooth depressions and mounds in areas of the ski run. This grading will allow the sky program to begin after receiving several feet of snowfall instead of waiting for 8-10 feet of snowfall due to the un-even terrain. All areas proposed for grading are currently maintained annually by the Program.

2. How many cubic yards of material are you proposing to excavate on site?

14,600 cubic yards +/-

3. How many square feet of surface of the property are you disturbing?

11 acres / 479,000 square feet +/-

4. How many cubic yards of material are you exporting or importing? If none, how are you managing to balance the work on-site?

The earthwork is designed to balance on-site based on a excavated material shrinkage factor of 10%. Should there be an excess of material from earthwork activities, it will be utilized on-site to fill other areas of the old roadway scar or minor areas requiring fill for regular annual maintenance. There will be no import or export from the site.

5. Is it possible to develop your property without surpassing the grading thresholds requiring a Special Use Permit? (Explain fully your answer.)

No, the development project is a grading only project. There is no other associated development.

6. Has any portion of the grading shown on the plan been done previously? (If yes, explain the circumstances and the year the work was done.)

No proposed grading shown on the plans has been done previously.

The existing mountainside topography has presumably been graded for original use or maintenance activities over the course of the 60+ years of operation as a ski area. No grading activity has taken place in recent years.

7. Have you shown all areas on your site plan that are proposed to be disturbed by grading? (If no, explain fully your answer.)

Yes, all areas proposed to be disturbed are shown on the plans. Areas identified for disposal of excess fill material (if any) have been identified on the plans.

8. Can the disturbed area be seen from off-site? If yes, from which directions, and which properties or roadways?

The disturbed area can be seen from the Mount Rose Highway. The view from the highway is from the northeast to the southwest. The view from the highway will be improved in the project's final condition by removing the scar on the mountainside from the old highway location.

Private properties near the ski area will be shielded from viewing the graded area by existing stands of trees on both sides of the ski run slope.

9. Could neighboring properties also be served by the proposed access/grading requested (i.e. if you are creating a driveway, would it be used for access to additional neighboring properties)?

No, this project is ski slope grading only. Alternate access is available to all areas accessible by the old highway cut.

10. What is the slope (Horizontal:Vertical) of the cut and fill areas proposed to be? What methods will be used to prevent erosion until the revegetation is established?

The existing slopes on the mountain side are between 2:1 and 3:1. Slopes vary between these ranges on different areas of the ski slope. Proposed slopes are also between 2:1 and 3:1. Slopes will not be increased or decreased drastically in any area. The grading will smooth the overall surface and maintain the basic topography of the existing slope while removing depressions and mounds from the surface.

Slope stabilization will immediately follow slope grading. The slope will be temporarily stabilized with straw wattles placed to prevent erosion and will be hydroseeded with an alpine dryland seedmix with native vegetation. No temporary irrigation is intended for use on the slope.

11. Are you planning any berms?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, how tall is the berm at its highest?
------------------------------	--	--

12. If your property slopes and you are leveling a pad for a building, are retaining walls going to be required? If so, how high will the walls be and what is their construction (i.e. rockery, concrete, timber, manufactured block)?

No pads, buildings, retaining walls or other structures are proposed with this project.

13. What are you proposing for visual mitigation of the work?

The graded slopes will be revegetated with native alpine dryland seedmix utilizing species presently thriving on the slope. The finished ski slope will not differ in appearance from the existing slope once vegetation is established with the exception of the removal of the scar on the mountain from the old road.

14. Will the grading proposed require removal of any trees? If so, what species, how many and of what size?

No full grown trees will be removed for this project. Tree removal (various pine species) does occur on this ski slope on an annual basis as part of regular maintenance of the ski runs. As volunteer growth trees reach a few feet in height, they are removed by the Program to maintain an open ski run. Any trees removed with this grading will be very small volunteer trees that are typically covered with a few feet of snowpack in early winter.

Trees in tree stands on this property are also removed as required by the US Forest Service on an ongoing basis. These areas are not a part of this grading permit.

15. What type of revegetation seed mix are you planning to use and how many pounds per acre do you intend to broadcast? Will you use mulch and, if so, what type?

Slope revegetation will immediately follow slope grading. The slope will be hydroseeded with an alpine dryland seed mix with native vegetation including a low-lying manzanita shrub that currently thrives on the site. Final seed mix design is under development but it is anticipated that seed will be applied at 10 pounds per acre. No temporary irrigation is intended for use on the slope.

Mulch will consist of processed vegetation and woody debris and recycled paper mulch derived from cardboard, newspaper or other sources. An approved tackifier will be used in the hydroseeding.

16. How are you providing temporary irrigation to the disturbed area?

No temporary irrigation is proposed for the disturbed area. A dryland seed mix will be utilized and the mountain-side conditions typically provide for significant growth without irrigation. The disturbed area will be covered with snow for approximately 6 months of the year and water is slowly melted from the slope throughout the spring.

17. Have you reviewed the revegetation plan with the Washoe Storey Conservation District? If yes, have you incorporated their suggestions?

No, the Washoe Storey Conservation District has not reviewed revegetation plans for this Special Use Permit project.

18. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit the requested grading?

Yes No If yes, please attach a copy.



Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Special Use Permit Case No: SB13-016
Applicant(s): S.F. and W.W. Eccles
Agenda Item No. 8E
Project Summary: Allow the placement of a new single-wide manufactured home of approximately 800 square feet on a parcel with an existing double-wide manufactured home of 1960 square feet.
Recommendation: Approval with Conditions
Prepared by: Roger D. Pelham, MPA, Senior Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description

Special Use Permit Case No SB13-016, Eccles Detached Accessory Dwelling – To allow the placement of a new single-wide manufactured home of approximately 800 square feet on a parcel with an existing double-wide manufactured home of 1960 square feet.

- Applicant / Property Owner: S.F. and W.W. Eccles
- Location: 5336 Torobie Drive, approximately 650 feet south of its intersection with 4th Avenue, in the Sun Valley area.
- Assessor's Parcel No: 085-125-16
- Parcel Size: .506 acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 306, Accessory Uses and Structures
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 20, T20N, R20E, MDM. Washoe County, NV

Staff Report Contents

Project Description..... 1
Special Use Permit 3
Vicinity Map 4
Site Plan 5
Project Evaluation 6
Sun Valley Citizen Advisory Board (SVCAB)..... 7
Reviewing Agencies..... 7
Recommendation..... 9
Motion..... 9
Appeal Process..... 9

Exhibits Contents

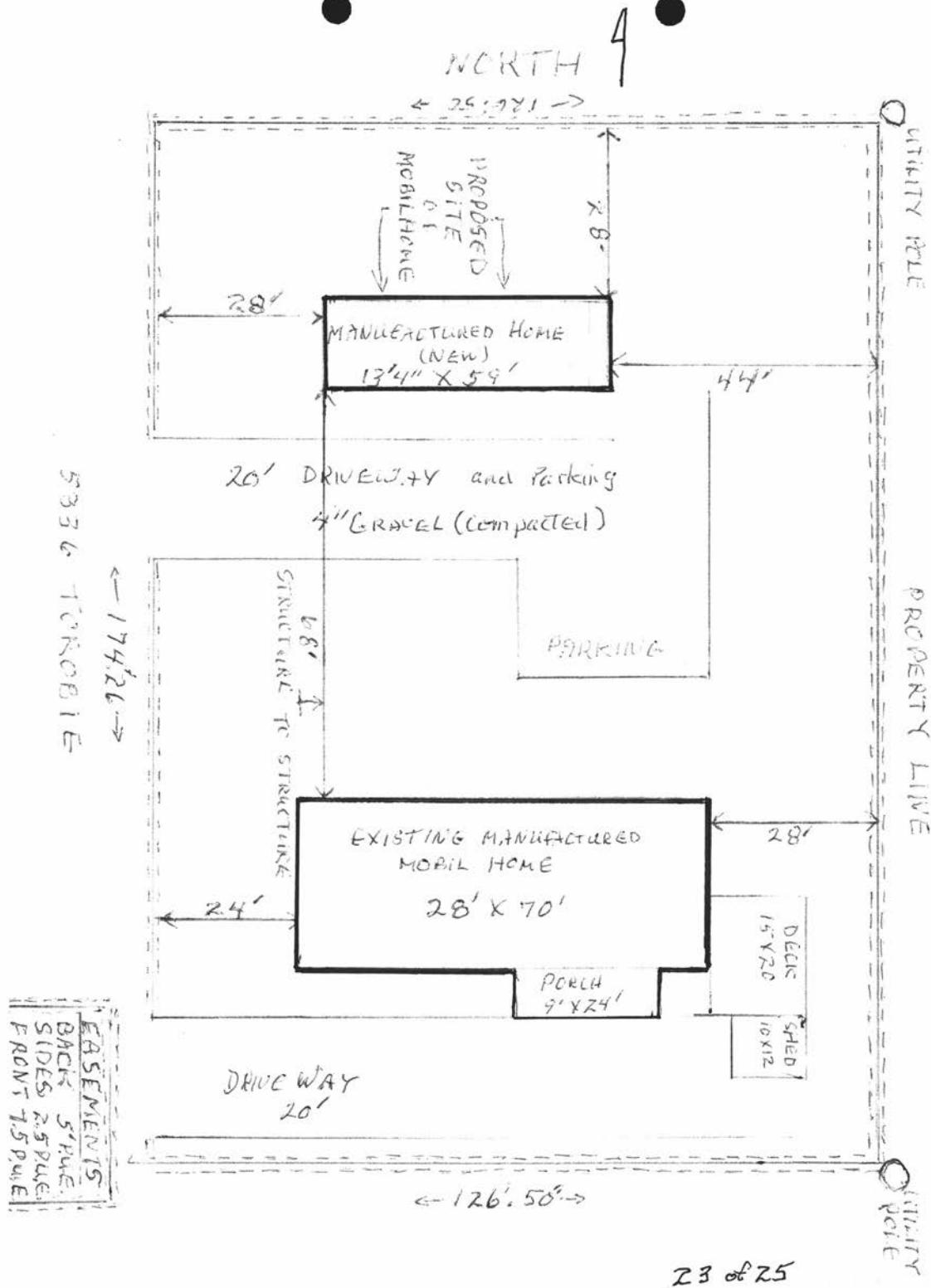
Conditions of Approval.....Exhibit A
Engineering and Capital Projects Conditions dated 7/10/13.....Exhibit B
Warren Brighten Comment dated 7/2/13..... Exhibit C
Public Notice..... Exhibit D
Project ApplicationExhibit E

Special Use Permit

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions*”. These conditions must be continually complied with for the life of the business or project.

The Conditions of Approval for Special Use Permit Case No. SB13-016 are attached to this staff report and will be included with the Action Order.



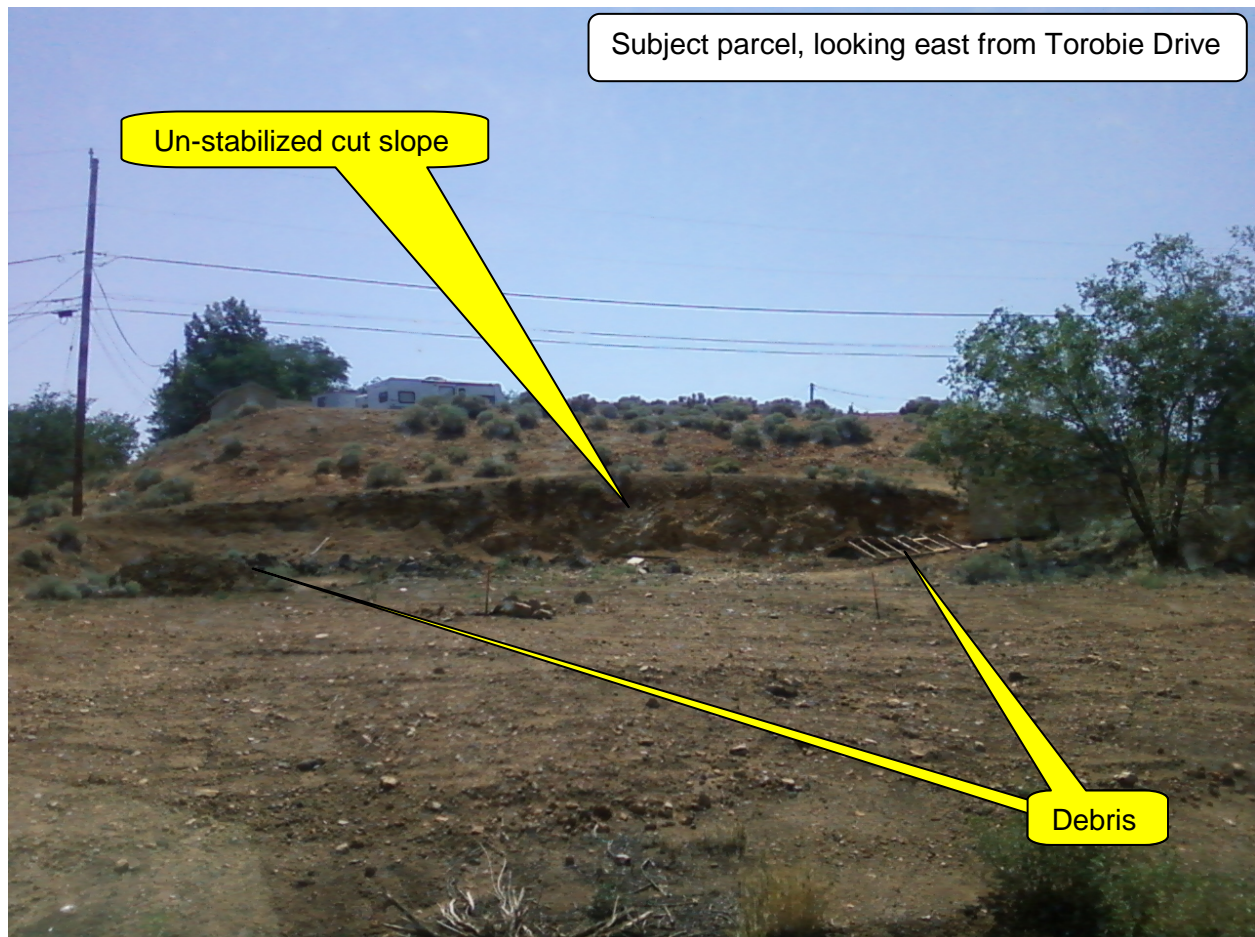
Site Plan

Project Evaluation

The subject property is addressed as 5336 Torobie Drive, which is located in the Sun Valley area. The .50-acre parcel is designated Medium Density Suburban (MDS). The parcel slopes gradually from south to north with a fall of about 8 feet over approximately 175 feet.

The applicant proposes to place a new single-wide manufactured home as a detached accessory dwelling of 786 square feet, there is an existing manufactured home of approximately 1960 square feet on the parcel. Water and sewer service are proposed to be provided by the Sun Valley General Improvement District.

The subject parcel is contains an un-stabilized cut-slope near the east side of the parcel, as well as mounds of various types of debris and a shed without a roof. Conditions of approval have been included to require clean-up and removal of all debris on the parcel as well as removal or repair of the shed, and stabilization of the slope, either by means of construction of a retaining wall or by grading the slope to 3 horizontal to 1 vertical (3H:1V) or shallower.



The proposed accessory dwelling matches the existing residence in general architectural style and choice of siding and roofing materials. Access will be by means of a new driveway that accesses Torobie Drive, north of the driveway serving the main dwelling.

Sun Valley Citizen Advisory Board (SVCAB)

The citizen advisory board members for this area have not yet been appointed, and there was no scheduled CAB meeting during the review period for this application, so the application was sent to the members of the previous CAB that used to include this area. The following comment was received from Warren Brighton: "I will vote to approve this as long as no established restrictions are violated."

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County
 - Engineering and Capital Projects, Land Development
 - Planning and Development
 - Health District, Air Quality
 - Health District, Environmental Health
 - Health District, Vector Borne Diseases Program
- Truckee Meadows Fire Protection District
- Sun Valley General Improvement District
- AT&T
- NV Energy
- Truckee Meadows Water Authority

Two out of the ten above-listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order

- Washoe County Planning and Development addressed stabilization of a previously-graded cut slope and removal of various debris.
Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us
- Washoe County Engineering and Capital Projects provided general conditions for the proposed use and for construction within the County right-of-way.
Contact: Leo Vesely, 775.328.2040, lvesely@washoecounty.us

Staff Comment on Required Findings

Section 110.810.20 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan.

Staff Comment: Manufactured and mobile homes are specifically allowed by the Sun Valley Area Plan Modifiers (Article 218 of the Washoe County Development Code).

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.

Staff Comment: There is one existing dwelling on the parcel. Water, sewer and other necessary utilities will be constructed at the time of placement of the new manufactured home.

3. **Site Suitability.** That the site is physically suitable for a detached accessory dwelling, and for the intensity of such a development.

Staff Comment: This parcel is approximately 1/2 acre in size in an area where 1/3 acre parcels are the norm. There is sufficient room to allow the placement of a new single-wide manufactured home as a detached accessory dwelling and will be in keeping with the general character of the surrounding area.

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.

Staff Comment: The placement of a new single-wide manufactured home as a detached accessory dwelling will be in keeping with the general character of the surrounding area.

5. **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There is no military installation in the vicinity of the proposed project.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB13-016 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case No. SB13-016 for S.F. and W.W. Eccles, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master 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 detached accessory dwelling, 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;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant / Property Owner: S.F. and W.W. Eccles Partnership, 3848 Bexley Sq, Reno, NV 89503

Action Order xc: Gregory Salter, Esq., District Attorney's Office; Carol Buonanoma, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; John Cella, Department of Water Resources; Leo Vesely, Engineering Division;

Amy Ray, Truckee Meadows Fire Protection District, Sun Valley Citizen
Advisory Board, Chair.

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB13-016

The project approved under Special Use Permit Case No: SB13-016 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 1, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning & Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions". These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the District Health Department must be appealed to the District Board of Health.

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning & Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, 775.328.3622, rpelham@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning & Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning & Development Division.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. The applicant shall clean-up and remove of all debris from the parcel, prior to a final inspection of the proposed dwelling.
- e. The applicant shall remove or repair the shed on the parcel such that it matches the dwellings in color and exterior materials, prior to approval of a final inspection for the proposed dwelling.
- f. The applicant shall apply for appropriate building and / or grading permits for stabilization of the un-stabilized cut slope on the east side of the parcel. This shall be accomplished, either by means of construction of a retaining wall or by grading the slope to 3 horizontal to 1 vertical (3H:1V) or shallower, prior to approval of a set up permit for the proposed dwelling.
- g. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- i. The following **Operational Conditions** shall be required for the life of the development:
 1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning & Development Division.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning & Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning & Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

Washoe County Engineering and Capital Projects Division

2. The following conditions are requirements of the Engineering and Capital Projects Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2040, lvesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, and slope stabilization. Silts shall be controlled on-site and shall not cross onto adjacent parcels.
- b. All improvements within the county right-of-way shall be constructed in accordance with the latest county codes and the latest county standard specifications and details.
- c. A street excavation permit shall be required for any work to be performed with the Washoe County right-of-way.
- d. The Washoe County Road Department must approve the new driveway approach installation prior to permit final or Certificate of Occupancy.

*** End of Conditions ***

EXHIBIT B



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: July 10, 2013
TO: Roger Pelham, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **SB13-016**
APN 085-125-16
ECCLES DETACHED ACCESSORY DWELLING

I have reviewed the referenced special use permit and variance cases and recommend the following conditions:

1. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, and slope stabilization. Silts shall be controlled on-site and shall not cross onto adjacent parcels.
2. All improvements within the county right-of-way shall be constructed in accordance with the latest county codes and the latest county standard specifications and details.
3. A street excavation permit shall be required for any work to be performed with the Washoe County right-of-way.
4. The Washoe County Road Department must approve the new driveway approach installation prior to permit final or Certificate of Occupancy.

LRV/lrv

EXHIBIT C

-----Original Message-----

From: Brighton, Warren

Sent: Tuesday, July 02, 2013 10:30 AM

To: CAB

Subject: RE: Sun Valley CAB area Development Application for review RE: Special Use Permit Case No. SB13-016

Andrea - I tried to open your CAB form in .docx. My Word 2007 will not open the file. There are errors in the .docx format. I will vote to approve this as long as no established restrictions are violated. - Warren Brighton

On Fri, Jun 28, 2013 at 3:22 PM, CAB wrote:

> Dear Sun Valley CAB Members:

>

> The Community Services Department, Planning and Development Division

> received a Development Application for review by the Sun Valley CAB.

> This case is tentatively scheduled to be heard by the Washoe County

> Board of Adjustment on August 1, 2013.

>

> Following is the information for Case No. SB13-011:

>

> Case Title: Special Use Permit Case No. SB13-016 - Eccles Detached

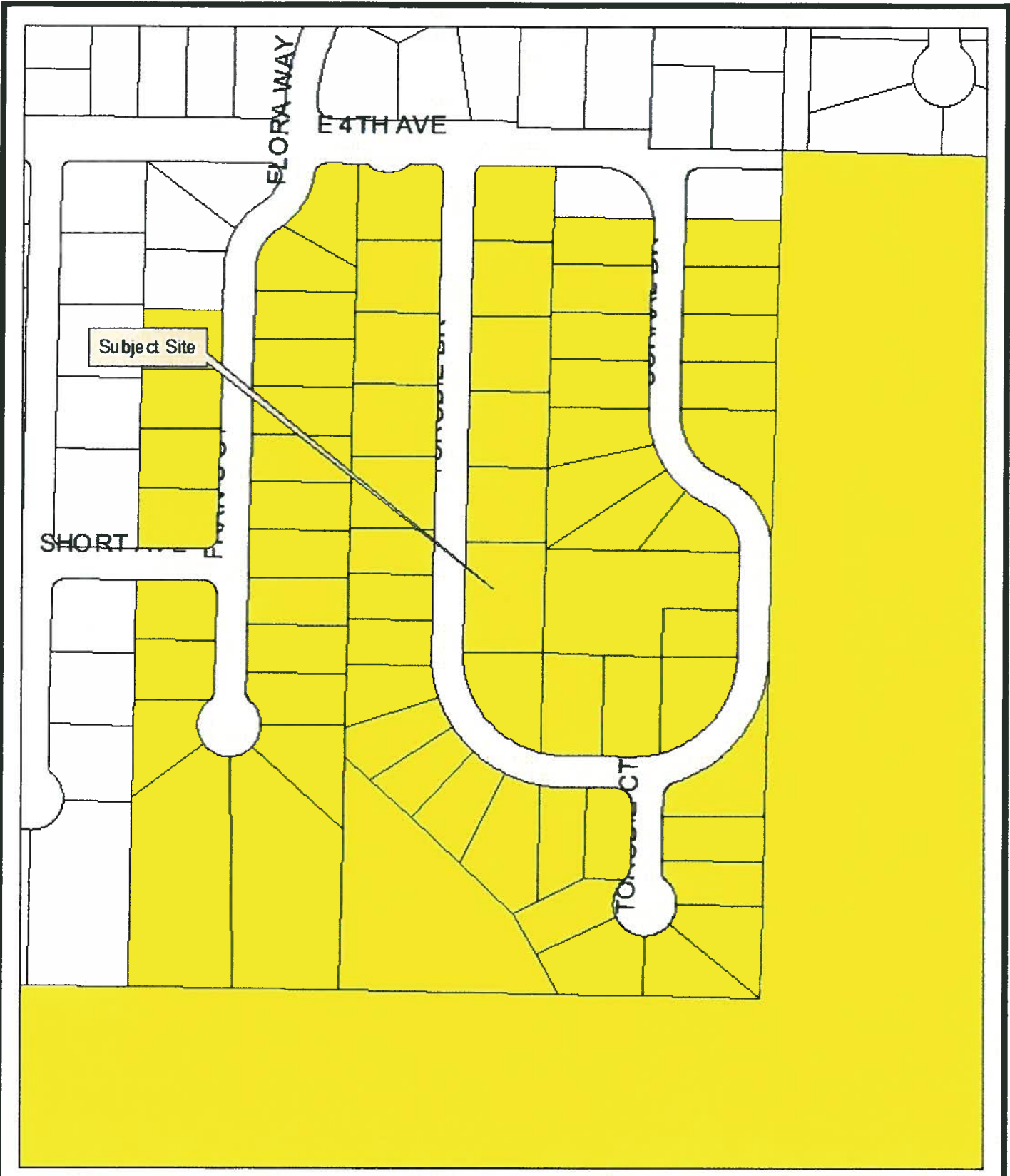
> Accessory Dwelling

> Link to Application:

>

http://www.washoecounty.us/comdev_files/bc/bc_boa_2013_cases/sb13016ap

EXHIBIT D



Mailing Label Map
Special Use Permit Case Number SB13-016
Eccles DAD
 70 Parcels selected at 500 feet.



Department of
 Community
 Development
WASHOE COUNTY
NEVADA
 Post Office Box 11120
 Reno, Nevada 89520
 (775) 228-2607

Source: Community Planning Services

Date: June 2013

EXHIBIT E

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No.: SB13-016	
Project Name (commercial/industrial projects only):			
Project PARCEL ADJUSTMENT Description: ALLOW ADDITIONAL DWELLING UNIT DETACHED ACCESSORY			
Project Address: 5336 TOROBIE DRIVE SUN VALLEY			
Project Area (acres or square feet): 22042 SQ FT			
Project Location (with point of reference to major cross streets AND area locator): SUN DANCE RIDGE SUBDIVISION OFF HIGHWAY PARCEL #16 SUN VALLEY			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
085-125-16	0.506		
Section(s)/Township/Range: 20 T20N - R20E			
Indicate any previous Washoe County approvals associated with this application: Case Nos. NONE			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: SFWW ECCLES PARTNERSHIP		Name:	
Address: 3848 BEXLEY SQ RENO, NV Zip: 89503		Address:	
Phone: 747-6771 Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person: WILLIAM ECCLES		Contact Person:	
Applicant/Developer: AS ABOVE		Other Persons to be Contacted:	
Name: S.F.W.E.		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

July 1, 2012

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to special use permits may be found in Article 810, Special Use Permits.

1. What is the type of project being requested?

ACCESSORY DWELLING (MOBIL HOME) OF 800 SQ FT
OR LESS - Detached 786 sq ft within MDS ZONE

2. What currently developed portions of the property or existing structures are going to be used with this permit?

NONE - Water, Gas and electric exist in main dwelling of
1960 sq feet

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

WATER - GAS - SEWER CONNECTIONS
800 SQ FT MOBIL HOME (NEW)
1-2 MONTHS FOR ALL
additional driveway and parking spaces to be added

4. What is the intended phasing schedule for the construction and completion of the project?

All completed in 1-2 months

5. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

RESIDENTIAL IN RESIDENTIAL AREA
Prevent proposed area from becoming a dump site

6. What are the anticipated beneficial aspects or effects your project will have on adjacent properties and the community?

Up grades neighborhood by keeping weeds down
and preventing dumping.
Puts only remaining vacant area to use in keeping
with the neighborhood.

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

NO NEGATIVE EFFECTS

8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the project special use permit to address community impacts:

NA

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

3+ ON-SITE parking spaces will be provided within proposed driveway.

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

NA

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

NA

12. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

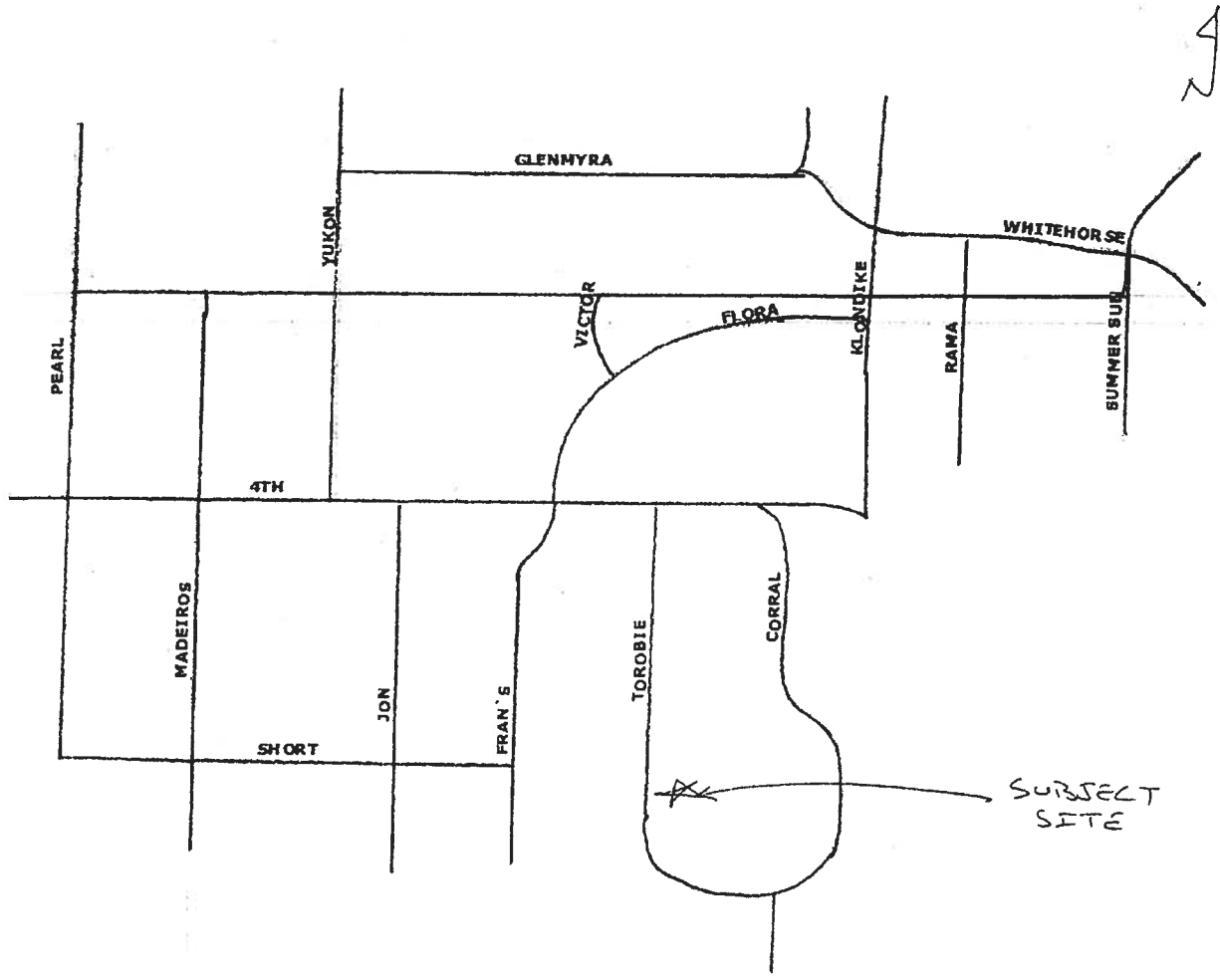
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--

13. Community Sewer

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <i>SUN VALLEY GID</i>
------------------------------	--

Community Water

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <i>SUN VALLEY GID</i>
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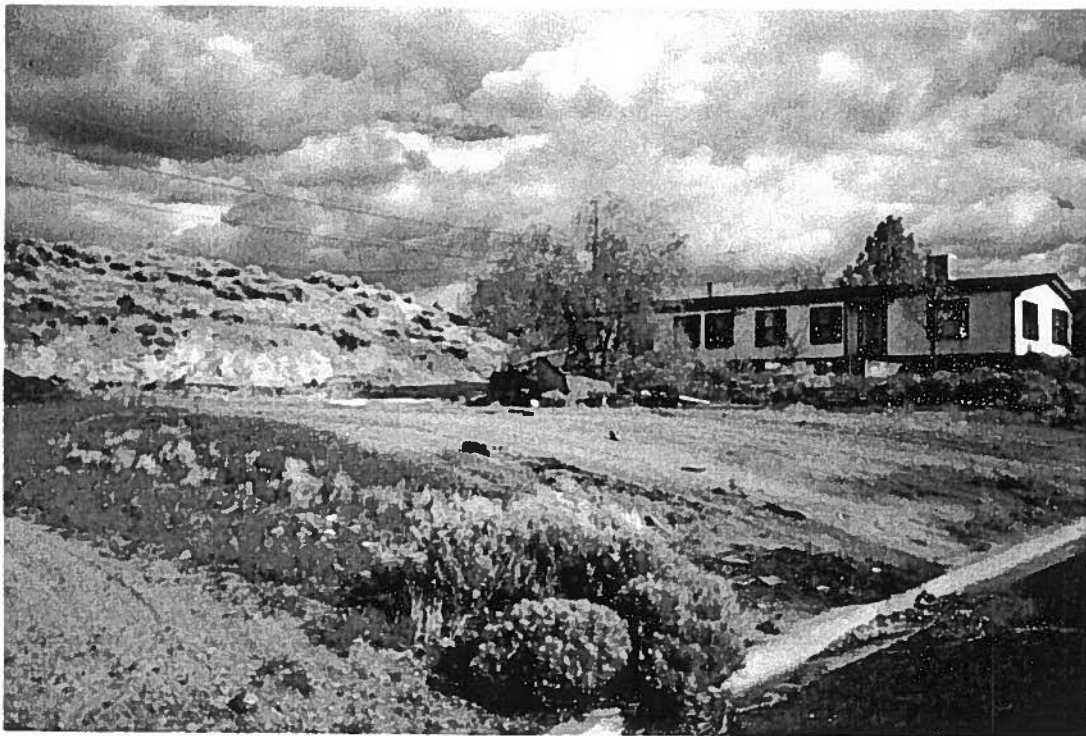


VICINITY MAP

N.T.S.



Proposed mobilhome site



Proposed site showing existing mobilhome

NORTH

← 126.50 →

PROPOSED
SITE
OF
MOBILE HOME

MANUFACTURED HOME
(NEW)
13'4" X 59'

20' DRIVEWAY and parking
4" GRAVEL (compacted)

PORCH

EXISTING MANUFACTURED
MOBILE HOME

28' X 70'

PORCH
7' X 24'

DECK
14' X 20'
SHED
10' X 12'

DRIVEWAY
20'

← 126.50 →

13 OF 15

UTILITY POLE

PROPERTY LINE

UTILITY POLE

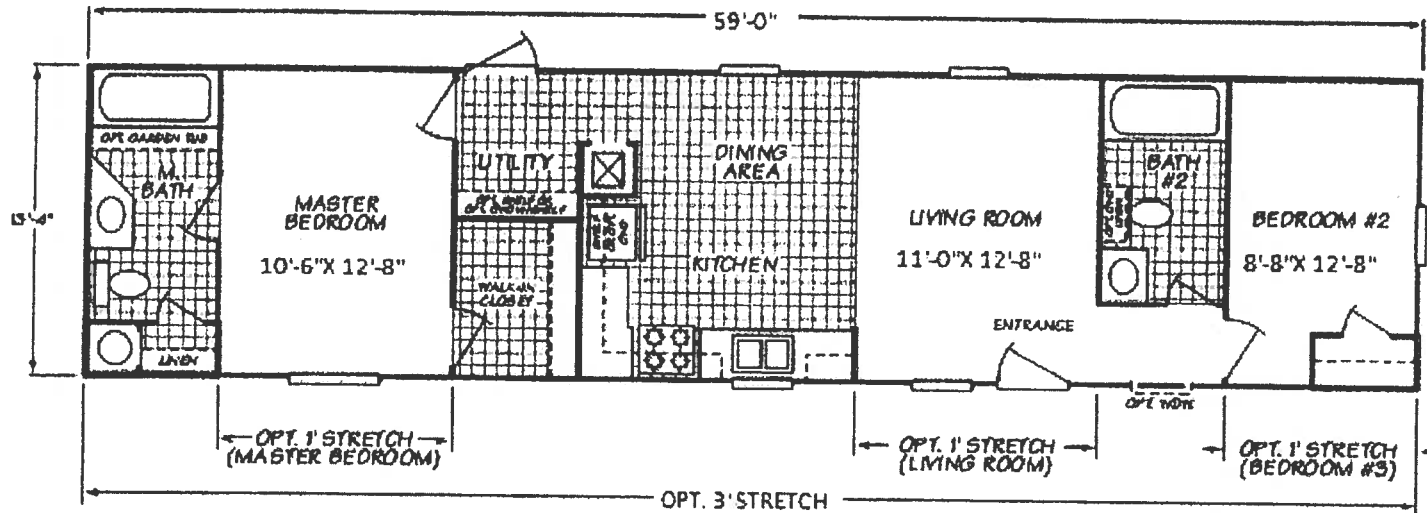
5336 10' ROPPLE

← 174.26 →

EASEMENTS
BACK 5' WIDE
SIDES 25' WIDE
FRONT 7.5' WIDE

NORTH RIVER XTREME

14 of 15

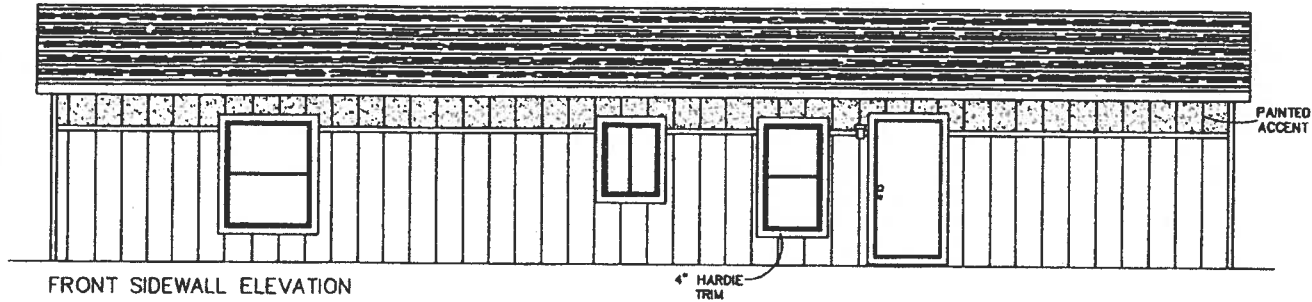


MODEL 14562A

2 Bedroom • 2 Bath 786 Square Feet



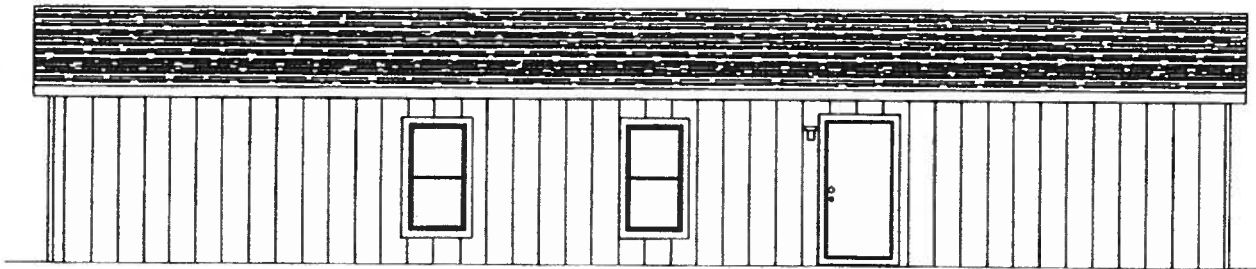
Important: Because we continually update and modify our products, it is important for you to know that our brochures and literature are for illustrative purposes only. All information contained herein may vary from the actual home we build. Dimensions are nominal and length and width measurements are from exterior wall to exterior wall. We reserve the right to make changes at any time, without notice or obligation, in prices, colors, materials, specifications, features and models. Please check with your retailer for specific information about the home you select.



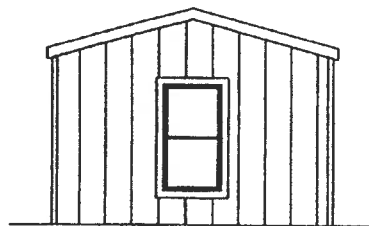
FRONT SIDEWALL ELEVATION

4" HARDIE TRIM

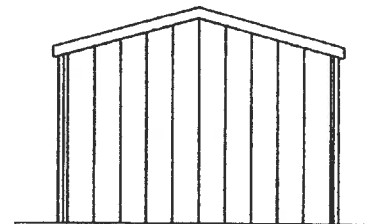
PAINTED ACCENT



REAR SIDEWALL ELEVATION



HITCH ELEVATION



REAR ELEVATION

15 of 15



Product Name: North River Xtreme

Model No.: 2562A

Title: Exterior Elevation
Plt #230 Nampa

Drawn By:
Russell Bratcher

Scale:
1/8" = 1'-0"

Issue Date: 6-23-10

Revision Date: None

Rev: Sheet
1 of 1

SUN VALLEY GENERAL IMPROVEMENT DISTRICT

5000 SUN VALLEY BLVD.
SUN VALLEY NEVADA 89433
(775) 673-2220

DATE: April 29, 2013 SUBJECT: Serviceability of proposed development

() PARCEL MAP () SUBDIVISION MAP

NAME: S.F. and W.W. Eccles

LOCATION: 5336 Torbie

(X) RESIDENTIAL () COMMERCIAL

NUMBER OF UNITS TO BE SERVED 2

ZONED: MDS

PARCEL #: 085-125-16

PARCEL LOTS: _____

LANDOWNER: S.F. and W.W. Eccles

Subject property has been determined to be located within the jurisdiction of the SUN VALLEY GENERAL IMPROVEMENT DISTRICT, and is eligible for water service and sewer service connection April 29, 2013, subject to Sun Valley General Improvement District design standards.

This "WILL SERVE" is based upon the tentative map supplied to the District, so that the Developer can proceed with additional approvals. In the event such additional approvals result in the approval of a smaller number of units than shown on the tentative map, the number of units approved by this "WILL SERVE" will be lowered accordingly.

Unless the appropriate General Water/Sewer Facilities fees have been paid to the District by April 29, 2014, this Water and Sewer "WILL SERVE" commitment will expire and become null and void. In the event the development is a phase development, for good cause shown, the developer may request and extension to the time limit of this "WILL SERVE" letter. Subject to the terms contained herein this "WILL SERVE" is irrevocable.

In addition, this "WILL SERVE" is applicable only to the subject property and is not transferable to any other property or person.

This District receives bulk treated water from Truckee Meadows Water Authority which is required to comply with all Federal, State and Local health requirements. This District also maintains adequate fire protection water flow.

COMMENTS: 1 existing unit, adding another unit onto property. Washoe County will not allow parcel to be subdivided due to minimum square footage requirements. Contingent upon approval of Special Use Permit by Washoe County

BY: Jennifer Merritt DATE: 4/29/13



Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Special Use Permit Case No. SB13-012
Applicant: Canine Rehabilitation Center and Sanctuary
Agenda Item No. 8F
Project Summary: To create an indoor facility to house, train and rehabilitate dogs at 555 US Highway 395 N in Washoe Valley
Recommendation: Approval with Conditions
Prepared by: Eva M. Krause, AICP, Planner
Planning & Development Division
Washoe County Community Services Department
Phone: 775.328.3796
E-Mail: EKrause@washoecounty.us

Description

Special Use Permit Case No. SB13-012 - Canine Rehabilitation Center and Sanctuary - To create an indoor facility to house, train and rehabilitate dogs to support animal shelters and animal rescue organizations, and the general public.

- Applicant: Canine Rehabilitation Center and Sanctuary
- Property Owner: Veterans Actions Association
- Location: 555 US Highway 395 N
- Assessor's Parcel No: 046-080-16
- Parcel Size: 5.203 acres
- Master Plan Category: Commercial
- Regulatory Zone: General Commercial
- Area Plan: South Valleys
- Citizen Advisory Board: West Washoe Valley
- Development Code: Table 110.302.05.3 and Article 810
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 23, T19N, R19E, MDM, Washoe County, NV

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Public Comment Emails/Letters Exhibit D

Water Resources, Water Rights Email Exhibit E

Health District Letter, Vector Exhibit F

Health District Letter, Environmental Exhibit G

Regional Animal Services Email Exhibit H

Building and Safety Email Exhibit I

Public Notice Exhibit J

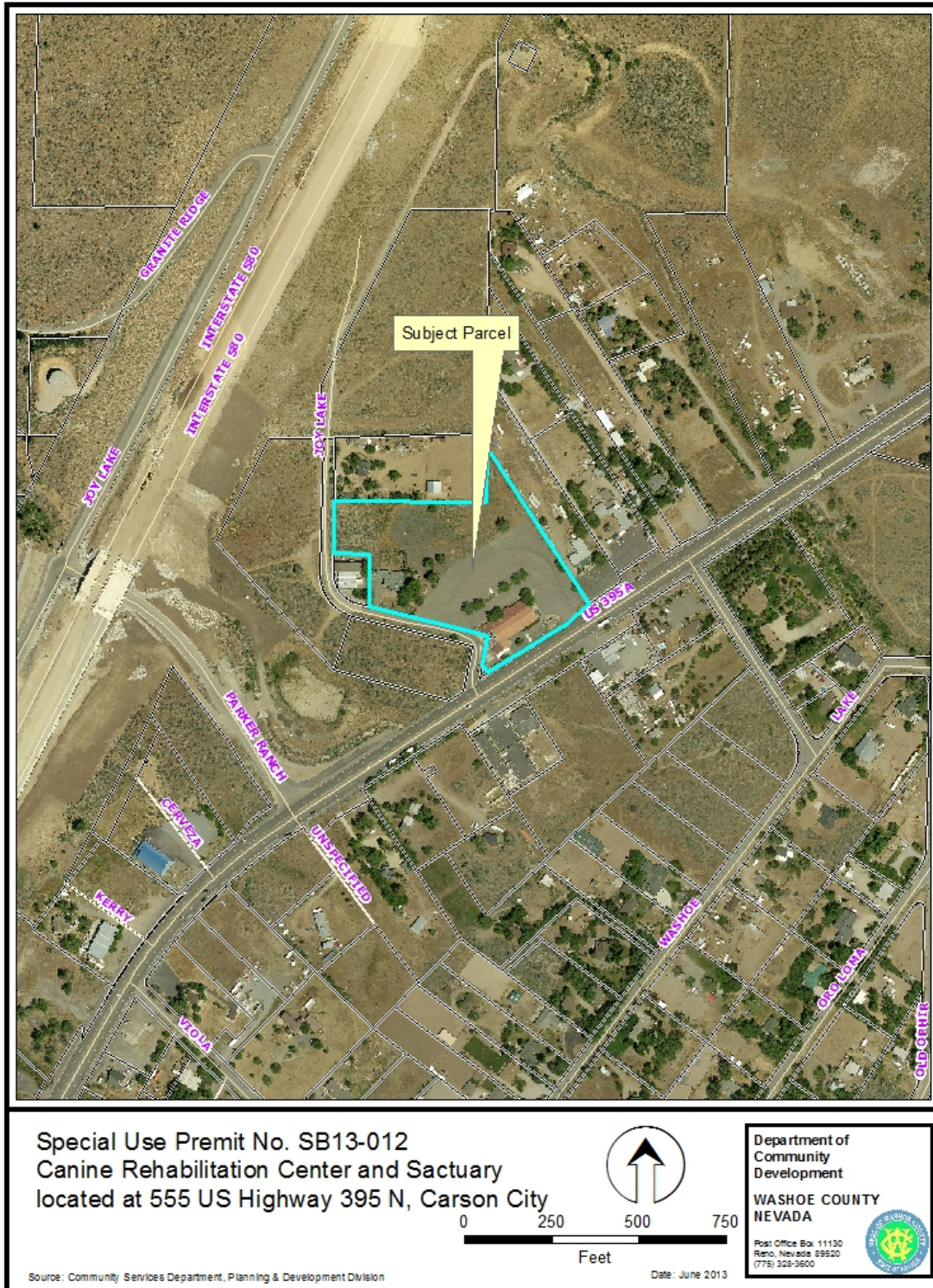
Project Application Exhibit K

Special Use Permit

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions*.” These conditions must be continually complied with for the life of the business or project.

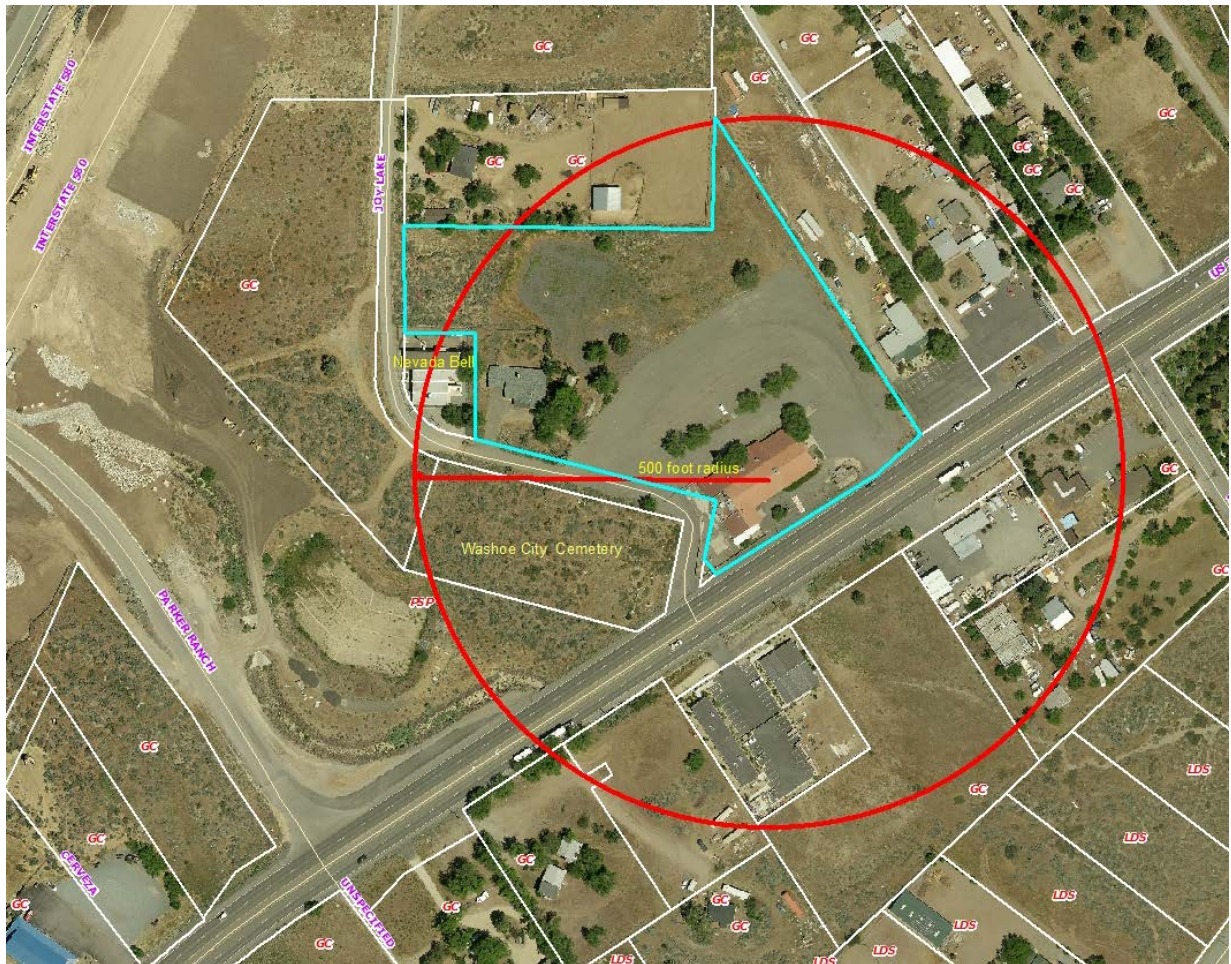
The Conditions of Approval for Special Use Permit Case No. SB13-012 are attached to this staff report and will be included with the Action Order.



Vicinity Map

Project Evaluation

The subject parcel is located on a ± 5.2 acre property in Washoe Valley. The property was developed with a commercial building and a small residence on the west side of the property behind the building. The commercial building was a restaurant, but it closed in 2006. The residence has been in continuous use, so is a legal nonconforming use. The property is located between Highway 395 and Interstate I-580. The surrounding properties are zoned General Commercial (GC) except the Washoe City Cemetery located to the southwest which is zoned Public Semi-Public (PSP). Several of the commercial properties are developed as residences or a commercial use with an accessory residential dwelling. While new dwellings are not permitted in GC zoning, the existing homes are legal nonconforming uses which are permitted to continue use until they are removed or required to be terminated¹.

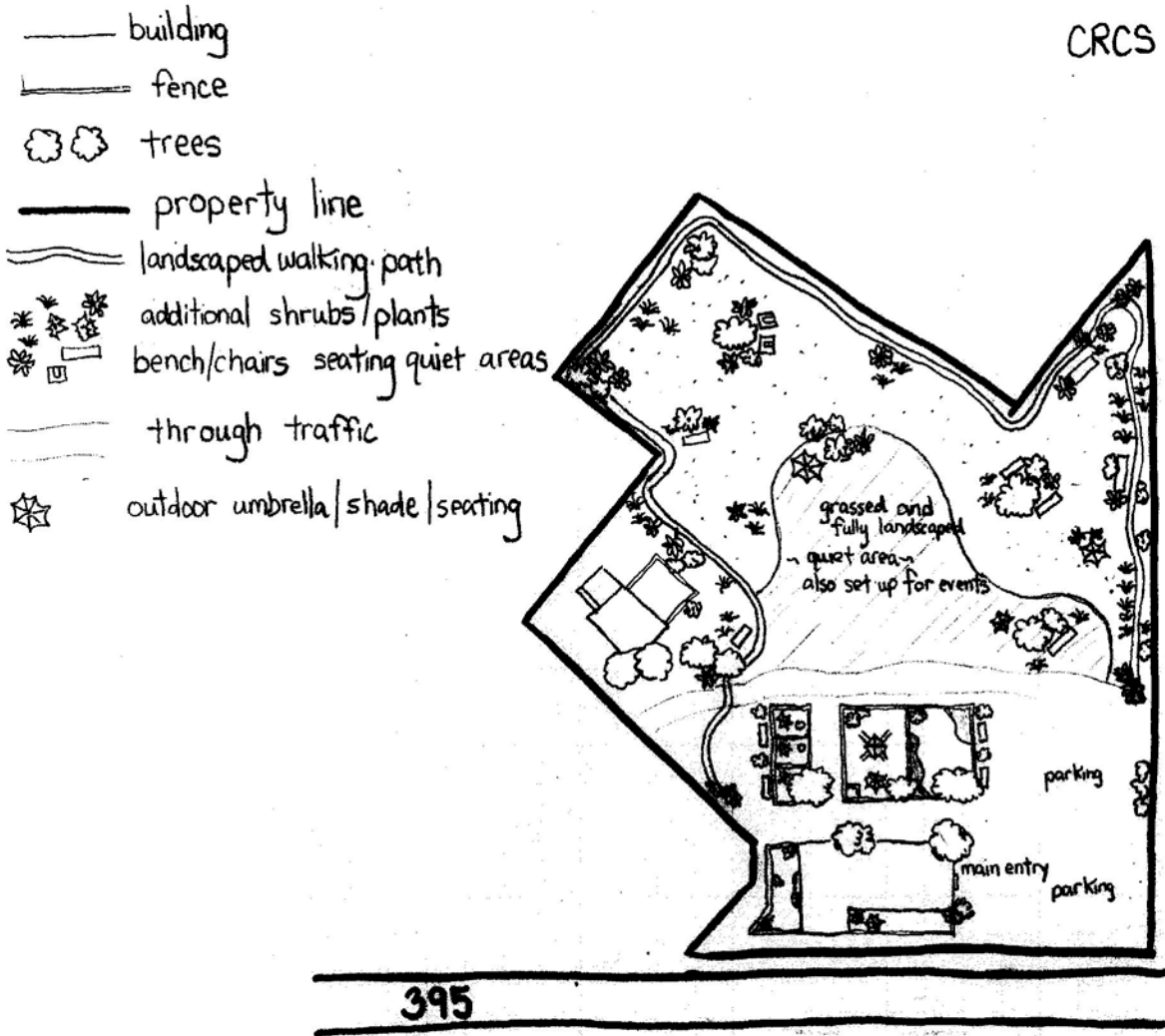


All property within 500 feet of the proposed facility are zoned General Commercial, but there are several residences within this area.

The Canine Rehabilitation Center and Sanctuary (CRCS) is a non-profit organization with a mission to work with shelter and hard to place dogs. The program uses behavior modification, exercise and socialization, with the goal being making the dogs adoptable and finding them a

¹ Discontinuance of a use for more than 12 consecutive months would terminate the use.

new home. There will be a trainer or volunteer present whenever a dog is outdoors and there will be a person on site 24 hours a day to monitor and care for the dogs. The facility has a Director of Training and Development who evaluates and develops a program for each dog to address behavior problems, such as constant barking.



Schematic Site Plan

The applicant is proposing to use the 11,000 square-foot commercial building to create an indoor environment to house, train and rehabilitate dogs. This is not a commercial kennel or a dog daycare/ boarding facility, but since it is located in a commercially-zoned area and functions similar to a commercial dog kennel, it is being reviewed as such.

The applicant will be making interior improvements to the existing commercial building as well as installing required landscaping (20% of the developed area) around the building, striping the parking area, and construction of several fenced areas over the existing paved area behind the building for outdoor training and playing with the dogs.

As funding becomes available, additional site improvements are proposed to include removing brush from the rear of the property, planting trees, and creating a walking path.

The existing residence on the rear of the property will be used for staff housing, so there will always be someone on site to oversee activities.

The CRCS shall be open to the public between the hours of 9 a.m. to 5 p.m. seven days a week. In addition to viewing available dogs, dog training classes, community information events, adoption fairs and fund raising activities may take place during the day. Staff is recommending that any event planned or anticipated to draw 200 people or more shall require a special events permit.

In addition, the applicant is proposing to host evening events inside the building. Some of the proposed activities for evening events are open house and facility tours, training classes, and fund raising activities. Staff has recommended that evening events be by invitation or pre registration only, as to control the number of people in attendance, and that evening activities cease by 10:00 p.m.

South Valleys Area Plan

SV.7.3 The review of all special use permits for the establishment of a non-residential use in West Washoe Valley must include a consideration of how the proposed use will impact adjacent neighborhoods, including but not limited to Best Management Practices "dark sky" lighting standards, hours of operation, traffic, parking and safety impacts, and its contribution to the community character described in the Character Statement. Standards for review should be distinctly rural, recognizing the integrated character of the area. The application of conditions to special use permits should seek to mitigate the potential impacts of these uses on residential areas, without constraining the pursuit of agricultural and other non-residential activities.

The existing building is pictured in the South Valleys Area Plan as an example of *Typical Commercial Use*. There is no new construction proposed, other than fencing areas so that dogs can be taken outdoors for play and training. The appearance of the structure will not change. The applicant is proposing to clean-up the property, install landscaping and remove some of the paved area. The proposed use has a much lower traffic impact than the former restaurant and now that I-580 has been completed there is significantly less traffic on Highway 395. While there are a few homes within the General Commercial zoned areas, the residential neighborhoods are separated from the site by Highway 395 and the General Commercial area that fronts on the Highway.

SV.8.1 The Old Washoe City Historic District (OWCHD), as depicted on the South Valleys Character Management Plan map, will provide a range of land uses specifically tailored to provide the local population with retail and service

opportunities and to provide visitors to the valley with services to facilitate tourism and recreation as defined in the Land Use Table in Appendix A.

Appendix A of the Old Washoe City Historic District lists commercial kennels as a permitted use requiring a Special Use permit.

SV.8.5 The implementation of the OWCHD could have an impact on the residential areas found within the boundary. Commercial development shall minimize its impact on these residential areas through the use of buffers, limited operating hours, limited on-site lighting, and other appropriate methods.

Dogs will be housed in the building, and will only be allowed outside with a person. The fenced training areas are located in the middle of the lot behind the commercial building. The facility will be open to the public between 9 a.m. and 5 p.m. Monday through Friday. A staff person will be on site 24 hours a day when dogs are present. Any new exterior lighting shall comply with "dark sky" standards.

Citizen Advisory Board (WWVCAB)

A copy of the application for the proposed project was sent to the members of the last West Washoe Valley CAB. No comments were received from the CAB members.

Public Comment

Staff has received 20 comments from the public. Eighteen letters in favor of the proposal and two (representing 6 people) in opposition. Copies of all the comments are included in Exhibit D.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- CDS, Planning and Development Division
 - Planning and Development
 - Building and Safety
- CDS, Engineering and Capital Projects Division
 - Land Development
 - Water/Sewer
 - Water Rights Manager
- Washoe County Health District
 - Vector-Borne Diseases Prevention Program
 - Environmental Health Division
- Washoe County Sheriff's Office, Regional Animal Services
- Regional Transportation Commission

- Nevada Department of Transportation
- Truckee Meadows Fire Protections District

Nine out of the eleven above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Building and Safety addressed change of use and permitting of construction.
Contact Don Jeppson, 775.328.2030 DCJeppson@washoecounty.us
- Planning and Development addressed the hours of operation, set landscaping and lighting standards and imposed operational conditions that will be in effect for the life of the project.
Contact Eva Krause, 775.328.3796, ekrause@washoecounty.us
- Water Rights Manager addressed monitoring use of water to determine if adequate water rights have been provided.
Contact Vahid Behmaran, 775.954.4647, VBehmaram@washoecounty.us
- Land Development had no concerns or conditions.
Contact Leo Vesely, 775.325.8032, ivesely@washoecounty.us
- Water and Sewer noted that the property is on a septic system not community sewer as stated in the application, otherwise they have no comments or conditions.
Contact Alan Reich 775.945.4608 AREich@washoecounty.us
- Environmental Health addressed waste storage and removal.
Contact Wesley Rubio, 775.328.2381, WRubio@washoecounty.us
- Vector-Borne Disease Prevention Program addressed Low Impact Design (LID) and storage and removal of animal waste.
Contact J.L. Shaffer, 775.785.4525, Jshaffer@washoecounty.us
- Regional Animal Services addressed the need for veterinarian services, disease prevention and annual inspections.
Contact Bobby Smith, 775.353.8945 RASmith@washoecounty.us
- Nevada Department of Transportation submitted comments regarding new construction. Staff requested clarification because there is no new construction other than landscaping and fences. NDOT withdrew their comments.
Contact Anita Lyday, 775.834.8320

Staff Comment on Required Findings

Section 110.810.30 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan.

Staff Comment: The proposed use is in the commercial area of West Washoe Valley as indicated on the Old Washoe City Commercial District which permits commercial kennels with a Special Use Permit. Dogs shall be limited to no more than 40 dogs housed in the building. No dogs shall be left outside unattended.

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.

Staff Comment: The applicant shall provide an annual water demand estimate to the Water Rights Manager to determine if there are sufficient water rights for the use, if not the applicant will have to provide additional water rights for the use. The site is developed and is easily accessible to highway 395. There are adequate public facilities to serve the site and use.

3. **Site Suitability.** That the site is physically suitable for a dog sanctuary and rehabilitation facility, and for the intensity of such a development.

Staff Comment: The property and the surrounding lots are General Commercial zoning. The five acre parcel is large enough to accommodate fenced areas for exercise and for dog training. The existing 11,000 square-foot commercial structure is large enough to house all the dogs indoors. There is adequate highway access to the property and sufficient parking is available.

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.

Staff Comment: The Conditions of Approval require that no dogs will be permitted outdoors without a person to monitor and manage the dogs, and that there shall be a person who is responsible for managing activities, noise and sanitation on site 24 hours a day.

5. **Effect on a Military Installation.** Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: *There are no military installation in the area.*

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB13-012 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case No. SB13-012 for Canine Rehabilitation Center and Sanctuary, having made all five findings in accordance with Washoe County Development Code Section 110.810.30.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys 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 dog rehabilitation center and sanctuary, 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;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant\Developer: Canine Rehabilitation Center & Sanctuary

Property Owner: Veterans Action Association

Staff Report xc:

Action Order xc:

EXHIBIT A



Conditions of Approval

Special Use Permit Case No. SB13-012

The project approved under Special Use Permit Case No. SB13-012 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 1, 2013. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning & Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Operational Conditions are subject to review by the Planning & Development Division prior to the renewal of a business license each year. Failure to adhere to the Operational Conditions may result in the Planning & Development Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some "Conditions of Approval" are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the project or business.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning & Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Eva M. Krause, 775.328.3796, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning & Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning & Development Division.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. All landscaping shall be maintained in accordance with county standards,
- f. Exterior lighting shall conform to "Dark Sky" standards.
- g. Trash enclosures shall be screened and located so as not to be visible from Highway 395.
- h. The development shall conform to Washoe County commercial landscaping requirements.
- g. The following **Operational Conditions** shall be required for the life of the use:
 1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
 2. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning & Development Division.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning & Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the

Planning & Development Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

4. This special use permit shall remain in effect as long as the business is in operation and maintains a valid business license.
5. Dogs shall not be allowed outside without a person present.
6. There shall be a person on site to oversee operations at all times when dogs are on the premise.
7. Public hours of operation shall be 9:00 a.m. to 5:00 p.m.
8. After hours activities such as dog training classes or private events shall be held inside the building and admittance shall be by invitation or preregistration only. All after hour activities shall end by 10:00 p.m.
9. A special event permit shall be required for any outdoor special events anticipated to have more than 200 people in attendance (staff, volunteers and public).

Washoe County Water Rights Manager

2. The following conditions are requirements of the Water Resources, which shall be responsible for determining compliance with these conditions.

Contact – Vahid Behmaran, 775.954.4647, VBehmaram@washoecounty.us

- a. The applicant shall provide annual water demand estimates to our office. (We need to determine if there are sufficient water rights for this project.)
- b. The applicant shall provide proof that they are successors in interest to, or are authorized to utilize the water rights that are associated with the property.

Washoe County District Health Department, Environmental Health

3. The following conditions are requirements of the District Health Department, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.

Contact – Wesley Rubio, 775.328.2381, WRubio@washoecounty.us

- a. All animal waste must be picked up and containerized on a daily basis.
- b. All sewage (liquid or other) and rinse water must be contained and directed to the onsite sewage disposal system.
- c. Any solid waste storage containers must be kept sealed, cannot allow for the growth of insects and control odors. If these conditions cannot be maintained, then all waste will be required to be disposed of on a more frequent schedule. Animal waste must be picked up on a daily basis.

Washoe County District Health Department, Vector Control

4. The following conditions are requirements of the District Health Department, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.

Contact – J.L. Shaffer, 775.785.4525, jshaffer@washoecounty.us

- a. To minimize the concern for storm and nuisance water runoff, District Health will require a Low Impact Design (LID) for the turf landscape to include an 18-inch water catchment planting area to capture nuisance water adjacent to impervious surfaces or a design to direct lawn irrigation through a dry river bed reducing water runoff into the infrastructure and minimizing downstream impacts. A wind sensor unit will be required as part of the irrigation system to reduce nuisance water runoff associated with this irrigation (040.038).
- b. The document states that special water containers will be kept on site to allow solid waste disposal from a sealed container weekly. This supports the weekly pick up and removal manure generated by domestic animals as described by Washoe County Solid Waste Management Regulations (050.0150). With the manure stored in this manner there shall be no escape of odor, no attraction, harborage or breeding of vectors or vermin and no creation of nuisance (Washoe County Solid Waste Management Regulations 050.155). With this process the emergence of flies will be eliminated through the timely pick up and storage of manure from becoming an annoyance to the adjacent residents. The applicant will contact District Health at 785-4599 to inspect the facilities for solid waste disposal.
- c. Prior to the sign off of the building plans the above detail designs are required on the plans.

Building and Safety

5. The following conditions are requirements of Building & Safety, which shall be responsible for determining compliance with these conditions.

Contact – Don Jeppson, 775.328.2030 DCJeppson@washoecounty.us

- a. Applicant will need to apply for a permit for change of use and for any changes or improvements to the structure or infrastructure. Plans will need to be done by a licensed design professional. Permit will need to be issued to a licensed contractor.

Washoe County Sheriffs Office, Regional Animal Services

6. The following conditions are requirements of Regional Animal Control, which shall be responsible for determining compliance with these conditions.

Contact – Bobby Smith, 775.353.8945 RASmith@washoecounty.us

- a. The facility must:

Washoe County Conditions of Approval

1. Comply with NRS Chapter 574 and Washoe County Code Chapter 55;
2. Implement disease prevention procedures;
3. Provide veterinarian program for sick or injured animals; and
4. Allow inspections annually or when a complaint is received.

*** End of Conditions ***

Exhibit B

CRCS Executive Director

Hello Eva,

Per our previous conversation here is our policy on handling any noise challenge. Please feel free to add to our file and use to answer questions from others if need be. Thank you so much.

CRCS is focused on canine recovery, training, and socialization. The outdoor yards are used for specific activities, not "idle" sitting. Barking is a reflection of lack of exercise, boredom, excitement, protective behaviors and the like. While under our care, dogs are kept busy, well exercised, stimulated, and all environments MUST be structured and controlled in order to aid in recovery which is the entire reason for our existence. We are not a doggy daycare facility. We are a recovery center.

Yard Use

*All dogs will be accompanied by people at all times, no exceptions.

*Yards are used for structured stimulated activities that aid in recovery

and encourage positive behavior. Yards are used for recall exercises, socialization training, stimulation games and activities, water activities, fetch, release of energy, education classes, leash work, play and interaction with people.

Protocol for Noise Control

*Step one- "Redirect": Give the dog something to focus on such as a command "sit" or "come". If they are toy oriented offer to play a game or throw a ball. This instantly offers a stimulating activity that requires thinking vs barking.

*Step two- "Remove": Should the behavior continue, barking may be directed at a person or dog or activity nearby. Calmly walk the dog to another environment, one that will not trigger the barking. Examples would be the indoor play yard, taking a leash walk so they can sniff and investigate new surroundings, or utilize the yard on the south or east side of the facility so that the distractions are no longer available.

Thank you again Eva! Have a great day!

Kristen Ivey, MA

Founder, Executive Director

Canine Rehabilitation Center and Sanctuary

775.313.8621

Exhibit C

As a Director of Training and Behavior at CRCS I cannot promise that our dogs will not be barking occasionally.....However.....

I choose to regard any Happy barking from our dogs a sign of victory, a sign that another life was saved, that another dog will find his or her forever loving home in time with the Behavior Modification, training and rehabilitation that we provide our dogs with the spirit of love, compassion and patience.

Having worked with rescue dogs for 5 years. 4 years at the SPCA and 1 year with CRCS I can honestly say that we are making a difference one dog at a time. Due to my experience and I know that most on our team also have a lot of experience working with rescue dogs either professionally or as volunteers - I can assure you as well as our future neighbors that we will do anything in our power to minimize the barking of our dogs and any other annoyance which might occur. We know how to build their condos so the dog are not experiencing the stress of seeing other dogs go by all the time, we know how to make the flow of volunteers taking dogs so we do not build stress in the dogs passing other dogs all the time.

Each of our dog will have his or her own program to provide them with the best mental and physical stimulation on a daily basis. Among other activities - Daily hiking, parallel walks, Agility, kiddie pools, soothing music, aroma therapy, massages, just hanging out and so much more. I have been working with dog behavior now for almost 4 years and it gives me great pleasure to follow every little progress our dogs are making and the happiness when they get to go to their forever loving homes is so special.

I evaluate all our dogs coming in and if they have any need I will put up a specialized behavior modification program for those that need it and mind you not all our dogs have issues, most of them just have been overlooked, abused, neglected and so on. I only work with positive reinforcement and every staff and volunteer at CRCS will be trained using only positive reinforcement methods. There will be no punishments and no forcing when we work with our dogs. Some of them have already encountered more than their share of bad experiences.

I want to encourage you and all our future neighbors to come and meet with us and say hello to some of our dogs. Maybe come and attend one of my Dog Behavior Seminars, Kids classes or a Work Shop.

Having that place with the wonderful soothing nature and all the space

that we need along with a well qualified and compassionate team will make a huge difference in what the future brings for us, the forgotten dogs in our community and for our future neighbors.

It will be amazing for all involved.

Thank you.

Susie Jensen
Director, Training & Behavior
Canine Rehabilitation Center and Sanctuary
775-636-2184

Exhibit D

Public Comment Emails/Letters

Dear Eva

I would like to submit this email to you regarding the wonderful group of dog rescuers, CRCS.

I am in total support of this group moving their operation into the former Cattlemens Restaurant location.

My experience with this group of positive, mature and dedicated men and women has been nothing short of amazing.

I am positive that the management of this operation will be courteous and conscientious of every neighbor that surrounds their new location.

What a positive and loving group with nothing to offer but greatness.

As a 30 year resident of Washoe County I am in complete support of CRCS.

Sincerely

Alix Welsh

775 250 6680

Hi

I wanted to send this email in support of CRCS. This is a wonderful rescue group that will add to the community of the valley. I know they plan great things for their facility, including landscaping and cleanup. They are very involved with the animals in their program, and I am sure they will not be left outside to bark unsupervised.

Thank you,

Amy Sabatino | Director of Operations

Office: 775-829-2499

Cell: 775-848-3445

Fax: 775-829-2628

Subject: You have my support!

My name is Anji Day & I am currently residing on the east side of Washoe Valley. I wanted to let you know I completely support your idea of having the rehabilitation center in this area. In fact, I would love to volunteer if that's aloud. I think it is absolutely amazing that you are dedicated to animals who need love & direction. If I can be of further help please feel free to contact me by email. THANK YOU!!

Dear Ms. Krause,

My name is Becky Bayley and I'm writing to you today to express my support for the special use permit application submitted by the Canine Rehabilitation Center and Sanctuary. I understand there may be concerns by some residents of Washoe Valley regarding the possibility of a noise issue. I know the CRCS folks are planning to address this issue at the upcoming community meeting and speak with the residents about how they plan to control the noise level.

However, I would like to take this opportunity as a citizen of this area to say how important CRCS's work is to the entire Reno/Sparks/Carson community. This is an organization that rescues and rehabilitates dogs that might otherwise have no hope. They are working with animals that have been abused, neglected, abandoned, or worse. They are saving lives - and I firmly believe that each and every one of these little beings deserves to not only be saved, but to be loved.

CRCS, if given the chance, will be a wonderful, positive addition to Washoe Valley. They will support local businesses and work to ensure good relationships with the surrounding residents. But most importantly, they will be providing a much needed service. With so many bad things in the world, it couldn't be more important to support an organization that does so much good.

Thank you for your consideration.

Becky Bayley

Hi Eva,

My name is Becky Vroma, I live in Washoe Valley at 2270 Eastlake Blvd. I have lived here about 4 yrs. I have been to a few events put on by CRCS and they have always been very professional. I have also been to the doggie daycare that some of their dogs are staying at and they have been very well behaved. I understand the concern from neighbors about dogs barking and I also wouldn't want to hear dogs barking all day and night but the people involved with this rescue group are very respectable and wouldn't want to give the neighbors anything to complain about. I believe they will do whatever it takes to keep in good standing with the neighbors around them. I do understand that it is going to be an indoor facility which should keep the noise contained very well.

Thank you for reading my opinion and I totally support CRCS moving into my neighborhood.

Any questions please call me at (253)797-7112.

Becky Vroma

Dear Ms. Krause:

I am writing to show my support for CRCS and their move to a new facility. They are a great organization and I have personally had interaction with them. I understand neighbor concerns but feel confident that approving CRCS will be more of a benefit to

the area and community than a hindrance. They have never shown themselves to be anything but respectful to all others while providing a great service to Reno. I've seen their plans for the facility and know they will make it a wonderful place. CRCS provides a much needed service while giving back to the community in the form of jobs, volunteer opportunities, cross-promotion, etc. I know that once surrounding residents see all that CRCS does any concerns will vanish. They are an extremely respectful organization with great staff/volunteers and the ability to truly do a great thing in society. I ask that they are given a chance to make the difference I know they can.

Thank you,

Brandy Ellison
925 Capitol Hill Avenue
Reno, NV 89502
775.283.8059

Dear Ms. Krause,

I write to you in support of CRCS and their application for use of the Washoe Valley facility to house their dogs. There are several reasons why the application should be approved and CRCS allowed to continue its mission. They are as follows:

1. This is a dedicated organization

The work that CRCS does is not easy work. It requires time, patience, skill and understanding about the dogs and circumstances that brought them to their desperate situations. Such a team of individuals is going to work hard to maintain the integrity of their facility in order to ensure that these animals thrive. They want to know that their investments in these animals produce success. I have every confidence that the same enthusiasm and focus I witnessed from CRCS members at a clean-up event will be present in handling things such as cleanliness, noise, etc.

2. The new CRCS facility meets several community needs in one location

As it currently stands, the old Washoe Flats building is a relic, a shell of a once bustling business that has long since breathed its last breath. It is a vacant, busted down, purposeless building. With the renovations that CRCS plans, the grounds will be remade into a thriving center that promotes life. The building and the land it stands on will no longer go to waste, but serve a better purpose. And that purpose is one that sits close to the heart of Washoe County residents. Washoe County has a huge community of animal lovers, and everyone loves a come back story.

CRCS is giving these animals that chance, and helping the dogs of Washoe County become better canine citizens.

Thank you for your time and consideration of my support.

Best regards,

Carmen English, Owner
English Law Practice

Hello Eva,

I'm a volunteer for the new facility helping rehab dogs. I just wanted to let you know that I really support the idea and Kristen Ivey is a great woman for the job. I hope this email shined a positive light.

Thank you
Emma Jerz

CRCS is a much needed resource for the betterment of the dogs in our community. The founders and volunteers at CRCS are organized and concerned people. The residents living around the area where CRCS will be located are concerned about the noise, but I am sure CRCS has taken steps to keep the noise under control. The organizers of CRCS not only care about the dogs in our community, but they also care about the people of our community.

Judy Pannell

Ms. Krause,

I think it's a pity Canine Rehabilitation Center and Sanctuary isn't situated next door to my home. (Living in the southern end of Reno doesn't get me quite close enough.) I would welcome the sounds of Kristen Ivey's benevolent operation; I expect that any emanating from there would be ones of compassion, growth, healing or joyfulness. Anyone with reservations about the impact of CRCS will surely be won over when they become familiar with Kristen's success stories. She is quite the rising star, creating goodwill in the community, which has already cultivated an impressive number of allies and resources for her humane operation. I am confident that Kristen's intelligence and pleasant veneer will enable her to direct her operation in a way that generates positive regard for it.

Another impact: the addition of CRCS to Washoe Valley will showcase the area positively. I predict the Chocolate Nugget, for example, will gratefully experience a renaissance as it benefits from an increase in local traffic—quite different from that of the express route to Carson/Reno, now above on the hillside, upon which undesirably speedy motorists this business used to depend.

One more thing: the location of CRCS is good in that I don't have to commute too far to pitch my efforts in to this wonderful organization that is long overdue! From the materializing thronh I've seen so far, I know many others feel the same way.

Sincerely,
Lucy Tremayne

Hello!

I am writing to you today to support the CRCS animal rescue cause that is hoping to open a facility in the old Cattleman's in Washoe Valley. I grew up actually out in that

area, and I understand the concerns of neighbors as they imagine that a bunch of dogs will just be penned up and left alone to bark.

However, I have been working with many of these CRCS volunteers for a few years, and I can assure you that they are not a group who will do that.

Kristen's goal with CRCS is to improve the lives of the dogs as well as the neighborhood in general. The building will receive many upgrades and will be cleaned up. Currently, it is an eyesore. Also, the animals will be well cared for and sheltered - not left to bark all the time alone. That is much more likely to happen to a private resident's dog when the owners go off to work for long hours.

Additionally, CRCS may even bring some much needed business to the surrounding businesses.

I hope you will give them a chance. I believe they will be a pleasant addition to that neighborhood.

Thank you,

Brandi MacLeod

Dear Ms. Krause:

I am writing in regard to the special use permit CRCS (Canine Rehabilitation Center and Sanctuary) has applied for in Washoe Valley.

I have volunteered beside Kristen Ivey for over three years at the Nevada Humane Society. I have watched and worked beside Kristen in total support of the CRCS effort. I am so confident in Kristen that I represented CRCS pro bono during our 2013 legislative session.

This project can bring nothing but good to a depressed area of Washoe County. It will encourage visitors from all over and breathe some life back into the small local family businesses still struggling to survive after the completion of the I580.

I encourage the boards support in consideration of this special use permit.

Regards,

Margaret Flint

775-77-6137

MargaretGwen@att.net

Dear Eva, I want to give my total support for the CRCS project in Washoe Valley. I am a Nevada Humane Society Volunteer who has worked with some of the CRCS staff and know what a hard working, committed group of people they are. They will add to the community by taking an eyesore and turning it into a place to be proud of with proper

landscaping and upkeep. One of their objectives is to create a quiet, serene, loving place for animals to live and be adopted out. What a beautiful place this will be not only for the animals but for the community. Please help this group meet their dream. Sincerely, Margy Aldrich NHS Volunteer

Dear Mrs Krause,

I am writing to you in support of the CRCS project and application for use of the old Cattleman's Restaurant in Washoe Valley.

I have been a volunteer with CRCS since its inception and know first hand of the hard work and dedication that has gone into making CRCS the success that it is.

We take great care to have a positive impact on the dogs in our care.

We are an asset to our community and are ever mindful of the responsibility we have, not only to our dogs, but to the community we are a part of.

The Washoe Valley site would allow us to give our animals a worthy environment in which to live and thrive until we find their forever homes. We are very committed to their well-being.

We would greatly appreciate your support of our application, in this worthy cause.

Thank you,

Mary Lopes

Dear Ms. Krause,

My name is Natacha Sperka and I'm the Creative Director with CRCS. I'm also involved with caring for the dogs on a daily basis. I'm writing to assure you that our dogs will receive plenty of interaction, which helps to minimize the type of repetitive barking that many neighbors may envision when they hear that a dog facility will be located nearby. Our mission is to rehabilitate dogs that were not receiving the attention that they needed, and we work closely with our dogs on a regular basis.

I also think that having CRCS located in Washoe Valley will be a positive thing, both for CRCS and for the community. The public will be welcome to visit the facility and we plan to host events that are designed to educate and engage people in our mission. I look forward to seeing you at the community meeting on August 1st.

Thank you for your time and consideration.

Sincerely,
Natacha Sperka

B"H

Dear Ms. Krause,

I am writing to you about the approval of the Canine Rehabilitation Center and Sanctuary (CRCS). Establishment of this place in a long abandoned facility seems to be a brilliant idea but I am told that surrounding neighbors are concerned about noise. I would like to address that first.

Sound barriers have been implemented all along the I-80 corridor for the comfort of surrounding neighborhoods. An attractive wall has been built with native vegetation for an attractive win-win situation. Not only do the neighborhoods bordering the I-80 corridor enjoy a greater degree of peace and quiet but the drivers of that highway enjoy a nicely crafted textured wall and landscaping.

This same solution can readily be applied to a smaller degree to the facility of CRCS. The grounds will require some of type of enclosure for the safety of the client-dogs. This enclosure could be the exact solution for much of the noise created by dogs barking and playing. Additionally, landscaping in the form of low-growing bushes and/or hedges planted along the wall would also provide for noise absorption.

As another welcome benefit it would certainly improve the look of the neighborhood in general to have a landscaped viable concern on that property instead of a rotting and abandoned building with grounds being taken over by weeds and vermin in a decrepit building.

Please say yes to CRCS.

Kol Tov,

Rivka

From: Rose C Belcher [roseb@unr.edu]

Sent: Monday, July 15, 2013 7:57 PM

To: Krause, Eva

Subject: CRCS

Hi,

I support CRCS, Canine Rehabilitation Center and Sanctuary 100% because they will be able to save so many dogs, and give them a second chance at life, when the other shelters have turned their backs on them. We need this, we have so many people that

support them, and CRCS supports our community. The old Cattlemen's building is an eye sore, and has so much room, for the dogs to run and be active so that they can rehabilitate them and get them into homes They will be the only no kill shelter, which Nevada needs. Maybe once the other states see, they will follow.

Thank you.

Hello,

My name is Michele Ting and I am writing to express my support for Canine Rehabilitation Center and Sanctuary (CRCS) and it's being granted a special use permit to operate in Washoe Valley.

My husband and I have lived in Washoe Valley for almost 20 years now and we are passionate about our community. We have know and worked with CRCS since it's inception and we believe CRCS provides a wonderful service as a non-profit and that they will be an asset to the area. CRCS has shown commitment, compassion, dedication, responsibility and a true desire to "pay it forward" in more ways than one. Having them in Washoe Valley would bring much needed improvement, public interest and help re-vitalize this stretch of old 395 that is now quite run down with abandoned businesses and empty shops.

The property being suggested for use is ideal for this wonderful rescue looking not only to better the lives of the dogs it serves but also the surrounding community. Please approve the special use permit for this wonderful group.

Thank you very much for your time.

Sincerely,

Steve and Michele Ting

Eva,

I am writing this email to support the special use permit for CRCS in the Washoe Valley area. This group is doing a tremendous amount of good currently in our community and by obtaining the old Cattlemans/Washoe Flatts building, the benefits to this area will only improve.

CRCS plans to beautify the building and its' surrounding area. The building has been vacant as we all know for many years and CRCS has the need and the ability to make the run down building and the land it sits on into an amazing and intricate part of our community. CRCS By granting this permit it will also help support the local economy, especially in the Washoe Valley area.

I hope that CRCS can help bring back the area with their being there sort of like the movie Cars. :-)

I also believe that there will be NO issue with barking. CRCS is here to help the community and having a lot of barking dogs would not do that. They are here to help the many other rescue organizations and general public in our area.

I would not hesitate to allow them into the Washoe Valley area.

Thank you for your time,

Jodi Wright

Laura M. Arnold

Attorney • Legal Research & Writing

Via Email: ekrause@washoecounty.us

Eva Krause, AICP
Principal Planner, Washoe County Community Development

*Re: Special Use Permit for Canine Rehabilitation Center and Sanctuary's
Proposed Facility – Highway 395, Washoe Valley, Nevada*

Ms. Krause –

It is my great pleasure to write to you in support of the application by CRCS for a special use permit for its proposed facility located on Highway 395 near Washoe Valley, Nevada.

I first learned about CRCS soon after it was created, and as I got to know its founder, Kristen Ivey, and became involved in her efforts, I was increasingly moved and inspired by her dedication and the sincerity of her work and mission. The depth of Kristen's compassion and heart on which CRCS is founded is equally matched by her knowledge, leadership, integrity, community involvement, and cooperative spirit. Indeed, our community is fortunate to have her.

Kristen and the CRCS team take to heart the obligation and responsibility that "we" have to the companion animals that "we" have created. They work tirelessly and whole-heartedly to give the dogs that come into the CRCS program a legitimate chance – a chance to be understood and productive. They are earnest in their efforts to deeply know and understand the individual needs of each CRCS dog, and those efforts exponentially pay off. Every dog that comes to CRCS transforms and blossoms, in its own way and in its own time, from what some deemed "unadoptable" to a beloved and well-adjusted family member. Each of the CRCS dogs – dogs that would have otherwise been euthanized *by no fault of their own* but because of what "we" did and do to them – leaves CRCS to live a life with purpose and that benefits and fills the lives of those who adopt them.

The general noise concerns about the proposed CRCS facility reflect a misunderstanding about dogs that CRCS has set out to change. Just as Kristen's vision for each of the CRCS dogs materializes as she understands and meets their needs, so too will her vision for the proposed CRCS facility and her participation in and cooperation with the community and her neighbors in the Highway 395 corridor near Washoe Valley. As she continues to inspire and rally support from the community for CRCS and for the dogs it saves and rehabilitates, she will breathe the right life into an area and a property that has been impacted by the Interstate 580 bypass without adversely affecting the nature of the area that is enjoyed by its residents.

I appreciate your attention to and consideration of my support for the proposed CRCS facility. Should you have any questions, or if I can provide any additional information in support of CRCS, please do not hesitate to contact me.

Kindest regards,

Laura M. Arnold

P.O. Box 40295
Reno, Nevada 89504

775.233.0278

LMARNOLD.JD@gmail.com

Daniel and Linda Harrison
395 US Highway 395 North
Washoe Valley, Nevada 89704
775-849-1181

James and Linda Moberly
425 Washoe Drive
Washoe Valley, Nevada 89704

July 11, 2013

Washoe County Community Development
PO Box 11130
Reno, NV 89520-0027

Attention: Eva Krause

RE: SB 13-012 Canine Rehabilitation Center and Sanctuary

Dear Eva Krause and All Others Involved:

We object to the proposed dog rehabilitation center. I have listed a few of the reasons:

1. Although the proposal comes from a commercially zoned property owner, this area is NOT a commercial area! There are over 60 homes within walking distance of this proposed center. The noise would be completely unacceptable.

Back in 2004 when Nevada Department of Transportation decided to put a rock crusher up on the hill (almost right behind the proposed dog center) because this was a 'commercial area' the people who live here objected and NDOT found out just how many of us actually do live out here! They had to move the crusher – because it exceeded the allowed noise level – and stop using the backup alarms on their trucks at night.


2. We know the rules state no noise before 7:00 am or after 10:00 pm. We also recognize this means there will be constant barking during the day! Again, not acceptable!

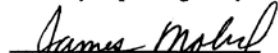
A neighbor who lives down Washoe Drive, 2 acres and 5 lanes of highway away from our houses, has a dog who barks sometimes. We can hear him even with 2 houses and 2 acres of landscaping separating us! Many of the people who live in this area have their own dogs. Having forty dogs at the center barking even occasionally would encourage even more noise. It would be terrible – not just inconvenient!

3. Many of us sat through hours of meetings when it was time to develop a new Area Plan. There was **nothing** on any list of allowable businesses even close to this one! What happened?

4. When most of us moved out to Washoe Valley years ago, it was with the promise that the freeway would be completed during the 1980's. We all waited an extra twenty-five years for that to happen! To now grant to all of us a lot full of barking dogs after the highway noise has finally diminished would be a **punch in the face!!!!**

We do not live out in a rural area where no one would be bothered by this. It would have been wise – and courteous for the people who are proposing this center to just take a look around and maybe talk to some of their neighbors. Since they did not, we are sincerely requesting that you deny this application!


Daniel Harrison


James Moberly


Linda Harrison


Linda Moberly

RECEIVED

JUL 15 2013

WASHOE COUNTY
COMMUNITY DEVELOPMENT

Washoe County
Department of Community Development
PO Box 11130, Reno, NV 89520-0027

Attn Eva Krause

July 11, 2013

Ref: SB13-012 Canine Rehabilitation Center and Sanctuary

Dear Eva Krause et al,

We live diagonally across Highway 395 just to the north of the old Cattleman's. We have dogs. We love dogs. Just 3 days ago we took a stray into our dog pen and kept him for a half hour or so hoping the owners would come by and they did. They were thrilled that their dog was okay and we felt pretty good about it too. Yesterday a different dog got hit on 395, so few cars now, but dogs just don't get it. They are dogs; they eat, poop, run and bark.

It is unfair to subject the folks out here to the noise of a dog sanctuary. We've all been by the place on Longley and the whatever it is on what, Mill and Greg Street? It's terrible. Windows up and radio on and you still here that barking, barking barking. Here we've waited 30 years for the freeway to cut down on the traffic and the noise that comes with it, and now these people want us to listen to their dogs, all day and all night. They can say anything, but we all know dogs; most of us have them.

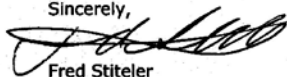
This is similar to when new folks move out here and they immediately want to move in a bunch of horses so they can collect boarding fees. So again, we put up with the smell and the flies of everyone storing in-town folk horses because the people moving out here don't want to go to work. Well, we all work; we all drove ourselves to work for the last 30 years so we could live here. We didn't sublet our parcels to horses or dogs or sheep. Man, it's like, live here and enjoy it if you like, but get a job like everyone else.

That thing will stink to high heaven. The flies and bees will get so much worse with all that stink. The noise will be horrific.

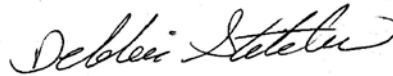
Further, we have a little house next door at 485 Washoe Drive that we rent out. It used to rent to folks that would stay 7, 8, even 10 years. This last 5 years in this horrible economy we have had 7 different sets of renters, more than we had in 25 years before that and we actually went without rent this past December, January and February. we don't need another set of reasons for people to avoid the area.

We see that they need a special use permit to do this and it's our understanding that you folks can say no. Please, if you can, please respect the rest of us that have been here for decades and say no to this misuse of one of the most beautiful areas in Washoe County.

Sincerely,



Fred Stiteler
395 Lake Drive
Washoe Valley NV 89704



Debbie Stiteler
395 Lake Drive
Washoe Valley NV 89704

Exhibit E

Water Resources, Water Rights Email

From: Behmaram, Vahid
Sent: Thursday, July 11, 2013 10:00 AM
To: Krause, Eva
Cc: Cella, John; Smith, Dwayne E
Subject: SB 13-012 Canine Rehabilitation Center

Hello Eva: I was out of the office for a few weeks, and just reviewed the above Special Use Application.

We are the water purveyor to this parcel which used to be a restaurant, and there are water rights that are associated with this parcel of land. However, I have two conditions:

- 1) The applicant shall provide annual water demand estimates to our office. (We need to determine if there is sufficient water rights for this project.)
- 2) The applicant shall provide proof that they are successors in interest to, or are authorized to utilize the water rights that are associated with the property.

(They are the owners of the Land but I just don't know if they also acquired the water rights).

Vahid Behmaram
Water Rights Manager
Washoe County Community Services Department
4930 Energy Way, Reno NV 89502
Telephone (775)954-4647, Fax (775)954-4610
vbehmaram@washoecounty.us

Exhibit F

Health District Letter, Vector

Washoe County
Community Development
C/O Eva Krause
1001 E Ninth St
Reno, NV 89512

July 25, 2013

Dear Eva,

After having reviewed the special use permit request from Canine Rehabilitation Center and Sanctuary (SB13-012) to rehabilitate dogs, please be advised of the following.

1. To minimize the concern for storm and nuisance water runoff, District Health will require a Low Impact Design (LID) for the turf landscape to include an 18 inch water catchment planting area to capture nuisance water adjacent to impervious surfaces or a design to direct lawn irrigation through a dry river bed reducing water runoff into the infrastructure and minimizing downstream impacts. A wind sensor unit will be required as part of the irrigation system to reduce nuisance water runoff associated with this irrigation (040.038).
2. The document states that special water containers will be kept on site to allow solid waste disposal from a sealed container weekly. This supports the weekly pick up and removal manure generated by domestic animals as described by Washoe County Solid Waste Management Regulations (050.0150). With the manure stored in this manner there shall be no escape of odor, no attraction, harborage or breeding of vectors or vermin and no creation of nuisance (Washoe County Solid Waste Management Regulations 050.155). With this process the emergence of flies will be eliminated through the timely pick up and storage of manure from becoming an annoyance to the adjacent residents. The applicant will contact District Health at 785-4599 to inspect the facilities for solid waste disposal.
3. Prior to the sign off of the building plans the above detail designs are required on the plans.

If there are any questions concerning the aforementioned vector-planning conditions as it relates to environmental health, please call us at 785-4599.

Sincerely,

J. L. Shaffer
Coordinator/Planner
Vector-Borne Diseases Program
Environmental Health Division

Exhibit G

Health District Letter, Environmental

From: English, James J.

Sent: Friday, July 12, 2013 12:31 PM

To: Krause, Eva

Cc: Rubio, Wesley S; English, James J.

Subject: FW: Comment Letters for SB13-012 Canine Rehab and SB13-015 Sky towers

Hi Eva,

Wes forgot to add another condition to this special use permit. The additional condition should have been:

All animal waste must be picked up and containerized on a daily basis.

If it is too late to add this condition, we can live without it. It just seems the Health District receives a fair number of complaints on these facilities for lack of animal waste collection.

Thanks,

James English

EHS Supervisor

Waste Management/Land Development Programs

Environmental Health Services Division

From: Rubio, Wesley S

Sent: Thursday, July 11, 2013 2:35 PM

To: Krause, Eva

Cc: English, James J.

Subject: RE: Comment Letters for SB13-012 Canine Rehab and SB13-015 Sky towers

Hi Eva,

Here are my comments for SB13-012 Canine Rehab

This District has reviewed the referenced proposal with regard to sewage disposal, domestic water supply, solid waste, water quality and air pollution. Approval by this District is subject to the following conditions:

1. All sewage (liquid or other) and rinse water must be contained and directed to the onsite sewage disposal system.
2. Any solid waste storage containers must be kept sealed, cannot allow for the growth of insects and control odors. If these conditions cannot be maintained, then all waste will be required to be disposed of on a more frequent schedule. Animal waste must be picked up on a daily basis.

For SB13-015

The Washoe County Health District has no objection to the approval of this special use permit.

Please let me know if you have any questions. I will be out of town tomorrow, however you may

contact my Supervisor Jim English if you require any additional information.

Thank you,

Wes

Wesley Rubio, MPH, REHS
Environmental Health Services Division
Washoe County Health District
1001 E. 9th Street, Reno NV
(775) 328-2381

Exhibit H

Regional Animal Services Email

From: Smith, Robert A

Sent: Tuesday, July 16, 2013 7:27 AM

To: Spinola, Dawn; Ueda, Nancy A

Cc: Krause, Eva

Subject: RE: Development Applications

The facility must

*comply with NRS Chapter 574 and Washoe County Code Chapter 55

*implement disease prevention procedures

*provide veterinarian program for sick or injured animals

*allow inspections annually or when a complaint is received

Bobby Smith

Field Supervisor

Washoe County Sheriff Office

Regional Animal Services Division

2825A Longley Lane

Reno, NV 89502

775-353-8945 Office

775-322-3647 Dispatch

Exhibit I

Building and Safety Email

From: Jeppson, Don C

Sent: Thursday, June 27, 2013 11:29 AM

To: Spinola, Dawn

Cc: Krause, Eva

Subject: RE: Development Applications

Building & Safety:

Applicant will need to apply for a permit for change of use and for any changes or improvements to the structure or infrastructure. Plans will need to be done by a licensed design professional. Permit will need to be issued to a licensed contractor.

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Community Development staff at 775.328.6100.

Project Information		Staff Assigned Case No.: <u>SB13-012</u>	
Project Name (commercial/industrial projects only): Canine Rehabilitation Center and Sactuary			
Project Description: Create an Indoor facility to house, train, and rehabilitate dogs supporting animal shelters, animal rescue organizations, and the general public. CRCS is a non-profit 501c3 already working within our community to serve the public and needs of other facilities.			
Project Address: 555 US Highway 395 N, Carson City NV 89704			
Project Area (acres or square feet): 11,000 square feet of Commercial on 5.2 Acres of Property			
Project Location (with point of reference to major cross streets AND area locator): Old US Highway 395 N in Washoe Valley - just south of the former Texaco Station, this project is will be located in the former Washoe Flats (Cattlemans) steakhouse facility.			
Assessor's Parcel No(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
046-080-16	5.203		
Section(s)/Township/Range: Section 23 - Township 17 - Range 19			
Indicate any previous Washoe County approvals associated with this application:			
Case Nos.			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Veterans Action Association		Name:	
Address: 555 US Highway 395 N		Address:	
Carson City NV	Zip: 89704		Zip:
Phone: 775-721-2311	Fax:	Phone:	Fax:
Email: GeneJacksonOne@gmail.com		Email:	
Cell: 775-721-2311	Other:	Cell:	Other:
Contact Person: Gene Jackson		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Canine Rehabilitation Center & Sanctuary		Name:	
Address: 59 Damonte Ranch Parkway B362		Address:	
Reno NV	Zip: 89521		Zip:
Phone: 775-313-8621	Fax:	Phone:	Fax:
Email: CRCSReno@att.net		Email:	
Cell: 775-313-8621	Other:	Cell:	Other:
Contact Person: Kristen Ivey - Executive Director		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

700' - 43 properties

Special Use Permit Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to special use permits may be found in Article 810, Special Use Permits.

1. What is the type of project being requested?

110.302.05.3 Animal Services - Kennel
Canine Rehabilitation Center and Sanctuary will create an indoor environment to house, train, rescue, and rehabilitate dogs supporting other shelters and rescue organizations within our community.
We will be setting up the interior of the facility to house a maximum of 40 dogs. The length of stay per dogs varies depending on the needs of each animal. Many of our dogs are able to be rehabilitated and then adopted out to a loving family within months, others require more long term care.

2. What currently developed portions of the property or existing structures are going to be used with this permit?

CRCS would occupy 11,000 square feet of commercial building space located on this 5.2 acre parcel.

There is also a current residential unit on the property which will continue to act as caretaker quarters for the entire property.

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

No new permanent structures would be envisioned at this time. However several interior improvements as well as fenced areas for training and development of the dogs are planned.

We are proposing to stripe an area of existing parking lot, with the required 15 spaces, including handicap signage, landscaping upgrades as indicated on attached plans to bring the developed area up to current codes.

4. What is the intended phasing schedule for the construction and completion of the project?

We will begin interior modifications immediately with a primary focus towards securing areas to house and train the dogs. Exterior modifications will begin upon approval of the permit including Landscaping, Striping, and fencing area initially indicated on attached plans.

We will hope to occupy the facility by October 1st 2013 with all exterior modifications completed by December 1st, 2013.

5. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

The area is remote and mostly general commercial in nature. Giving us the ability to work with the dogs in an environment mostly free from the distractions often present with facilities in heavily populated areas.

6. What are the anticipated beneficial aspects or effects your project will have on adjacent properties and the community?

Our Non-profit group has been working with animal shelters, animal rescue organizations, and serving the general public for the past several years. This facility will give us the ability to expand our service area, as well as greatly enhancing our ability to nurture and rehabilitate the animals we care for.

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

CRCS will seek to mitigate any negative impacts on surrounding properties by creating a positive environment for the dogs along with numerous play areas.

The Facility will have several shielded-fenced areas for exterior play and training centers for the dogs. Housing and separate housed areas for each dog will all be contained within the interior of the facility.

8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the project special use permit to address community impacts:

Public hours of operation and visitation for the animals will be limited to 9 am to 5 pm Monday thru Friday. This will minimize the impact of increased traffic and visitors to the facility.
Special Waste containers are also kept on-site to allow for solid waste disposal from a sealed container weekly.

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

CRCS will have 15 striped parking spaces which will include 1 handicap space on the existing parking lot as indicated on the site plan.

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

We are proposing to improve on the existing parking lot landscape as indicated and increase the landscape area to 20 percent of the improved area indicated on the site plan attached.
Parking lot planters will be improved and enclosed with new shrubery as well as increasing the fenced area along old highway 395 as indicated.

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

Exterior Signage and lighting will be minimized to lessen the impact on surrounding area. Entrance area to the facility will be clearly marked with signs along with visitor areas as indicated on site plan.

12. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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13. Community Sewer

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Community Water

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Improve and replant existing medians

Add 15 striped spaces

Improve existing island

Entrance signage

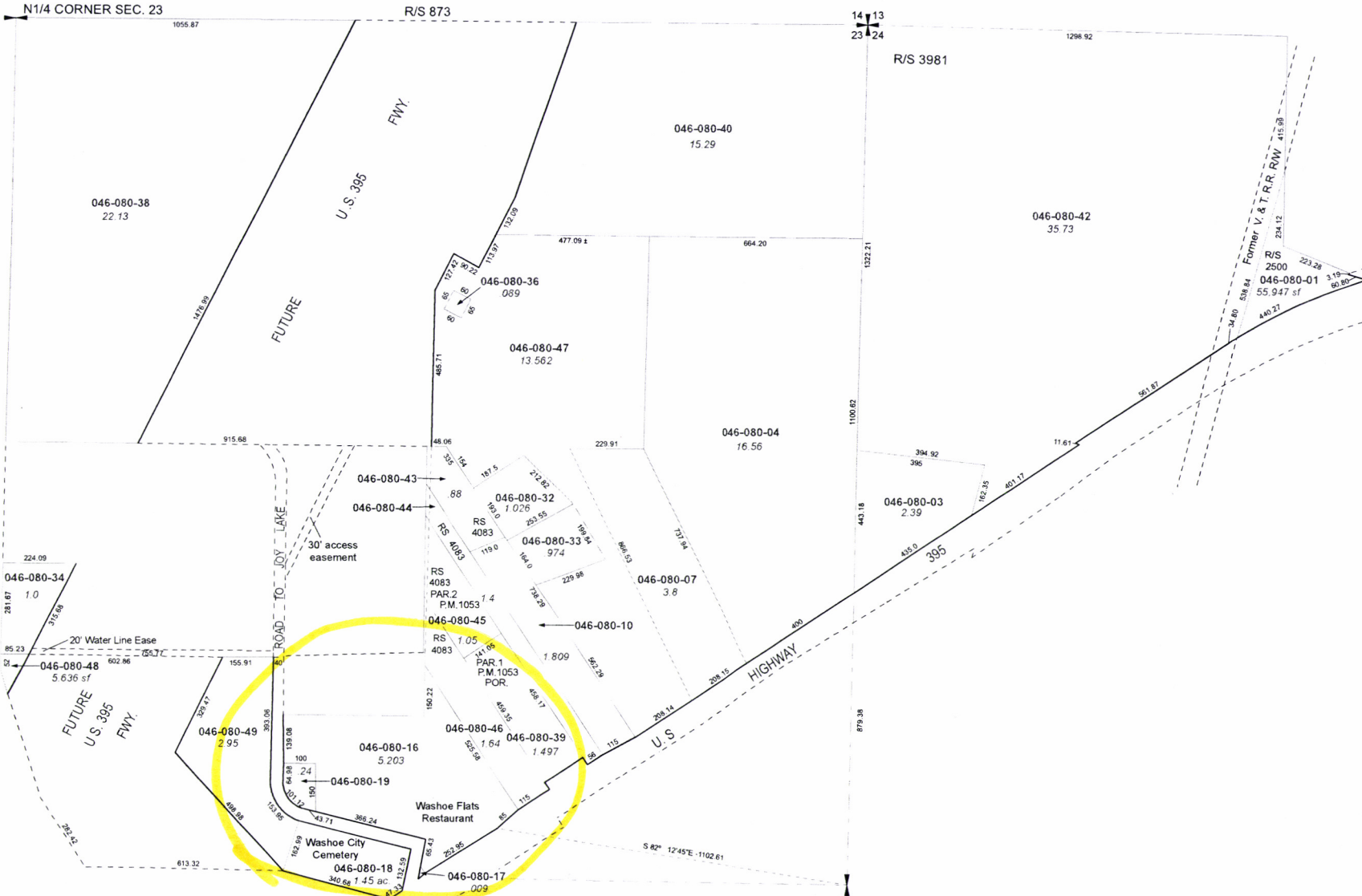
Add grass and trees

Joy Lake Rd

Carson-Reno Hwy



PORTION SEC'S. 23 & 24, T17N - R19E

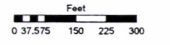


Assessor's Map Number

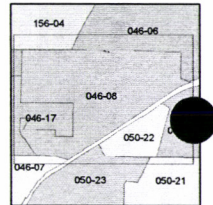
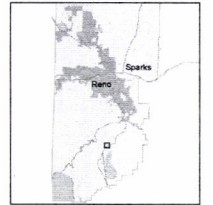
046-08

STATE OF NEVADA
WASHOE COUNTY
 ASSESSOR'S OFFICE
 Joshua G. Wilson, Assessor

1001 East Ninth Street
 Building D
 Reno, Nevada 89512
 (775) 328-2231

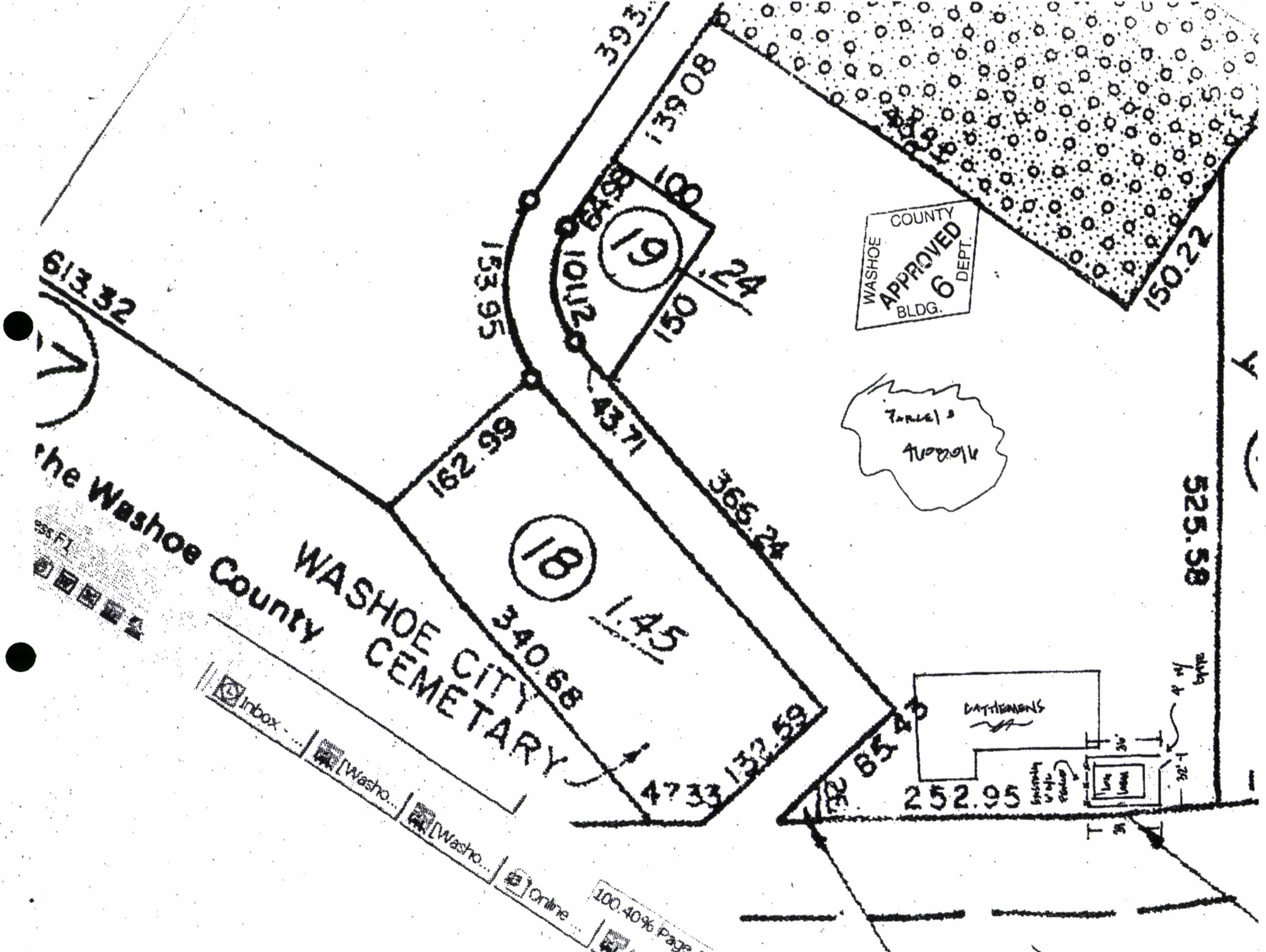


1 inch = 300 feet



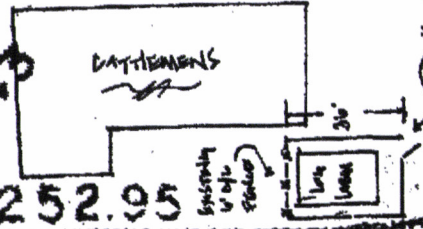
created by: CFB 07/09/2010
 last updated: _____
 area previously shown on map(s) _____

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or accuracy of the data delineated herein.



WASHOE COUNTY
 APPROVED
 BLDG. DEPT. 6

Tunnel through



613.32

the Washoe County
 WASHOE CITY
 CEMETARY

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Board of Adjustment Staff Report

Meeting Date: August 1, 2013

Subject: Special Use Permit Case No. SB13-015

Applicant: Skyway Towers

Agenda Item No. 8G

Project Summary: To install a 93-foot wireless communication monopine at 180 Design Place, Sparks Nevada.

Recommendation: Approval with Conditions

Prepared by: Eva M. Krause, AICP, Planner
Planning & Development Division
Washoe County Community Services
Department Phone: 775.328.3796
E-Mail: EKrause@washoecounty.us

Description

Special Use Permit Case No. SB13-015 (Skyway Towers) – To install a 93-foot wireless communication monopine.

- Applicant: Skyway Towers
- Property Owner: Spanish Springs Associates
- Location: 180 Design Place
- Assessor's Parcel No: 538-141-20
- Parcel Size: 2.48 acres
- Master Plan Category: Industrial
- Regulatory Zone: Industrial
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 324, Communications Facilities
Article 810, Special Use Permit
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 23, T21N, R20E, MDM, Washoe County, NV

Staff Report Contents

Description..... 1

Special Use Permit 3

Article 324 Communications Facilities..... 3

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Exhibits Contents

Conditions of Approval.....Exhibit A

Director’s ModificationExhibit B

Engineering and Capital Projects Exhibit C

Health District Exhibit D

Public Notice.....Exhibit E

Project ApplicationExhibit F

Special Use Permit

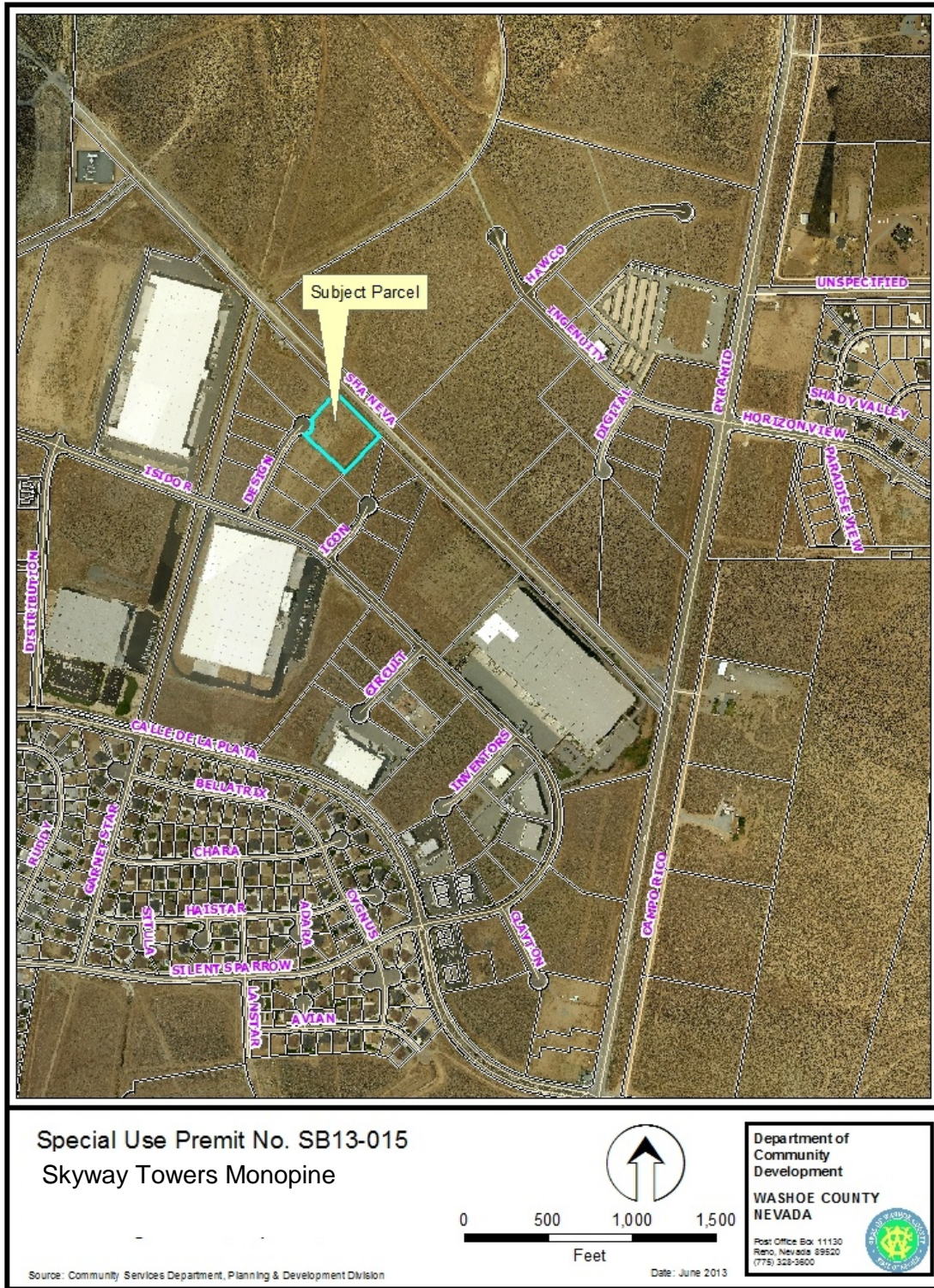
The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions.*” These conditions must be continually complied with for the life of the business or project.

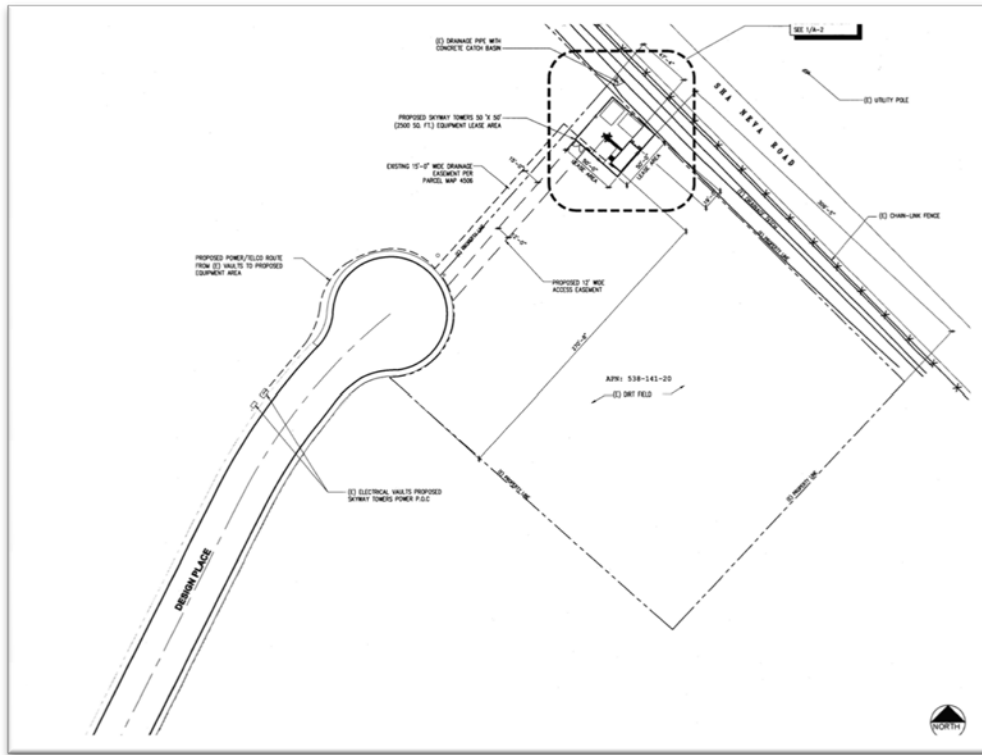
The Conditions of Approval for Special Use Permit Case No. SB13-015 are attached to this staff report and will be included with the Action Order.

Article 324 Communications Facilities

Section 110.324.00 Purpose. The purpose of this article, Article 324, Communication Facilities, is to set forth the regulations for antenna systems and wireless communication facilities consistent with applicable directives and standards issued by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) and contained within Nevada Revised Statutes (NRS). Health and safety concerns related to antennas and wireless communication facilities include avoiding property damage from falling antenna support structures, proper placement to avoid visual obstructions along rights-of-way, and discouraging access to attractive nuisances by unauthorized people. An additional intent of this article is to balance the need for a seamless, ubiquitous, and reliable personal wireless services network with the local interest in protecting public safety and maintaining high aesthetic standards. Aesthetic concerns related to antennae and wireless communication facilities include limiting visual clutter and assuring that aesthetic ramifications of placement are considered for neighborhoods, roadways, ridgelines, parks and public trail systems.



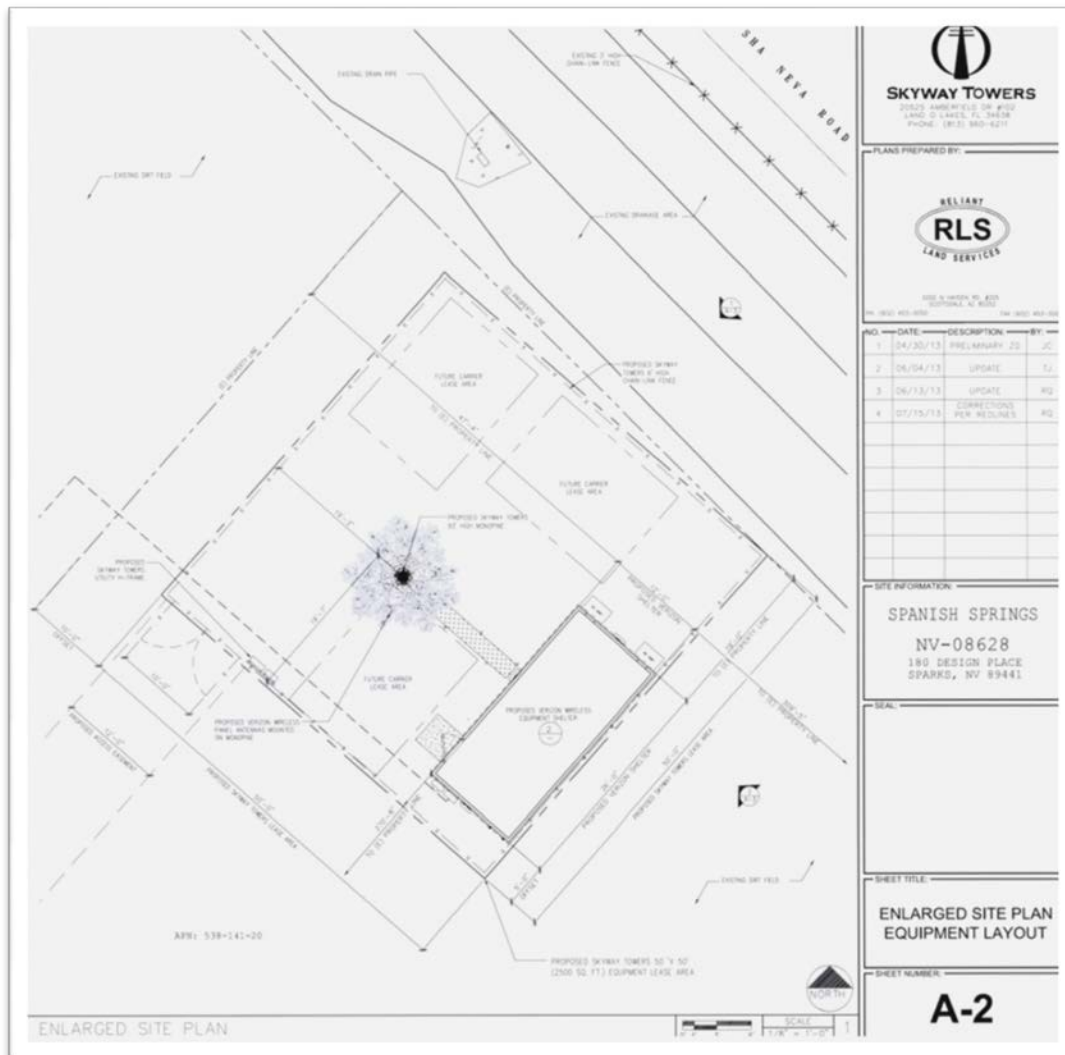
Vicinity Map



Site Plan



Industrial building located to the northwest and southwest of the subject site.



Enlargement of Developed Area

Project Evaluation

The subject parcel is located in the Spanish Springs Business Center. This industrial park has been developed with streets and public utilities, and several lots have been developed around the subject site. A line of utility poles run along the Sha Neva access easement abutting the subject property.

There are industrial buildings to the southeast, southwest and northwest of the subject site. The area to the northeast is vacant industrial zoned land. The closest residential area is over 2,000 feet to the south of the subject parcel.

The applicant had applied for a variance to increase the height of a standard monopole to 100 feet, but without a gap study, staff did not have the needed information to support a hardship

finding. So the applicant withdrew the variance and modified their application to request a 93 foot monopine.

Industrial height limit is 65 feet. The monopole is allowed to go 10 feet above this. The height of the pole can be increased by 25% if a stealth design is used. The stealth design may include a slim line, a tree or other proposed designs. The applicant is proposing to build a monopine in order to qualify for the extra height. $[(65+10)(1.25) = 93.75 \text{ feet}]$

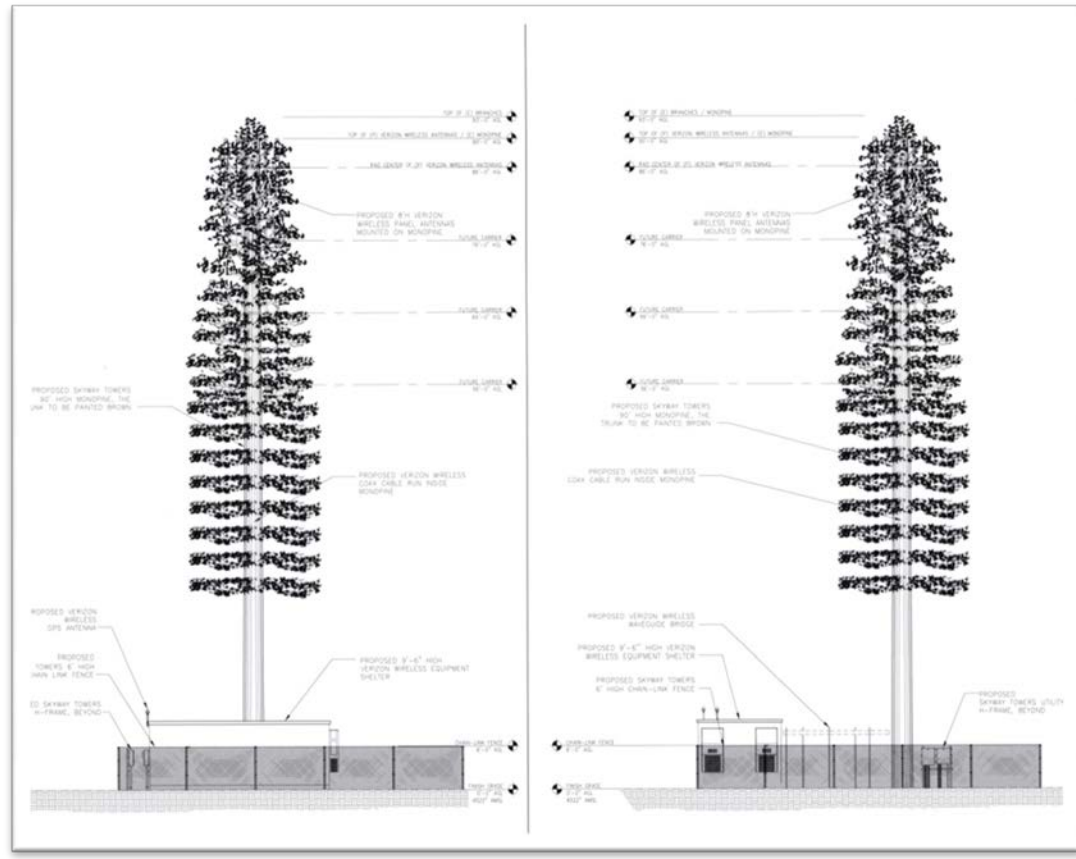


Looking North at 180 Design Place

The applicant has requested a Director's Modification to delay installation of the required landscaping until the remainder of the parcel is developed. This makes sense due to the relatively small area that is required to be landscaped (10% or 250 square feet) and there is no one on site to maintain vegetation. The applicant will have to stabilize any disturbed areas to control dust and noxious weeds.

Spanish Springs Citizen Advisory Board (SSCAB)

The proposed project was sent to the former Spanish Springs CAB members for review and comment. No comments were submitted to staff.



Monopine Elevation

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Division
 - Planning and Development
 - Engineering and Capital Projects
 - Land Development
 - Water Resources
- Washoe County Health District
 - Vector-Borne Diseases
 - Environmental Health
- Regional Transportation Commission
- Reno-Tahoe Airport Authority
- Truckee Meadows Fire Protection District

Five out of the eight above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

Planning and Development addressed permitting and operations.

Eva Krause, 775.328.3796, ekrause@washoecounty.us

Reno Tahoe Airport Authority did not have any requirements because the proposed monopine is less than 200-feet in height and more than 20,000-feet from an airport.

Lissa K. Butterfield, 775.328.6476 lbutterfield@renoairport.com

Water Resources had no comments.

Jason Phinney, 775.954.4628, jphinney@washoecounty.us

Vector-Borne Disease addressed catch basins and mosquito control.

J.L. Shaffer, 775.785.4525, jshaffer@washoecounty.us

Land Development addressed permitting and easement requirements.

Leo Vesely, 775.325.8032, ivesely@washoecounty.us

Staff Comment on Required Findings

Section 110.810.30 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

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

Staff Comment: The subject site is regulated by the Spanish Springs Business Park Design Guidelines. Most of the design guidelines are not applicable to a monopine. The ones that do apply are use of non-reflective surfaces and being set back from Pyramid Highway. The monopine breaks up the surface of the monopine so it is not reflective and it is located approximately 2,000 feet from Pyramid Highway.

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.

Staff Comment: The business park has been developed to county standards. Roadways and utilities have been installed. The proposed monopine does not require any additional utility services.

3. Site Suitability. That the site is physically suitable for a monopine, and for the intensity of such a development.

Staff Comment: The location of the monopine is surrounded by industrial development and industrial-zoned undeveloped land. The underground utilities needs and roadways are installed. There are no residential uses in the fall zone of the monopine.

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.

Staff Comment: The project location is in the center of an industrial area, on a vacant parcel. The industrial area is on the valley floor, so while the monopine would be the tallest structure in the area it does not project above the surrounding ridge lines. All residential development and residentially zoned properties are over 2,000 feet away. The monopine site is fully enclosed with a fence discouraging access to an attractive nuisance by unauthorized people.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There are no military installations in the surrounding area.

Section 110.324.75 Special Use Permit Required: Findings. Subsequent to review under Sections 110.324.40 through 110.324.70, monopine antennas and lattice towers shall require the issuance of a special use permit under the process enumerated in Article 810, Special Use Permits, subject to the findings enumerated below.

6. That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Planning and Development Director and/or his/her authorized representative;

Staff Comment: The height of 93 feet is allowed as mono pine design and the proposed development conforms to the all the standards of Section 110.324.40 through 110.324.60.

7. That public input was considered during the public hearing review process; and

Staff Comment: the Board will have the opportunity to hear and consider public comment during the public hear.

8. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Staff Comment: The monopine is located in an industrial park on the valley floor, not on a ridgeline or scenic vista. While the monopine will be visible from the surrounding area, it will “balance the need for a seamless, ubiquitous, and reliable personal wireless services network with the local interest in protecting public safety and maintaining high aesthetic standards.”¹

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB13-015 is being recommended for approval with conditions. Staff offers the following motion for the Board’s consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case No. SB13-015 for Skyway Towers, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 and three additional finding in accordance with Section 110.324.75:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 monopole cell tower, 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;

¹ See Article 324 Communications Facilities; Section 110.324.00 Purpose.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; and
6. That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development and/or his/her authorized representative;
7. That public input was considered during the public hearing review process; and
8. That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant/Developer: Skyway Towers
Property Owner: Spanish Springs Associates
Representatives: Reliant Land Services

Staff Report xc:

Action Order xc: